

## Environmental Degradation and Ecological Concerns

The Draft EIR indicates that the project will have numerous environmental effects, yet it often downplays or inadequately mitigates them. Environmental degradation could result from both the project's construction and its long-term operation:

- **Site Contamination and Hazardous Materials:** The EIR acknowledges that the Sports Arena site is included on the state's list of hazardous waste sites pursuant to Gov. Code §65962.5 . This means there is known contamination on-site (possibly from prior uses or underground tanks). Yet the EIR's discussion of remediation measures is insufficiently detailed. Removing the existing arena and digging for new construction will disturb hazardous materials, posing risks to soil, groundwater, and public health. The EIR should explicitly detail a remediation plan under California regulations, with clear commitments to soil testing, safe removal and disposal of contaminants, and oversight by agencies. Without robust measures, construction could lead to toxic substances leaching or airborne dust endangering workers and nearby residents. We urge that the Final EIR include a comprehensive hazardous materials mitigation program, and that no grading or demolition occur until all contaminants are remediated to levels safe for residential use.
- **Water Quality and Stormwater:** The project will dramatically increase built structures (housing, arena, roads) on the 49-acre site. While some new parks are planned, a large portion will be impervious surfaces. Stormwater runoff could carry pollutants (oil, trash, chemicals) into the San Diego River or coastal waters if not properly managed. The Draft EIR mentions a Preliminary Drainage Report and Storm Water Quality Plan (Appendices I1, I2) but offers few specifics in the main text. Given the proximity to sensitive coastal ecosystems, this is a serious concern. The EIR should analyze water quality impacts in depth and enforce Low Impact Development designs (per City Storm Water Standards) to ensure runoff is captured, treated, and does not degrade downstream water quality. If the EIR lacks detailed modeling of runoff or fails to commit to specific stormwater infrastructure (bioswales, retention basins, etc.), it is deficient.
- **Biological Resources:** The site is currently urbanized, so direct biological habitat loss may be minimal. However, any mature trees or landscaping that provide nesting for birds should be surveyed and protected during nesting season per the Migratory Bird Treaty Act. The Draft EIR's Biological Resources Constraints Study (Appendix N) should be summarized: are there any protected species or wetlands in the vicinity (e.g., the nearby San Diego River estuary)? If so, the EIR should clearly outline mitigation (such as buffers or construction timing restrictions). The absence of such discussion in the public-facing summary is concerning.
- **Greenhouse Gas Emissions and Climate Change:** The EIR should address the project's contribution to climate change. Construction will generate substantial greenhouse gas (GHG) emissions from heavy equipment and construction traffic. Long-term, thousands of new residents and event attendees driving to the arena will produce GHGs. While the project is described as "transit-oriented" with some VMT-reducing features, the EIR must demonstrate consistency with California's GHG reduction targets (SB 32, etc.). Mitigation like installing solar panels, EV charging stations, and participating in carbon-offset programs should be required to lessen the project's carbon footprint. Additionally, climate adaptation is an overlooked issue: the Midway District is low-lying and could be vulnerable to sea level rise or flooding. If the EIR does not analyze future flood risk (e.g. from a 100-year storm or rising sea levels affecting the water table), that is a gap. Building critical infrastructure on a site that might experience increased flood events over its lifespan could lead to environmental and safety issues. The final document should evaluate climate resiliency and require designs that account for extreme weather and sea-level projections.

In summary, the project's environmental impacts are broad and significant, as even the Draft EIR admits in part (it lists impacts to Air Quality, GHG emissions, Hazards, Hydrology/Water, etc.) . Yet many of the mitigation measures are general. CEQA demands that all feasible mitigation measures be adopted to reduce significant impacts (Pub. Resources Code §21002.1(b)) . I am not convinced the current EIR has met this standard for environmental protection. The Planning Board should insist on stronger, enforceable mitigation commitments (e.g., specific hazardous waste cleanup actions, guaranteed green infrastructure for stormwater, GHG offsets, etc.) before moving forward.

## Traffic and Transportation Infrastructure Impacts

Traffic congestion and transportation infrastructure strain are among the most severe concerns with Midway Rising. The Draft EIR's analysis shows that the project will generate an enormous number of vehicle trips, and even with proposed mitigations, transportation impacts remain significant and unavoidable .

- **Daily Traffic Increases:** Upon full buildout, the project's residential component alone is projected to generate about 24,486 daily trips by 2035 . On days with events at the new arena, the total net new trips (residential + commercial + entertainment) could reach approximately 22,514 daily trips at buildout . These figures – tens of thousands of additional car trips per day – are staggering. The Sports Arena Blvd/Rosecrans corridor is already one of the most congested areas in the city, often gridlocked during peak hours or events. Adding this volume of traffic will exacerbate congestion, leading to longer idling times (hence more air pollution) and frustrating delays for residents in Midway, Point Loma, and Ocean Beach. The EIR acknowledges a significant impact on transportation that cannot be fully mitigated , effectively asking the public to bear increased traffic and degraded circulation.
- **Inadequate Mitigations (VMT vs. LOS):** The Draft EIR evaluates traffic using Vehicle Miles Traveled (VMT) in line with CEQA's SB-743 mandates, finding the residential portion "less than significant" on a VMT per capita basis . However, the commercial and entertainment uses will increase regional VMT significantly , meaning more cars driving more miles overall – a negative outcome for climate and congestion. The EIR identifies mitigation measures such as a shuttle between the site and the Old Town Transit Center, and transit subsidies for arena employees . These measures are worthwhile (and should be required), but even according to the EIR they do not reduce the impact to below significance in all cases . For example, the shuttle would encourage transit but would not fully mitigate the commercial trip impact . The employee transit subsidy helps reduce some entertainment-related VMT, but only for a fraction of trips . In essence, the EIR admits that no feasible mitigation will eliminate the traffic impact – an outcome that should give the Board pause about approving so intense a project.
- **Local Intersection Level of Service:** While CEQA may not consider Level of Service (LOS) a significant impact now, the quality of life for residents will undeniably be affected by intersection congestion. The project plans to reconfigure some roads – notably narrowing Sports Arena Blvd from six lanes to four but adding bus-only lanes and bike/pedestrian facilities . Encouraging transit and biking is positive, but there is a risk: if transit uptake is lower than predicted, we could end up with reduced road capacity and thousands more cars, compounding congestion. The EIR's local mobility analysis should be scrutinized for assumptions about mode shift. Even with improvements, key junctions (Sports Arena at Rosecrans, and feeder routes to I-8 and I-5) will see heavier loads. Has the EIR analyzed event traffic management (for arena events) in detail? On game or concert nights, surges of up to 16,000 attendees leaving at once could overwhelm exits and nearby intersections. The document should include a Traffic Management Plan for events (e.g., staggered egress, traffic control officers, resident-only neighborhood permit parking to prevent overflow parking on residential streets, etc.). If it doesn't, that is a notable omission affecting transportation and public safety.
- **Cumulative Traffic with Other Projects:** CEQA requires evaluating cumulative impacts. The Midway area and adjacent neighborhoods have other developments either planned or foreseeable (for example, the NAVWAR redevelopment near Old Town, ongoing intensification in downtown and Mission Bay, etc.). Each of these adds traffic to the regional network. The Draft EIR should clearly lay out cumulative traffic scenarios – not just this project in isolation. I worry that the analysis has been too siloed. The cumulative condition (Midway Rising + other growth) may reveal potential gridlock or the need for major regional infrastructure upgrades (e.g., interchange improvements, transit capacity increases). If such analysis is lacking or downplayed, the EIR has not fully informed decision-makers of the true transportation consequences.

In sum, the project's transportation impacts are significant, adverse, and only partially mitigated. The EIR itself concludes transportation/circulation is a significant unavoidable impact. This should weigh heavily against project approval. Under CEQA, a Statement of Overriding Considerations would be needed to justify these impacts – essentially claiming the project benefits outweigh the traffic problems. I urge the Planning Board to seriously question that trade-off. The current residents and commuters in this area will bear the brunt of increased congestion. If the Board considers moving forward, it should insist on additional mitigation: for example, funding for transit infrastructure (more buses or shuttles beyond 10 years, etc.), traffic signal upgrades, and binding commitments to stagger arena event schedules to avoid peak traffic if possible. Without such steps, the Midway Rising project could irreversibly choke an already overburdened road network.

## Housing Density and Affordability Issues

The Midway Rising project is often touted for providing much-needed housing, including affordable units. While addressing housing needs is important, the scale and density of this proposal raise serious questions about suitability for the area and the true affordability outcomes:

- **Extraordinary Density and Land Use Intensity:** The plan calls for 4,250+ housing units on 49 acres, along with a major arena and commercial space. This equates to a residential density far above what the current Community Plan envisions. In fact, a General Plan and Community Plan Amendment is required to redesignate the site from 0-44 dwelling units/acre to 0-72 du/acre – a substantial up-zoning. Even 72 du/acre is a high density; yet the project effectively goes beyond that (4,254 units/49 acres  $\approx$  86 du/acre on average). Such a drastic increase in density may be overdevelopment of the site. Cramming this many units in mid-rise and high-rise buildings will create a very intense urban environment, potentially out of character with surrounding neighborhoods (Point Loma, OB, etc., which are far less dense). The EIR's Land Use section actually finds a significant and unavoidable impact, likely because the project as proposed is inconsistent with certain existing land use policies or community character expectations. Essentially, the city is being asked to bend its plans to accommodate this private development intensity. Before doing so, we should ask: is this level of density appropriate or even safe given the infrastructure? Would a moderately smaller project (say 2,000-3,000 units) meet housing goals with fewer impacts? The EIR's Alternatives analysis should have considered a Reduced Density Alternative, but it's unclear if it meaningfully did. If not, the EIR is deficient, since CEQA requires examining alternatives that lessen significant impacts (Guidelines §15126.6) – a lower density alternative could reduce traffic, noise, and service impacts while still providing housing.
- **Affordable Housing Commitment and Feasibility:** A selling point of Midway Rising is the inclusion of 2,000 affordable units (nearly half the total) for low-income households. This is indeed a commendable goal. According to reports, these units are intended for those earning 80% or less of area median income, with some as low as 30% AMI (including veterans' and supportive housing). However, there are concerns about the viability and timing of this affordability promise. Recent City Council discussions indicate that Midway Rising removed planned moderate/middle-income units from the project last year, focusing only on low-income units, and that the project's finances are challenging. In fact, the City had to consider creating an Enhanced Infrastructure Financing District (EIFD) to subsidize infrastructure so the affordable housing can be delivered. This raises a question: if the project's feasibility is marginal, might the affordable units be delayed, reduced, or dependent on public funds? The Draft EIR does not address this directly (as CEQA focuses on physical impacts, not economics), but it is a critical public policy issue. The EIR should at least disclose the phasing: it states the development will be built in two phases over 10 years, with 875 units in Phase 1 and the rest in Phase 2. Will the affordable units be spread across phases or all in one phase? If Phase 2 is delayed or canceled due to market conditions, we could end up with the arena and market-rate units built, but not the full 2,000 affordable units – an outcome that would fail the project's promises. We urge that any project approval be conditioned on a binding affordable housing plan (e.g., no certificate of occupancy for market-rate units beyond a certain number until a proportional share of affordable units are constructed). Additionally, if public subsidy is needed (via an EIFD or otherwise), that should be transparently considered by policy-makers outside the EIR process.
- **Housing Affordability and Community Needs:** Even if 2,000 units are affordable, the remaining ~2,200 units will be market-rate, likely at luxury or premium rents given the new-construction and amenities (arena-facing apartments, etc.). The Midway District currently provides some of the more affordable rents in central San Diego (in older apartment

complexes and motels, etc.). The influx of high-end development might raise area rents, making the surrounding neighborhood less affordable. The EIR's Population/Housing section should discuss this dynamic: will Midway Rising induce upward rent pressure, and will it truly benefit existing residents versus new incoming residents? CEQA often concludes that providing new housing (even market-rate) is a social benefit and not an impact, but it can be double-edged. If not managed, there is a possibility of economic displacement of residents or small businesses who cannot afford the gentrifying area (more on that in the next section).

Furthermore, the affordable units targeted at up to 80% AMI may not serve the extremely low-income segment (30% AMI and below) unless specifically committed. There is mention that some units will indeed be for 30% AMI and supportive housing, which is positive. The EIR should ensure that the project's housing mix addresses a range of incomes to truly meet community needs. If all affordable units cluster at the upper limit of "low" (e.g., 60-80% AMI), those in deeper poverty may not benefit and could still be displaced. A robust Housing Plan, ideally in the project approval, should specify how many units at 30% AMI, 50% AMI, etc., will be provided, and with what financing. Otherwise, the "affordability" could be more nominal than actual for San Diego's most vulnerable populations.

In conclusion, housing density and affordability are a classic trade-off here: we want housing, but 4,000+ units jammed onto this site might be too much of a good thing. The EIR demonstrates land use conflicts and infrastructure concerns with that number. We ask the Planning Board to consider whether a scaled-down project could still deliver substantial affordable housing with fewer negative side effects. If proceeding, the Board must hold the development team accountable for every promised affordable unit – our community should not accept any backsliding on that commitment, especially if we are enduring the other impacts.

## **Risk of Displacement and Gentrification**

Large redevelopment projects like Midway Rising often carry the risk of displacement of existing residents or businesses and the gentrification of the surrounding community. While the Sports Arena site itself does not have existing housing (so direct resident displacement is not an issue on the site), the project's ripple effects could be significant:

- **Displacement of Nearby Residents:** The Midway-Pacific Highway Community is home to many low-income and historically marginalized residents. According to SANDAG's "Community of Concern" mapping, this area is identified (the EIR notes the site is in a "Community of Concern: Low" designation – implying some vulnerable population nearby). The introduction of a high-end mixed-use district with entertainment amenities could raise property values in the vicinity. Landlords around the project site may attempt to capitalize on rising demand, possibly leading to rent hikes in nearby apartment complexes or redevelopment of older properties. This process can displace long-time residents who cannot afford the new rents. The EIR should acknowledge this potential socio-economic impact. Even if CEQA does not treat economic displacement as a direct environmental impact, it is certainly a community impact of concern. We urge the City to coordinate any anti-displacement measures (for example, rent assistance, anti-eviction programs, or inclusionary housing requirements on other parcels) to ensure the surrounding community benefits from Midway Rising rather than being forced out.
- **Displacement of Existing Businesses and Community Facilities:** The Sports Arena site currently hosts not just the arena but also other commercial businesses (some retail, possibly the swap meet, etc.). Redevelopment means those businesses will be removed. The EIR should list what businesses or uses are being displaced and whether any relocation assistance or phase-out is being offered. Additionally, the Midway area has several homeless services (such as shelter tents, social service providers, e.g., a Veterans Village or Father Joe's facilities nearby). One planning group member expressed concern that adding 200 units of homeless housing on-site means concentrating more homeless individuals in Midway, on top of existing shelters. While we support providing housing for the homeless, the remark underscores a community perception that Midway is carrying a lot of the burden for regional homelessness solutions.

The project should be sensitive to that: ensure the supportive housing element is coupled with adequate on-site services and security so that it's successful and integrates well, rather than being seen as a new "magnet" for homelessness. Not addressing these perceptions can fuel community opposition and stigma.

- **Gentrification of Community Character:** Gentrification is not just about economics, but also changes in the character and culture of a neighborhood. The Midway District has long been a gritty, utilitarian area – known for the historic arena, big-box stores, music venues, and independent businesses. A shiny new "Entertainment District" with upscale shops and housing could homogenize the area, perhaps pushing out unique local businesses in favor of national chains that can pay high rents. The EIR's Land Use/Planning section should evaluate whether the project aligns with the community's vision. The Midway-Pacific Highway Community Plan (2018) no doubt envisioned improvement and new development, but likely with community input to avoid loss of local character. Has the EIR addressed how Midway Rising will incorporate affordable commercial space for existing local businesses or nonprofits? If all the new commercial space (130,000 sq ft per project description) goes to high-paying tenants, small businesses may vanish. A truly community-oriented redevelopment might include guarantees like a public market space for local vendors (akin to the existing swap meet tradition) or priority leasing for small businesses. We see little of that mentioned.

In summary, gentrification and displacement are real risks. CEQA may not label them "significant environmental impacts" in the same way as traffic or noise, but the Planning Board, as stewards of the community, should weigh them heavily. San Diego has seen redevelopment projects that promised revitalization but resulted in former residents and businesses no longer being part of the "revitalized" community. We must ensure Midway Rising does not follow that path. The Board could, for example, recommend development agreements or community benefits agreements that address these socio-economic concerns (even if outside the strict EIR process). At minimum, the EIR should not gloss over these issues; it should forthrightly acknowledge that without safeguards, the project could contribute to displacement and cultural erasure in Midway.

## **Strain on Public Services and Infrastructure**

A development of this magnitude will inevitably put strain on public services and infrastructure – including schools, parks, utilities, police, fire, and emergency response. The Draft EIR discusses these topics in sections on Public Services, Utilities, etc., but we have concerns about whether the mitigation and planning are adequate:

- **Schools:** The Midway Rising project will introduce thousands of new residents, including families with children, into the Point Loma cluster of San Diego Unified School District. A Will-Serve letter from SDUSD (Appendix L3) indicates the site is within the Dewey Elementary boundary and the Point Loma High School cluster. Current enrollment vs. capacity data suggest some schools (Dewey Elem, Correia Middle, etc.) have capacity now (e.g., Dewey is ~64% utilized). However, adding potentially over a thousand school-age children (which is plausible from ~4,000 units) could quickly use up that capacity. The EIR likely concludes that payment of school impact fees (pursuant to Govt Code §65995) constitutes full mitigation (as state law dictates). But from a community standpoint, we must ask: will there be enough classrooms and teachers when this project is complete? If Dewey Elementary or Correia Middle need expansion or new facilities, those take time and money (fees may not fully cover a new school). We urge that the city and school district proactively plan for growth – possibly reserving a site for a future school or negotiating that some of the development impact fees be directed to capacity expansion in this cluster. The EIR should not just do a perfunctory analysis; it should clearly state whether new school facilities will be needed. If the EIR found the impact less than significant with fees, we worry this overlooks the real-world impact on quality of education if hundreds of new students enroll. The Board should verify with SDUSD that this project will not lead to overcrowded classrooms or busing of students out of their community.
- **Parks and Recreation:** The project does include new parks – about 8.1 acres of public parks and 6.4 acres of plazas/open space – which on paper sounds positive. If fully realized, those parks (e.g., the large central one called "The Green" and plazas like "The Square") will provide recreation space for residents. However, we must consider that

8 acres of park for, say, 10,000 new residents (plus thousands of visitors) may still be insufficient relative to city park standards (which often aim for e.g. 2.8 acres per 1,000 residents in urban areas). The quality and accessibility of these parks matter too: are they truly public and available at all times, or are some just private amenity for residents? The EIR should clarify their ownership and maintenance. There is also the question of timing: will the parks be built in the first phase or last? We wouldn't want a scenario where housing is occupied but promised parks are delayed. The strain on existing nearby parks (like Shoreline Park or OB parks) could be significant if on-site recreation lags behind. The Board should ensure that the development agreement specifies the timely delivery of parks. Moreover, ongoing maintenance funding should be secured (perhaps via a Maintenance Assessment District) so the new parks remain safe and clean for public use and do not burden the Parks & Rec Department's budget unduly.

- **Police, Fire, and Emergency Services:** With 4,000 new units and a 16,000-seat arena, demands on police and fire services will grow. The EIR includes letters from the San Diego Fire-Rescue Department and Police Department (Appendices L1 and L2) presumably stating they have reviewed the project. Typically, such letters identify if a new fire station is needed or if existing stations can handle the load. The nearest fire stations (e.g., Fire Station 20 on Kemper St in Midway, and Station 22 in Point Loma) will have significantly more territory to cover and more calls (fire, medical, etc.) with this project. If Station 20 is the primary responder, will its staffing and equipment suffice for mid-rise buildings and an arena (which brings mass gatherings with potential for large incidents)? The response times to high-rise buildings can be longer if traffic is congested (catch-22: the project may worsen traffic that fire trucks have to get through). If the Fire Dept letter (Appx L1) requested any mitigation (like developer contributions to a new station or equipment), the EIR should commit to that. Similarly for Police: the Western Division may need more officers to patrol the new neighborhood and handle arena events (crowd control, etc.). The EIR likely says impacts are less than significant with standard conditions (as is often the case, citing that stations are adequate or that funding will come from general funds). We urge skepticism – public safety must keep pace. Perhaps the project should fund a substation or storefront police station on-site for event days and community policing. If not, we risk slower responses or stretched resources in surrounding neighborhoods.
- **Utilities (Water, Sewer, Power):** The project will demand extensive water and sewer service. The Draft EIR mentions that infrastructure upgrades to water, sewer, and storm drain are included. The Water Supply Assessment (Appendix M3) presumably concludes that the city's water supplies can accommodate the project (as required by SB 610). Nonetheless, in an era of frequent droughts, adding thousands of new residents raises valid concerns about water availability. San Diego imports much of its water; if future cutbacks occur, how will we serve more people? While this is a regional issue, it underscores why maximum density may not be prudent. On sewer: the area's sewer lines and Pump Station capacity must be evaluated – a failure or overflow could lead to sewage spills (an environmental hazard). The EIR should commit the developer to pay for any necessary upsizing of pipes or expanded pump station capacity (which we hope the Public Sewer System Analysis in Appendix M1 details). Electrical and gas: The grid must support a new arena and thousands of homes – hopefully built with modern energy efficiency and perhaps solar. The City should coordinate with SDG&E to ensure sufficient electrical infrastructure (especially if promoting electric vehicle charging and all-electric buildings for climate goals). Rolling blackouts or brownouts should not become more likely due to this project's load.

In conclusion, the public services and infrastructure analysis in the EIR must not be perfunctory. The project is essentially creating a new mini-city within San Diego – about ~8,000 to 10,000 residents (assuming an average household size around 2) plus an entertainment hub. This is equivalent to adding a small town's worth of population. We must ensure our schools, safety services, parks, and utilities can handle that. If the EIR identified any significant impacts in these areas, it needs concrete mitigation. If it claimed impacts are less than significant, I question whether that assumes ideal scenarios and existing excess capacities that may not truly exist. We ask the Planning Board to double-check each of these service areas with the responsible agencies and get clear commitments (in writing) that they can accommodate Midway Rising without degrading service levels to existing residents. The project should fully internalize its infrastructure costs, not externalize them onto the public.

## **Noise, Air Quality, and Pollution Impacts**

The Midway Rising project will generate substantial noise and pollution, both during construction and in operation, which the EIR attempts to assess. I remain concerned that these impacts are not fully mitigated and will negatively affect nearby communities:

- **Construction Noise and Vibration:** A 10-year phased construction (with heavy construction in Phase 1 from ~2026 onward) means a decade of noise for those who live or work nearby. Pile driving, if required for foundations, could create intense noise and vibrations. Even standard construction (trucks, concrete pours, machinery) from early morning into the evening, potentially six days a week, will be highly disruptive. The EIR likely sets hours of construction and some noise attenuation measures (e.g., noise barriers, mufflers on equipment), but those offer limited relief. Residents in the area (e.g., those on Hancock St, or near Barnett Ave, etc.) could experience chronic noise, affecting their quality of life and health. Vibration could also damage older buildings (if any historic structures nearby, though primarily the historic asset on-site is the arena itself). The EIR should have conducted a noise/vibration study (Appendix G1, G2 are noise reports). If predicted construction noise exceeds City thresholds, even temporarily, that should be disclosed as a significant impact. We ask that the City strictly enforce any noise ordinances and perhaps require periodic respite (days of no heavy work) to give the community breaks. Additionally, advanced notice to residents of high-noise activities should be a condition.
- **Operational Noise (Arena and Entertainment):** The new Entertainment Center (arena) will host concerts, sports, and outdoor events. The Draft EIR explicitly found that noise levels during special events in outdoor areas will exceed limits and are significant/unavoidable. This is alarming. It means even with mitigation (sound walls, restricted hours, etc.), the noise from, say, an outdoor concert or a large gathering in the plaza, will go beyond the City's noise standards and disturb the peace. Nearby neighborhoods like Point Loma or Midway residents could hear amplified music or crowd noise, especially at night. The fact that the EIR concedes this impact is telling – it's essentially asking the City to override its own noise standards. We find that unacceptable. Why should existing communities suffer excessive noise so a developer can have outdoor concerts? At minimum, the City should impose strict noise controls: for example, no outdoor amplified events after 10 PM, maximum decibel limits at the property line, and a requirement for the arena operator to monitor and respond to noise complaints. If these specifics aren't in the EIR, they should be added as mitigation. Given the EIR already says it's unavoidable, the Board should seriously consider if the project design could be altered (e.g., orienting stages differently, or enclosing noisy activities) to better contain noise. CEQA requires mitigation of significant noise impacts where feasible – just because it's inconvenient doesn't mean it shouldn't be attempted.
- **Traffic Noise:** Along with more traffic comes more traffic noise. Streets like Sports Arena Blvd, Rosecrans St, and others will see increased vehicle flow, including buses and possibly more trucks (for commercial deliveries). The EIR's noise analysis should examine whether sensitive receptors (like homes, schools, hospitals) along those routes will experience higher noise levels (e.g., an increase of 3+ decibels can be noticeable). If so, are there mitigations? It's hard to mitigate traffic noise except by reducing traffic (which the project doesn't) or adding sound barriers (not feasible in most urban street settings). This is another indirect way the community pays the price – everyday noise levels inch upward. For residents in the project's new units, the EIR must ensure the building design includes sufficient sound insulation, especially given the site is under airport flight paths (60-65 CNEL noise contour). Those new residents will have to keep windows closed without proper acoustic design. The City's Noise Ordinance and building code (Title 24) should require specific construction methods (glazed windows, etc.) to ensure interior noise is livable. The EIR likely addresses this, but enforcement at build-out is key.
- **Air Quality and Pollution:** During construction, air quality will be affected by dust (PM10) and diesel exhaust (NOx, particulate) from heavy machinery. The EIR's Air Quality technical report (Appendix K1) should have quantified emissions and compared them to SDAPCD thresholds. If those thresholds are exceeded, mitigation like Tier 4 clean diesel engines, dust suppression, and monitoring should be mandatory. The health of workers and nearby residents could be at risk from particulate matter or diesel particulate, which is a toxic air contaminant. We want assurance that a construction air quality management plan will be in place (e.g., watering dirt, covering trucks, no unnecessary engine idling, etc.). As for operational air pollution: the increase in vehicle trips means higher emissions of pollutants such as NOx, CO, and ozone precursors in the area. The San Diego air basin is already non-attainment for ozone. The EIR might argue that newer vehicles and EV adoption will offset some emissions by 2035, but that's speculative. More traffic often means more localized pollution ("hotspots"). Particularly, idling cars pre- and post-event around the arena could create carbon monoxide hotspots at intersections or parking structure exits. The EIR should model that to ensure CO levels don't violate standards. Additionally, arena operations (backup generators, cooking equipment in restaurants, etc.) might add minor emissions; probably not huge, but it should be disclosed. If the EIR claims air quality impacts are less than significant after mitigation, We want the Board to verify those mitigations are actually enforceable (for example, will there be on-site electric vehicle chargers to encourage cleaner cars? will the project use all-electric

building systems to reduce combustion emissions on-site?). Good measures would be a commitment to 100% electric residential buildings and solar panels to power them, which cuts down on air pollution and GHGs.

- **Hazardous Materials During Demolition:** A specific pollution concern is the demolition of the existing Sports Arena (built in the 1960s). As noted, it likely contains asbestos and lead-based paint (common in buildings of that era). The EIR has an asbestos/lead survey (Appendix H4). Removal of these hazardous materials must be done by certified abatement contractors under controlled conditions. Any lapse could release asbestos fibers or lead dust into the air, poisoning workers or nearby residents. The EIR should explicitly commit to following all OSHA and EPA regulations for demolition, including notification, wetting materials, and proper disposal in hazmat landfills. This is non-negotiable for safety. Similarly, any contaminated soil that is excavated (Appendices H2, H3 Phase II assessments presumably found some petroleum or other contaminants) needs proper handling – trucking it out covered, etc. We mention this to emphasize that “pollution” isn’t just new emissions; it’s also avoiding releasing old pollution trapped on site. The Final EIR mitigation monitoring plan must include oversight of these activities.

The bottom line is that noise and air pollution impacts from Midway Rising are significant. In fact, the Draft EIR admits noise will be significant/unavoidable . That alone is a red flag. Under CEQA, a project with unavoidable significant impacts should only be approved if the benefits clearly outweigh those impacts (Statement of Overriding Considerations). I urge the Board to seriously question if, for example, the benefit of a new arena and housing outweighs subjecting residents to excessive noise or pollution. If not, the project should be modified or mitigated further. We have a right to clean air and a reasonably quiet environment. The City should not compromise on these just to push this project through.

## Historic Resources and Community Character

One of the most troubling aspects of the Midway Rising plan is its impact on historic resources and the community character of the area, including the fate of the Sports Arena itself:

- **Demolition of a Designated Historic Resource:** The Draft EIR confirms that the existing San Diego Sports Arena (Pecharanga Arena) is a designated historical resource . This likely refers to a determination by the City’s Historical Resources Board or a finding in the EIR’s historical report that the arena, built in 1966, is eligible for historic designation due to its architecture (Mid-Century modern style) and cultural significance (host to decades of sports and music history). By proposing to demolish this arena, the project will cause a significant, irreversible impact to a historic resource. The EIR rightly identifies this as significant and unavoidable . However, We are concerned that not enough has been done to explore alternatives to demolition. CEQA is clear that if a project will cause significant harm to a historic resource, the lead agency should consider feasible project alternatives or mitigation measures to avoid or lessen that impact (14 CCR §15126.4(b)) . For instance, one alternative could have been adaptive reuse of the Sports Arena – perhaps retaining its shell and repurposing it as part of the new entertainment district (e.g., a retrofitted smaller concert hall or a public market). Another alternative: building the housing around the arena and deferring arena replacement, or a design that incorporates some iconic elements of the old arena (the curved roofline, etc.) into the new structure’s architecture as an homage. The Draft EIR, however, appears to have stuck to the project objective of a new arena, rejecting alternatives that save the old one. This is disappointing from a historic preservation perspective. If this project proceeds, at minimum mitigation for the loss of the arena should be required: a thorough Historic American Buildings Survey (HABS) documentation (archival quality photos, drawings, and narrative history) , salvage of key architectural elements or memorabilia to be displayed in a museum or on the new site, and a prominent onsite interpretive exhibit honoring the arena’s history (so future generations know what was there). Without such measures, we lose not only a building but a piece of San Diego’s cultural fabric with no trace.
- **Alteration of Community Aesthetics and Coastal Height Limits:** The project plans to include buildings up to 165 feet tall (for the arena) and 105 feet tall for residential in Phase 1 , with potentially similar or taller structures in Phase 2. This is a dramatic change in skyline for the Midway area, which for decades has been subject to the Coastal Height

Limitation Overlay Zone (30-foot height limit) . Although voters have approved exceptions to the height limit for the Midway District (Measure E in 2020, and a subsequent measure following a legal challenge, reflecting an intent to allow taller buildings here), it remains a sensitive topic. The 30-ft height limit was a cornerstone of San Diego coastal community character since 1972, meant to protect views and neighborhood scale. By exceeding it several-fold, Midway Rising will create a visual precedent. The EIR's Visual Analysis (Appendix J) should have simulations of how these 10- to 16-story buildings will look from various vantage points – including from the perspective of nearby residential neighborhoods and perhaps from farther viewpoints like the Peninsula (Point Loma) or the Bay. Will the new arena or towers be visible above the tree line or existing structures when viewed from public view corridors? If yes, this could be seen as a degradation of visual quality for some. The EIR should be transparent about view impacts. Even if the law now permits >30' heights in Midway, the community character issue remains: the area will feel more like Mission Valley or Downtown, losing the low-rise human scale it once had. Some may welcome a modern skyline, but others will feel it's out of place so close to the coast. The Planning Board should weigh in on design guidelines – e.g., ensure there are adequate setbacks, step-backs for the upper floors, and variation in building massing to avoid a “wall” of development. The project mentions “architectural guidelines” in the Specific Plan – these must be scrutinized to ensure an attractive, context-sensitive design. It's crucial that new buildings be of high architectural quality and not just monolithic boxes that would permanently mar the aesthetic of the Midway/Point Loma gateway.

- **Cultural and Tribal Resources:** The Draft EIR also listed “historical and tribal cultural resources” as a category with significant unavoidable impacts . Beyond the arena, this implies there may be impacts to archaeological resources or Native American cultural resources. The Midway area is near the San Diego River, which was historically inhabited by the Kumeyaay people. It's possible that subsurface excavation could encounter significant archaeological sites or artifacts. The EIR should detail what tribal consultation occurred (as required by AB 52) and what mitigation (monitoring by Native American observers, etc.) is in place. A significant unavoidable impact suggests perhaps a known resource (maybe remnants of a prehistoric site) will be disturbed with no easy way to avoid it. If so, has data recovery or preservation been planned? This is important out of respect for indigenous heritage. The Board should ensure that if any tribal cultural resources are present, the project either redesigns to avoid them or treats them per the wishes of the Kumeyaay representatives (which might include excavation and reburial or curation in a sensitive manner).
- **Maintaining Community Character:** Community character is an intangible mix of physical and social attributes. Midway is not a traditionally “pretty” neighborhood – it's long been industrial/commercial. However, it has an identity tied to entertainment (the arena, local music clubs), the military history (nearby NAVWAR, former Naval Training Center down the road), and the mid-century vibe of its architecture and layout. By wiping the slate clean on 49 acres and building essentially a new master-planned community, there is a risk of creating a self-contained enclave that doesn't mesh with the surrounding patchwork of businesses and residences. The EIR should have evaluated if the project is consistent with the Midway-Pacific Highway Community Plan's vision. The 2018 Community Plan Update for Midway (Appendix B to the EIR) likely envisioned mixed-use development, but possibly not exactly in this form. Is the project over-centric on the arena as an entertainment driver, whereas the community plan might have emphasized balanced growth with jobs and housing? Also, will the new development turn its back on existing streets (like Sports Arena Blvd) or integrate with them? I worry about a scenario where all new streets and parks are internal, and Sports Arena Blvd becomes just a facade of parking garage entrances – that would hurt street life. Community character would be better served by making the development porous and welcoming to the broader public (e.g., open plazas, continuation of street grid). We encourage the Planning Board to examine the urban design aspects carefully. Additionally, retaining some homage to community history (perhaps naming parks or streets after historical figures or uses, like “Hancock Park” or an homage to the arena's 1960s heritage) can keep a thread of continuity.

In conclusion, the historic and community character impacts of Midway Rising are significant and, by the EIR's own admission, largely unmitigated (the loss of the Sports Arena cannot be undone, and land use incompatibilities are noted as unavoidable) . CEQA and California law do allow a city to approve such a project despite these impacts, but only if there are no feasible alternatives and the project's benefits override the impacts . We are not convinced we've exhausted all alternatives – for instance, an alternative that preserves the historic arena was not seriously analyzed, nor were lower-height alternatives that might reduce visual impacts. This could be seen as a deficiency in the EIR's alternatives analysis, which legally must “focus on alternatives... capable of avoiding or substantially lessening any significant effects” even if they impede project objectives . By fixating on maximizing development and a brand-new arena, the EIR may have unduly narrowed its alternatives. This is a compliance issue the Board should consider. Our community deserves careful consideration of options that honor our heritage and character. The current plan's approach to simply erase a historic landmark and upzone massively is disrespectful to that heritage, in my view.

## CEQA Compliance and EIR Process Deficiencies

Beyond the topic-specific issues above, We have broader concerns about the completeness and transparency of the EIR process under CEQA. The purpose of CEQA is to foster informed decision-making and public participation. In this case, several aspects of the process and document raise red flags:

- **Subsequent EIR / Tiering from Prior Plans:** The Draft EIR is described as a “Subsequent EIR” building on the 2018 Midway-Pacific Highway Community Plan Update EIR . While tiering from a programmatic plan EIR can be efficient, it appears the analysis is limited to “changed circumstances” since 2018 . This approach risks overlooking impacts that maybe were not fully resolved in the 2018 plan EIR. A lot has changed since 2018: traffic patterns (due to ride-shares, pandemic shifts), climate imperatives, housing crisis context, etc. If the EIR only examines incremental differences, the baseline might be the already-significant impacts identified in 2018 plus this. We could end up with compounding impacts that are not properly examined in totality. We worry that the EIR’s approach is too piecemeal. For a project of this significance (essentially the largest redevelopment in this area in decades), the City should ensure a full-scope analysis. If any impacts were deferred or not analyzed in detail because they were “already covered” in the prior EIR, the Final EIR needs to clearly justify that and confirm conditions haven’t worsened. Otherwise, the CEQA analysis might not fully inform the public of the project’s real impacts.
- **Public Review Period and Accessibility:** The Draft EIR was released on March 24, 2025, with a public review period through May 8, 2025 . This is the minimum 45-day review period. Given the size of the document (the Draft SEIR PDF is ~58,000 KB, hundreds of pages plus many technical appendices), 45 days is a tight timeline for the public to thoroughly digest and comment. We and others in the community have struggled to review thousands of pages in this time. We request that the City consider extending the public comment period, or at least ensure that late comments are also considered, due to the complexity of the project. Additionally, We hope the City made the EIR easily accessible (it was on the CEQAnet site and presumably the City’s site). Not all community members know how to navigate those systems. Robust outreach (e.g., public meetings summarizing the EIR findings) would have been ideal. If outreach was lacking, that’s a process shortfall that should be remedied by giving extra opportunity for input (perhaps via the Planning Board hearing and future Council hearings).
- **Responses to Comments and Final EIR Expectations:** Under CEQA, the City must respond in writing to all substantive comments received during the Draft EIR review (CEQA Guidelines §15088). We are submitting detailed comments expecting detailed responses. Specifically, each of the concerns raised in this letter should be addressed in the Final EIR or staff report, with explanations or modifications. For example, if We pointed out that an alternative wasn’t considered, the City should explain why it was rejected or consider it now; if We argue a mitigation is insufficient, the City should justify its approach or strengthen the mitigation. A cursory or dismissive response would not satisfy CEQA’s requirements for good faith reasoned analysis. We trust the Planning Board will also look for a thorough Final EIR document and not recommend project approval until satisfied that the City has adequately responded to public input.
- **Mitigation Monitoring and Reporting:** Should the project be approved, CEQA requires adoption of a Mitigation Monitoring and Reporting Program (MMRP) to ensure all mitigation measures are implemented. We want assurance that this program will be rigorous. Far too often mitigations in an EIR become forgotten conditions. Here, mitigations might include things like shuttle service for 10 years, noise monitoring, etc. – these must not be allowed to lapse. The MMRP should assign responsibility (e.g., City monitoring staff, or third-party auditors funded by the developer) and clear performance criteria. For instance, if a mitigation says “provide shuttle for 10 years,” what happens after 10 years if traffic is worse than expected? Will it be renewed? Or if an employee transit subsidy has low uptake, is there a contingency to adjust? The EIR should be seen as a living commitment, not just a paperwork.
- **Project Alternatives Consideration:** We have touched on this earlier, but we want to emphasize: CEQA compels a real consideration of alternatives that reduce environmental harm . We feel the Draft EIR’s Alternatives Chapter may have been too limited. Likely it analyzed: (1) No Project (i.e., leave site as-is or build per existing plan), (2) the proposed project, and perhaps (3) one alternative like “No Arena (residential focus)” or “Reduced Intensity.” However, given the multiple unavoidable impacts (traffic, noise, historic, land use) , there should be an alternative that addresses each to some degree. For example, a Reduced Height and Retained Arena Alternative could avoid historic impact and reduce

visual impact (no new 165' arena, keep the old one refurbished), though maybe fewer housing units as a trade-off. Was such an option considered? If not, why? The CEQA Guidelines say to consider feasible alternatives even if they impede project objectives – the objective of a brand-new arena may have steamrolled other ideas. The City is allowed to prioritize objectives, but it must show it looked at alternatives objectively. If the Final EIR ends up with the conclusion that “the chosen project is the only feasible way to meet objectives,” We hope the record shows a genuine analysis, not a foregone conclusion. As a commenter, We assert that feasible alternatives do exist that could lessen impacts (for instance, build the housing and affordable units without a new arena – perhaps partner with the Sports Arena operator to refurbish the current arena, which would save money and history). The City should address why that or other alternatives won't work, if that's their stance.

- Compliance with Planning Regulations: Lastly, CEQA requires analyzing inconsistencies with applicable plans and policies (Guidelines §15125). The EIR should detail any inconsistencies with the Airport Land Use Compatibility Plan (since the site is under flight paths), Coastal Zone policies (though technically outside the coastal permit zone, height limit was a factor), and City zoning. Since the project involves a Community Plan Amendment and Rezone, essentially the EIR is also the vehicle to justify those changes. If there are any deviations or variances needed, they should be spelled out. This is important for transparency – the public needs to know exactly what zoning rules are being relaxed or changed to allow this project. For example, the “Complete Communities Housing Solutions FAR Tier 2.5” overlay suggests the project is availing itself of special incentives for more density in exchange for affordable housing. That's fine (it's a city policy), but all such mechanisms should be clearly listed so we understand the regulatory context. The EIR's finding of a significant land use impact indicates some policy conflicts remain, perhaps with the Airport overlay or because of the historic resource conflict. The City will presumably override those conflicts by amending the plan or making a Statement of Overriding Considerations. I caution the Board: each override sets a precedent. If we declare that deviating from our carefully crafted community plan and ordinances is acceptable here, it could undermine public trust in our planning process. Make sure any such action is truly warranted by exceptional circumstances and public benefit.

## Conclusion and Recommendations

In light of the above analysis, We conclude that the Midway Rising project, as evaluated in the Draft EIR, poses serious environmental and community challenges that are not adequately resolved. The EIR identifies at least four impact areas as significant and unavoidable (land use, transportation, historic resources, and noise), which is an unusually high number for a single project. This means that even after all proposed mitigations, the project will cause lasting harm in those areas. Additionally, We have raised concerns about affordability commitments, displacement, public service capacity, and other impacts that further question the project's net benefit to San Diego.

CEQA's core policy, in Public Resources Code §21002, is that projects with significant environmental damage should not be approved if there are feasible alternatives or mitigation measures that can substantially lessen those impacts. In this case, it appears the City does have alternatives: for instance, scaling down the project, or altering its mix of uses, could mitigate many impacts. Yet the Draft EIR did not seize those options, presumably due to the developer's desired program. We urge the Planning Board to put the community's interests first and not accept avoidable impacts for the sake of maximalist development.

Our recommendations are as follows:

1. Do Not Certify the EIR in its Current Form: The Planning Board should advise against certifying this Draft EIR until it is revised to address the highlighted deficiencies. At minimum, the Final EIR should incorporate stronger mitigations (where feasible) for traffic, noise, etc., and correct any analytical gaps. If necessary, recirculation of the EIR for public comment should be done (CEQA requires recirculation if significant new information is added). It is better to take extra

time now than to face potential legal challenges or community backlash later due to an inadequate environmental review.

2. Consider a Reduced-Impact Alternative: The Board should seriously consider recommending an alternative project scenario – for example, one that preserves the existing arena (with upgrades) and builds housing around it, or one that reduces the total housing count and building heights slightly to mitigate traffic and visual impacts. Such an alternative could still deliver a large number of affordable units and meet many objectives, but with fewer significant impacts. This compromise approach might better balance development with livability. If the Final EIR does not present such an alternative in detail, the Board can request staff to analyze it before moving forward.
3. Strengthen Mitigation Measures and Conditions of Approval: Should the project advance, it must be tied to enforceable conditions that tackle community concerns. For example, require that the 2,000 affordable units are contractually guaranteed (with milestones for construction in each phase), require continuous funding for transit shuttles and other traffic mitigations beyond the first years, implement robust noise control ordinances for the arena (with penalties for violations), and mandate ongoing community input through a liaison or oversight committee during construction and operation. These kinds of measures can make a big difference in how impacts are experienced day-to-day.
4. Adhere to CEQA’s Mandates in Good Faith: As the process moves to final approval hearings, We ask that decision-makers adhere to the spirit and letter of CEQA. This means genuinely considering public comments (not just checking a box), and if approving the project with unavoidable impacts, adopting a well-reasoned Statement of Overriding Considerations that explains why benefits trump the harms. Those benefits should be specific and tangible – e.g., “X number of affordable units, Y acres of parks, Z dollars of economic output” – and backed by evidence, not just optimistic promises. If the Board finds the benefits unclear or speculative (for instance, economic benefits that assume full build-out and success of a private entertainment venue), then the appropriate action under CEQA is to not approve the project as-is.

In closing, We want to emphasize that We are not opposed to redeveloping the Midway area or to adding housing – indeed, We support smart growth and revitalization when done responsibly. However, Midway Rising in its current incarnation appears to overreach, placing an undue burden on the environment and community. Growth must be managed, not done at any cost. San Diego has a chance to get this right by insisting on a project that truly integrates into the community and mitigates its impacts to the maximum extent feasible. The Draft EIR shows many areas where this is not yet the case. We respectfully request the Planning Board to use its authority to require a better, more sustainable plan.