



**DATE ISSUED:** July 17, 2008 **REPORT NO.** PC-08-002

**ATTENTION:** **Planning Commission, Agenda of July 24, 2008**

**SUBJECT:** **777 BEECH - CENTRE CITY DEVELOPMENT PERMIT 2006-19/  
MAP WAIVER 349046. PROCESS 5**

**OWNER/  
APPLICANT:** Peter Janopaul for JSD1 and JSD2

### **SUMMARY**

Issue – Should the Planning Commission recommend to the City Council/Redevelopment Agency approval of the 777 Beech project in the Downtown Community Plan area?

Staff Recommendation: **Recommend** to the City Council/Redevelopment Agency **approval** of Centre City Development Permit 2006-19 and Map Waiver 349046 for the 777 Beech project.

### **BACKGROUND**

On June 5, 2008, the Planning Commission held a public hearing to consider the 777 Beech project and voted to recommend to the City Council approval of the project. However, during public testimony, a resident of the neighborhood stated that two apartment complexes did not receive public notice as required by the Municipal Code. Upon review of the project file record, it was determined that the Heritage apartment complexes located on the blocks directly north and east of the project site did not have the required tenant addresses included in the public notice package provided by the project applicant (although over 800 notices were mailed out).

Under Section 112.0302 of the Municipal Code, Notices of Public Hearing must be both advertised in a local paper and mailed to all property owners and addresses located within 300 feet of the boundary of the project site, including each address within a condominium or apartment complex. While the owner of the Heritage complexes was mailed a notice, each apartment address was not on the list of recipients (approximately 230 apartments). It should be noted that the Municipal Code does allow for an alternative to such mailed notices when the list of recipients exceeds 1,000 addresses (which is the case for this project), but the required published notice must be at least one-eighth of a page in size, which the published notice for this hearing did not meet.

Chair and Members of the Planning Commission  
Agenda of July 24, 2008  
Page 2

The City Attorney's office advised CCDC that a new public hearing should be scheduled before the Planning Commission to consider the project anew after proper noticing had taken place. Staff has placed a one-eighth page ad in the paper and sent notices to over 1,000 recipients, including the Heritage apartment addresses, for this new hearing.

Attached is the Staff Report from the June 5, 2008 docket with all attachments. There are no changes to the facts or the Staff Recommendation. The only changes are any additional correspondence received from the public.

Respectfully submitted,

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Brad Richter  
CCDC Manager of Current Planning

Attachments: June 5, 2008 Planning Commission Report



**DATE ISSUED:** May 27, 2008 **REPORT NO.** PC-08-002

**ATTENTION:** Planning Commission, Agenda of June 5, 2008

**SUBJECT:** 777 BEECH - CENTRE CITY DEVELOPMENT PERMIT 2006-19/  
MAP WAIVER 349046. PROCESS 5

**OWNER/  
APPLICANT:** Peter Janopaul for JSD1 and JSD2

**SUMMARY**

Issue -- Should the Planning Commission recommend to the City Council/Redevelopment Agency approval of the 777 Beech project in the Downtown Community Plan area?

Staff Recommendation: **Recommend** to the City Council/Redevelopment Agency **approval** of Centre City Development Permit 2006-19 and Map Waiver 349046 for the 777 Beech project.

Community Planning Group Recommendation: On October 10, 2007, the Centre City Advisory Committee (CCAC) voted 19-1 to recommend overall project approval to the City Council/Redevelopment Agency. On November 14, 2007, the CCAC also voted 18-0 to recommend approval of the Map Waiver, as this element of the project had not been presented the month before.

Centre City Development Corporation (CCDC) Recommendation: On October 17, 2007, the CCDC Board voted 4-0 to recommend to the City Council/Redevelopment Agency approval of the project.

Historical Resources Board (HRB) Recommendation: On September 27, 2007 the HRB voted 5-1 to find that the current project design meets the U. S. Secretary of the Interior's Standards for new construction adjacent to the historic El Cortez Hotel building.

Environmental Review: The Centre City Redevelopment Project, in which this project is located, is covered by the 2006 Final Environmental Impact Report (FEIR), which is a program EIR under the California Environmental Quality Act (CEQA). Under the FEIR, an Environmental Secondary Study is prepared for all developments in the Centre City area in order to evaluate the project's compliance with the Community Plan and PDO and, therefore, the findings and conclusions of the FEIR. The project has been found to be in compliance with those planning and environmental documents; therefore, no further environmental review is

required for the project under CEQA. A copy of the Environmental Secondary Study is attached for the Commission's reference.

Fiscal Impact Statement: None.

Code Enforcement Impact: None.

Housing Impact Statement: The Downtown Community Plan calls for the provision of a range of housing opportunities suitable for urban environments and provides for a Maximum Floor Area Ratio (FAR) on the site of 8.0, with a Minimum FAR of 5.0 (the Plan does not provide density restrictions in dwelling units/acre), with which the project's proposed 6.6 FAR complies. There are no dwelling units on the site currently, and the project will comply with the Affordable Inclusionary Housing Ordinance by paying the allowable in-lieu fee.

## BACKGROUND

The proposed project is located on the block bounded by Ash and Beech streets and 7<sup>th</sup> and 8<sup>th</sup> avenues which contains the historic El Cortez Hotel building. The El Cortez Hotel building was built in 1927 on the southern two-thirds of the block. Several two-story Victorian houses were located on separate lots on the northern one-third of the block. In the 1940's the entire block was consolidated into a single ownership and in the 1950's a swimming pool and a 8-9 story hotel annex building, called the "Caribbean Wing," was constructed on the northern portion of the block. Numerous modifications and additions were also made to the El Cortez Hotel building, including additions of an exterior glass elevator and Sky Room. The Hotel closed in 1978 and the block changed ownerships over the subsequent years. Over this period, several redevelopment plans were discussed for this block and for the adjoining three blocks between 7<sup>th</sup> and 9<sup>th</sup> avenues, and Ash and Cedar streets, which for some time were under one ownership. These redevelopment plans proved infeasible for one reason or another.

In 1990 the City's HRB designated the El Cortez Hotel building Historic Site No. 269, and while the designation was applied to the entire block through its legal description, the designation resolution states "the area specifically designated being the exterior of the building." At the time of this designation, the Caribbean Wing remained on the northern portion of the block. In 2002, the El Cortez Hotel was listed on the National Register of Historic Places (after rehabilitation was completed and the Caribbean Wing removed).

The El Cortez Hotel block was purchased by J. Peter Block Companies in 1997 and serious discussions commenced with CCDC regarding the redevelopment of the block, which was viewed as a catalyst for redevelopment and rejuvenation of the Cortez Hill neighborhood. An early version of the redevelopment plan of the block included a proposal for Pete's Yard, which consisted of single-story retail space along Beech Street. In 1998 the Redevelopment Agency



and the owner entered into a Rehabilitation Loan Agreement which provided a \$5.85 million rehabilitation loan. The subsequent rehabilitation of the block included the restoration of the El Cortez Hotel building to its period of significance, being the year of construction in 1927, including the removal of some of the signature modifications made in the 1950's including the Sky Room and exterior glass elevator. The demolition of the Caribbean Wing building on the north end of the block also occurred at this time.

The owner has discussed potential redevelopment plans for the north side of the block since his company purchased the block. Since then, the owner has proposed a variety of development projects ranging from high-rise towers and mid-rise buildings (although the 2006 submittal for a 7-8 story building was the first official application to CCDC). In February 2003, the owner presented a high-rise scheme to the Projects Committee of the CCDC Board as well as the Centre City Advisory Committee (CCAC) Pre-Design Subcommittee. Both review committees commented that the proposal was too tall for the block and requested that any proposed development be lower in scale.

In 2004 the owner processed a Tentative Map with the City for the conversion of the building into condominiums and the consolidation of the existing 12 lots on the block into two lots: Parcel 1, containing the El Cortez Hotel; and Parcel 2, containing an underground garage, the swimming pool, and an open deck area. The first condominiums were sold in late 2004.

In August 2005, the owner returned to the CCAC Pre-Design Subcommittee and presented preliminary plans for a 10-11 story building with 131 residential condominiums and 8,500 square feet of commercial space, which was well attended by the public (mostly, if not all, in opposition to the preliminary proposal). The Subcommittee members expressed concerns about the project's proximity (approximately 31 feet) to the El Cortez Hotel building, the building's interface with the surrounding sidewalks, and the building's unit mix (desire for larger units).

Attached to this report are the following reference materials that give additional background information:

1. Chronology of the El Cortez Hotel block.
2. Issues raised at public meetings or in previous correspondence to CCDC.

The 777 Beech project was originally submitted January 20, 2006 and deemed complete under the 1992 Centre City Community Plan and Planned District Ordinance (PDO), as the new Downtown Community Plan and PDO were not yet adopted (February and March 2006, respectively). Originally the application consisted of a 7-8 story building (approximate height of the first stepback of the adjacent El Cortez Hotel building) containing 84 residential condominiums and street-level retail uses, and exhibiting a contemporary architectural style. After reviews by the HRB's Design Assistance Subcommittee (DAS), the CCDC Board's Real

Estate Committee, and the CCAC Pre-Design Subcommittee, the project design went through numerous changes including variations on height, massing, and architectural style (traditional vs. modern). The Real Estate Committee encouraged the applicant to explore increased density as the original proposal contained a Floor Area Ratio (FAR) of 5.25, less than the 8-10 FAR permitted under the former PDO regulations, as well as a more modern architectural style.

Ultimately, the project was redesigned as modern building reaching up to 18-19 stories, the approximate height of the El Cortez Hotel building. However, the HRB found that this alternative did not meet the Secretary of Interior's Standards for new construction adjacent to the historic El Cortez Hotel building, which would require a Site Development Permit and the preparation of a Supplemental EIR. As a result, the applicant once again revised the plans, reducing the height and submitting an amended application that is designed to meet, and is being processed under, the 2006 Downtown Community Plan and Centre City PDO.

Typically the project would require a Centre City Development Permit issued by CCDC, Design Review approval by the CCDC Board, and a Process 3 Map Waiver, but due to the Agreement Affecting Real Property ("AARP" discussed below), the project approvals are elevated up to the City Council/Redevelopment Agency level. The AARP therefore provides for the fullest disclosure and review process for the project. This is appropriate given the historical significance of the El Cortez Hotel building which has served as an icon on Cortez Hill since its construction. Its unique orientation on the block, its long history for civic events, and the views from surrounding neighborhoods and from approaching aircraft warrant special consideration above other historic structures located within the densely developed Core downtown. The adjacency and size of new construction on the block must be evaluated given this unique context, and has been considered carefully by the various review bodies.

There have been approximately 20 public meetings before the HRB, CCAC, CCDC Board, and each of their various subcommittees on variations of this project over the past 18 months, starting in July 2006 and culminating in the CCDC Board recommendation for approval in October 2007. Most meetings have been well attended by the public, including homeowners within the El Cortez Hotel building and the surrounding neighborhood. Many have repeatedly spoken in opposition to the project, some arguing for no development on the site while others arguing for only low-rise, low-density development if any were to occur.

#### Background on the Agreement Affecting Real Property (AARP)

As part of the approval of the 1998 Rehabilitation Loan Agreement, an AARP was recorded on the block which specified the permitted land uses, including 85 residential apartment units, lobby space, the Don Room special events space, 4,000 square feet of neighborhood serving commercial space, and 104 parking spaces. AARPs are typically recorded on properties when

the Agency enters into such loan agreements, and the agreements typically “sunset” at the end of the Redevelopment Plan (in this case, 2025).

One of the covenants of the AARP is that, “Owner, its successors and assigns, shall use the Property only for the development permitted and the uses specified in the Loan Agreement and this Agreement, namely, 85 residential apartment units, lobby space, the Don Room special events space, 4,000 square feet of neighborhood-serving commercial space, a total of 104 parking spaces in the parking garages beneath the El Cortez Hotel building and the former Annex building and in the tower basement, with landscaping and amenities, all in accordance with plans meeting the Secretary of Interior’s Standards for National Register properties.” This covenant and many others of the AARP remain in effect until “June 30, 2025, which is the date on which the effectiveness of the Redevelopment Plan expires.” However, because of the specific use provisions of the AARP, a new covenant agreement between the Agency and Lot 2 owner would be required in the event the proposed project would be approved for this applicant. Although the AARP states in Paragraph 5 that the covenants and restrictions “shall remain in effect until June 30, 2025,” the AARP does *not* say that any further development is prohibited until that time. Such agreement would also contain appropriate indemnifications and hold harmless provisions in favor of CCDC, the Agency and the City regarding this matter as well as pending and any future related litigation since it is currently unclear who would be the signatories to such an agreement. The Redevelopment Agency/City Council may approve the 777 Beech project if it so chooses provided that the Lot 2 agreement referred to above is entered into.

It should be noted that in 2004 the Agency agreed to amend the AARP to replace the term “residential apartment units” with the term “residential units,” thereby allowing the sale of the units as condominiums. The Agency’s loan was subsequently repaid in full, the Amendment to the AARP was recorded, and the residential units were converted to condominiums and sold.

DEVELOPMENT TEAM / OWNERSHIP DISCLOSURE

<b>ROLE/FIRM</b>	<b>CONTACT</b>	<b>OWNED BY</b>
Property Owner/Developer: JSD1, LLC and JSD2, LLC	Michael Zucchet; Peter Janopaul	Sole Ownership: Peter Janopaul
Architect: Safdie Rabines Architects	Taal Safdie	Privately Owned: Taal Safdie, Ricardo Rabines

PROJECT DESCRIPTION

The following is a summary of the project:

Site Area	20,000 sq. ft. (one-third block)
Maximum Floor Area Ratio (FAR) Permitted	8.0
Minimum FAR Required	5.0
Proposed	6.6
FAR Bonuses Proposed	None
Stories / Height	5-12/13 / 58-138/150 feet
Amount of Retail/Commercial Space	14,746 sq. ft.
Amount of Office Space	N/A
Type of Housing	Condominiums
Total Number of Units / Total Residential Sq. Ft.	78 / 117,336 sq. ft.
Types of Units (sizes)	8 Studios (571 sq. ft.) 6 1-br (636 sq. ft.) 56 2-br (1,001-1,389 sq. ft.) 8 3-br (1,664 – 2,445 sq. ft.)
Projected Sale Prices	Market Rate
Number of Units Demolished	0
Inclusionary Housing Ordinance Compliance/ Number of Affordable Units	Payment of In-Lieu Fee 0
Parking Required	81 for new building (1.0 spaces/unit plus guest spaces at 1/30 units)
Proposed	88 for new building (1.1 space/unit) 3 guest spaces <u>53 replacement for El Cortez</u> 144 total
Assessor's Parcel Nos.	534-032-03

DISCUSSION

The project is located on a 20,000 square foot site along the south side of Beech Street between 7<sup>th</sup> and 8<sup>th</sup> avenues. The surrounding land uses include the 15-story El Cortez Hotel building to the south; the 4-story Quality Suites motel to the west; a 9-story condominium building to the northwest; the 4-5 story Heritage apartment complexes to the north and east; and the 20-story Discovery condominium project to the northeast. Other recent developments in the neighborhood include the recently constructed 20-story Cortez Blu tower at the southeast corner of 8<sup>th</sup> Avenue and Ash Street; the 20-story Aria condominium tower under construction at the

northeast corner of 9<sup>th</sup> Avenue and Ash Street; and, the 6-story Aloft at Cortez Hill condominium project along the south side of Date Avenue between 8<sup>th</sup> and 9<sup>th</sup> avenues.

The 777 Beech project includes 78 residential condominiums, approximately 14,746 square feet of retail/commercial space; and, 144 parking spaces in a 12-13 story building (average height 144 feet tall) designed with a modern architectural vocabulary. Fifty-three of the parking spaces will be reserved for use by the adjacent El Cortez owners per an existing Parking Agreement. The project is designed to fully comply with 2006 Centre City PDO and is being processed under this ordinance (all previous designs were being reviewed in compliance with the 1992 PDO).

### Architectural Design

The proposed building is comprised of three main elements, including a 5-story mass along 7<sup>th</sup> Avenue; a 7-story mass along Beech Street; and, a central curving 12-story tower within the Beech Street mass. The building is characterized at the street level by a series of different uses including entrances to the residential lobby and up to six commercial spaces. Given the challenging slope conditions of the site, the architects have successfully activated and provided an attractive ground level experience for pedestrians. The building provides a stepped mass, exhibiting a central tower element along Beech Street which is flanked by a 5-story element along 7<sup>th</sup> Avenue and a 7-story element along 8<sup>th</sup> Avenue. The tower element exhibits large projecting balconies on Floors 9-12, which extend out 24 feet from the tower. The project also proposes a pool on the sixth level along 7<sup>th</sup> Avenue, and a common terrace on the eighth level adjacent to 8<sup>th</sup> Avenue. The building materials consist of painted exposed concrete floor slabs infilled with a metal storefront system of a lightly tinted glass; glass balcony guardrails, and metal fins.

The proposed building was designed to avoid unnecessary visual impacts to the historic El Cortez Hotel building, including the provision of a courtyard that extends from 7<sup>th</sup> Avenue to 8<sup>th</sup> Avenue that separates the two structures. The resulting dimensions of the proposed building are 40 feet from the El Cortez Hotel tower and 31 feet from the single story "Don Room." The height of the proposed building was specifically kept at a height equivalent to the "shoulders" of the El Cortez Hotel building, so that it would not compete with the iconic historic building and would preserve views of the upper floors and historic sign from the Laurel Street bridge entering Balboa Park. Additionally, the modern architecture provides a contrast to, rather than mimics, the architecture of the historic building.

The architectural massing and treatments, materials, and colors provide for an attractive, unique building that will contribute to the downtown environment. In addition, the modern architecture, height and mass of the project provide an interesting contrast to, without detracting from, the adjacent historic El Cortez Hotel building and have been well received by strong majorities of the various review bodies to date.

### Map Waiver

In order to sell the residential units, as well as the commercial spaces, to individual owners, a Map Waiver is required of the development. The Map Waiver provides for up to 78 residential condominiums and six commercial condominiums. When the Map Waiver was presented to the CCAC in November 2007, (a month after the CCAC voted 19-1 to support all other elements of the project) there was some discussion and controversy over how many commercial units were being proposed. CCDC staff had reported there would be six commercial condominiums, although the developer had recently requested of the City's Development Services Department an increase to nine units in order to provide the maximum flexibility in the future. However, the applicant has revised the request to six commercial units which was reported to the CCAC. It should be noted that the number of commercial condominium units does not dictate the final configuration of the commercial spaces. For instance, all the commercial space can be covered by one condominium unit and subsequently be broken into any number of tenant spaces by the owner through the tenant improvement building permit process. The location and overall amount of the commercial space in the project has remained essentially the same for some time. Because the Map Waiver does not change the project except for the ability to sell individual ownerships of the residential and commercial units, it is recommended that it be approved with the development.

The City's Development Services Department (DSD) has processed the Map Waiver application, concurrently with CCDC's processing of the development permit, pursuant to Section 125.0122 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, and has recommended that the Map Waiver be approved subject to the list of conditions included as Attachment C to this report.

### Consistency with Adopted Plans

As mentioned earlier, the final revised project is being reviewed under the 2006 Downtown Community Plan and PDO. The project complies with all of the PDO development regulations, including balconies on at least 50% of the units, common indoor and outdoor open space (including pet open space), and increased parking and guest parking requirements. While the Community Plan acknowledges that the Cortez Hill neighborhood would experience little change due to the large amount of redevelopment activity over the past nine years, it anticipates mid-sized buildings with more slender profiles than in the Core area. Also, the 2006 Community Plan and PDO kept in place the long-standing Base FAR limit of 8.0.

The 1993 Cortez Focus Plan is the adopted neighborhood plan for this area, but is now somewhat outdated as it served as the blueprint for redevelopment of the hill and lower Cortez area before significant redevelopment of the hill occurred, beginning in the late 1990's. At the time of its adoption, however, the Plan expected the development of low- to mid-rise infill developments on

Cortez Hill. The El Cortez Hotel block was anticipated to be redeveloped with the rehabilitation of the historic building to its original appearance and, also, the conversion/adaptive reuse of the former 8-9 story Caribbean Wing for housing.

CONCLUSION

The project is consistent with the Downtown Community Plan and Centre City PDO, and has gone through a long review process that has resulted in many different iterations, with the current design being supported by the CCAC and CCDC Board. In addition, it has been found to be consistent with the Secretary of Interior Standards for new construction adjacent to the historic El Cortez Hotel building. Therefore, staff recommends that the Commission recommend to the City Council/Redevelopment Agency the approval of the 777 Beech project, including Centre City Development Permit 2006-19 and Map Waiver 349046.

Respectfully submitted,



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Brad Richter  
CCDC Manager of Current Planning

- Attachments: A – Background Information including Chronology of the El Cortez Hotel Block and Issues Raised at Public Meetings or in Correspondence  
B – Draft Centre City Development Permit 2006-19  
C – Conditions of Approval for Map Waiver 349046  
D – Environmental Secondary Study  
E – Map Waiver 349046 Drawings  
F – Project Basic Concept Schematic Drawings  
G – Correspondence Received by the Public

C

C



# ATTACHMENT A

## CHRONOLOGY OF THE EL CORTEZ HOTEL BLOCK

- 1926 El Cortez Hotel begins construction
- 1927 El Cortez Hotel opens on southern 2/3 of block
- 1937 El Cortez sign installed
- 1940 Addition of Sky Room
- 1940s Block comes under one ownership
- 1952 Addition of swimming pool
- 1954 Addition of Caribbean Wing
- 1956 Addition of exterior glass elevator
- 1978 El Cortez Hotel closes
- 1990 El Cortez Hotel building designated Local Historic Site #269
- 1997 Block bought by J. Peter Block Companies
- 1998 Rehabilitation Loan Agreement approved
- 1999 Rehabilitation Loan and AARP recorded on property
- 1999 Demolition/Rehabilitation work commences
- 2000 Rehabilitation completed
- 2002 Mills Act Agreement recorded in violation of City Council Policy 700-46
- 2003 February – Owner presents high-rise tower proposal on north end of block before CCDC Projects Committee and CCAC Pre-Design Subcommittee
- 2004 Rehabilitation Loan repaid  
Amendment to AARP permitting condo conversion  
Tentative Map for Condominiums approved, establishes Parcel 1 and 2  
Notice of Non-Renewal of Mills Act Agreement by the City of San Diego
- 2005 August – Owner presents proposed 10-11 story project on Parcel 2 to CCAC Pre-Design Subcommittee
- 2006 January – Owner files formal Centre City Development Permit application to CCDC for 7-8 story building

## 777 BEECH: ISSUES RAISED AT PUBLIC MEETINGS OR IN CORRESPONDENCE

The following issues have been raised previously by members of the public. Staff has researched these issues and has determined that they do not directly affect, or restrict, the review of the current development proposal. These issues are provided as points of information.

### 2004 Tentative Map

The owners processed a Tentative Map with the City in 2004 to effect the conversion of the building into condominiums. The Map was approved by the Planning Commission and later recorded. There was apparently an incomplete Public Notice package submitted by the applicant which did not include all property owners within 300 feet, including homeowners within the Discovery project located to the northeast of the block. However, this was not brought to the attention of City staff until after all approvals had been granted and the Final Map had been recorded.

In addition to subdividing the El Cortez Hotel building into condominiums, the Map established two lots on the block from the original 12 lots: Parcel 1 containing the historic building and the residential and commercial condominium units; and Parcel 2, the northern 1/3 of the block which is the subject of the current development proposal. The re-subdivision of the block was found to be consistent with the applicable land use plans for the block. Parcel 2 was not granted any land use entitlements by recordation of the Tentative Map in that the AARP and Amendment to the AARP are covenants recorded on each of Parcels 1 and 2. As discussed in the report, the Redevelopment Agency has sole authority to grant any additional development rights on the block prior to 2025. CCDC conveyed this clearly to the property owner on multiple occasions.

It is important to note that while the neighbors cite the creation of a “second” lot on the block (which is the subject of the current application), if there had not been a conversion of the El Cortez Hotel apartments to condominiums, the owner could have combined the existing 12 lots on the block into the two current lots through an administrative mapping procedure with the City.

### Mills Act Agreement

In 2002, in response to an application by the owner, the City’s Planning Department recorded a Mills Act Agreement on the block. A recorded Mills Agreement requires that the County Assessor determine property tax liability for the historic property using a formula which provides a significant reduction in property taxes. A Mills Act agreement requires that the owner agree to maintain the historic property during the Agreement’s term. Mills Act Agreements have a term of 10 years and are automatically renewed each year unless either party elects to issue a Notice of Non-Renewal. The Planning Department’s recordation of the Mills Act Agreement in 2002 was in error, in the City Council Policy 700-46 restricts the use of Mills Act Agreements within redevelopment project areas to only those historic properties meeting certain criteria: that the property is in need of rehabilitation, the owner agrees to rehabilitate the property in accordance with plans approved by the Redevelopment Agency, that such rehabilitation is not financially feasible without a Mills Act Agreement, and that the Mills Act Agreement is deemed to be the appropriate form of Agency financial assistance.

By 2002, the owner of the El Cortez Hotel building had completed its rehabilitation with a \$5.85 million low-interest loan from the Agency and was not eligible for a Mills Act Agreement. Upon discovery of this error in 2004, the City issued a Notice of non-Renewal of the Agreement. In response to a Non-Renewal Notice, the County Assessor increases property tax liability to “standard” over the following 10-year period.

### Disclosures to Buyers

There has been testimony from the buyers of the condominiums that they were either not made aware of potential development of Parcel 2 or were told by the sales agents that it could not occur until after 2025. CCDC was not a party to any of these sales agreements or discussions and can not provide any information on such, except that there were numerous agreements, executed and recorded on both parcels prior to the sale of any condominium units that provide for, and speak to, potential development of Parcel 2. These documents include Declaration of Covenants, Conditions and Restrictions for the El Cortez Owners Association, the Assignment of Excess Development Rights, the Parking Facilities Agreement, the Agreement Regarding Construction Activities, and the Reciprocal Easement Agreement recorded on the Property on September 9, 2004, prior to the first close of escrow and all recorded documents would have been part of any title report required to be provided to potential buyers. In addition, buyers initialed a “Disclosure/Buyer’s Acknowledgement” that listed these agreements. It should also be noted that CCDC staff members consistently responded to any public inquiries about the block that the owner could apply for additional development on the block prior to 2025, and had indeed proposed various potential developments over the years.

### Utilities within Parcel 2/Structural Issues

There are utilities to the El Cortez Hotel building that traverse the existing garage underneath Parcel 2. Prior to any construction on Parcel 2 affecting such utilities, they must be relocated and reconnected as part of any building permit issuance and construction inspection. Homeowners within the El Cortez Hotel building have also expressed concern about potential damage to their structure during the demolition of the garage, excavation, and new construction activities on Parcel 2. These issues must all be addressed during the building permit plan check and inspection process by the City of San Diego.

**RECORDING REQUESTED BY:**  
Centre City Development Corporation  
Architecture & Planning Division  
225 Broadway, Suite 1100  
San Diego, CA 92101

**WHEN RECORDED MAIL TO:**  
Centre City Development Corporation  
225 Broadway, Suite 1100  
San Diego, CA 92101

**THIS SPACE FOR RECORDER'S USE ONLY**

**NOTE: COUNTY RECORDER, PLEASE  
RECORD AS RESTRICTION USE OR  
DEVELOPMENT OF REAL  
PROPERTY AFFECTING THE TITLE  
TO OR POSSESSION THEREOF**

**DRAFT**  
**CENTRE CITY DEVELOPMENT PERMIT NO. 2006-19**  
**(777 BEECH)**

**CENTRE CITY DEVELOPMENT CORPORATION  
CENTRE CITY DEVELOPMENT PERMIT NO. 2006-19**

Pursuant to the regulations of the Centre City Planned District Ordinance (PDO), an application from JSD1, LLC and JSD2, LLC, Owner/Permittee, to construct a mixed-use project on the 20,000 square foot site along the south side of Beech Street between 7<sup>th</sup> and 8<sup>th</sup> avenues in the Cortez neighborhood of the Downtown Community Plan Area, and more particularly described as Lot 2 of El Cortez, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 14860, filed in the Office of the County Recorder of San Diego County, August 23, 2004, was reviewed by Centre City Development Corporation and City of San Diego City Council.

A Centre City Development Permit is granted by the City of San Diego City Council to JSD1, LLC and JSD2, LLC, Owner/Permittee.

1. General

The Developer shall construct, or cause to be constructed on the Site, a mixed-use project consisting of 78 residential units and approximately 14,746 square feet of commercial space. The total Floor Area Ratio (FAR) of the development for all uses above ground shall be approximately 6.6 and the building shall not exceed an average height of approximately 144 feet, measured to the top of the parapet of the uppermost floor, with roof equipment enclosures, elevator penthouses, mechanical screening, and architectural elements above this height permitted per the Centre City PDO.

2. Parking

The development shall include approximately 144 parking spaces, a minimum of 81 of which shall be reserved for use by the residential units within the project, designed to City Standards. An additional 53 parking spaces shall be provided in accordance with the Parking Agreement recorded on the property. The development shall also provide a minimum of 4 motorcycle parking spaces and storage area for a minimum of 16 bicycles. Any subterranean parking facilities encroaching into the public right-of-way shall be located a minimum of six feet back from the face of curb to a depth of eight feet below sidewalk grade, measured to the outside of any shoring. An Encroachment Removal and Maintenance Agreement shall be obtained from the City to allow any encroachment of the garage into the public right-of-way.

3. Residential Amenities and Facilities

The development includes the following residential amenities and facilities as illustrated on the approved Basic Concept/Schematic Drawings, which shall be required to be maintained by the project in perpetuity:

- a. Pet Open Space – A minimum of 100 square feet of area for use by pets and clearly marked for such exclusive use. The pet open space must contain permeable surface of gravel, sand, grass or similar, or a concrete surface connected to a drain in proximity to an outside faucet for washing down the surface. The development shall be responsible for daily cleaning and regular maintenance of this space.
- b. Common Outdoor Open Space – The development shall provide and maintain a minimum of 3,000 square feet (15% of the project lot size) in the form of common outdoor space for use by the residents of the development. The dimensions of the common outdoor open space(s) shall comply with Section 156.0311(g)(1)(A) of the Centre City PDO and must not be reduced for the life of the project. Each area must be accessible to all residents of the project through a common corridor.
- c. Common Indoor Space – A minimum 500 square feet of residential amenity space shall be provided on the ground floor of the tower, adjacent to the outdoor open space. This space shall be maintained for use by residents of the development and may contain active or passive recreational facilities, meeting space, computer terminals, or other activity space and must be accessible through a common corridor

4. Tentative Map

The developer shall be responsible for obtaining all subdivision map approvals through the City of San Diego to permit the sale of residential and/or commercial condominiums within the project.

5. Development Impact Fees

The project will be subject to Centre City Development Impact Fees. For projects containing commercial space(s), the Permittee shall provide to the City's Facilities Financing Department the following information at the time of application for building permit plan check: 1) total square footage for commercial lease spaces and all areas within the building dedicated to support those commercial spaces including, but not limited to: loading areas, service areas and corridors, utility rooms, and commercial parking areas; and 2) applicable floor plans showing those areas outlined for verification.

6. Urban Design Standards

The proposed development, including its architectural design concepts and off-site improvements, shall be consistent with the Centre City PDO and Centre City Streetscape Manual. These standards, together with the following specific conditions, will be used as a basis for evaluating the development through all stages of the design review process.

- a. Architectural Standards - The architecture of the development shall establish a high quality of design and provide for a modern architectural program as shown in the approved Basic Concept/Schematic Drawings on file with CCDC. The project shall

utilize a coordinated color scheme consistent with the approved Basic Concept/Schematic Drawings.

- b. Form and Scale - The project shall consist of a 12-13 story building with a maximum average building height of 144 feet, measured to the parapet of the uppermost habitable floor of the building, and with roof equipment enclosures, elevator penthouses, and mechanical screening above this height permitted per the Centre City PDO. All building elements shall be complementary in form, scale, and architectural style.
- c. Building Materials - All building materials shall be of a high quality as shown in the Basic Concept/Schematic Drawings and approved materials board. All materials and installation shall exhibit high-quality design, detailing, and construction execution to create a durable and high quality finish. The base of the buildings shall be clad in upgraded materials and carry down to within 1 (one) inch of finish sidewalk grade, as illustrated in the approved Basic Concept/Schematic Drawings. All down-spouts, exhaust caps, and other additive elements shall be superior grade for urban locations, carefully composed to reinforce the architectural design. Reflectivity of the glass shall be the minimum reflectivity required by Title 24.

All construction details shall be highest standard and executed to minimize weathering, eliminate staining, and not cause deterioration of materials on adjacent properties or the public right of way. No substitutions of materials or colors shall be permitted without the prior written consent of CCDC. A final materials board which illustrates the location, color, quality and texture of proposed exterior materials shall be submitted with 100% Construction Drawings and shall be consistent with the materials board approved with the Basic Concept/ Schematic Drawings.

- d. Street Level Design - Street level storefront windows shall be clear glass or lightly tinted. All planters shall contain upgraded materials and be low in scale. Any planters within the public right-of-way shall be at grade with a six-inch curb and be approved through an Encroachment Removal and Maintenance Agreement with the City.
- e. Access - Vehicular access serving the site shall be from 8<sup>th</sup> Avenue. The curb cut should be 24 feet in width, but may not be more than 30 feet in width, measured to the inside of the aprons. All entry doors shall be of high quality, and shall be designed as attractive architectural features of the proposed development.
- f. Utilitarian areas - Areas housing trash, storage, or other utility services shall be located in the garage or otherwise completely concealed from view of the public right-of-way and adjoining developments, except for utilities required to be exposed by the City or utility company.
- g. Mail/Delivery Locations - It is the developer's responsibility to coordinate mail service and mailbox locations with the United States Postal Service and to minimize curb spaces devoted to postal/loading use. The developer shall locate all mailboxes and

parcel lockers outside of the public right-of-way, either within the building or recessed into a building wall. Individual commercial spaces shall utilize a centralized delivery stations within the building or recessed into a building wall, which may be shared with residential uses sharing a common street frontage address.

- h. Circulation and Parking - Subterranean parking shall meet the requirements of the Building Inspection Department, Fire Department, and City Engineer. All parking shall be mechanically ventilated. The exhaust system for mechanically ventilated structures shall be located to mitigate noise and exhaust impacts on the residential units, adjoining properties, and public right-of-way.

The Developer shall prepare a plan which identifies the location of curbside parking control zones, parking meters, fire hydrants, trees, and street lights. Such plan shall be submitted in conjunction with 100% Construction Drawings.

- i. Open Space / Project Amenities - A landscape plan that illustrates the relationship of the proposed on- and off-site improvements and the location of seating, water, and electrical hookups shall be submitted with 100% Construction Drawings.
- j. Roof Tops - A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted with 100% Construction Drawings. Any roof-top mechanical equipment must be grouped, enclosed, and screened from surrounding views.
- k. Lighting - A lighting plan which highlights the architectural qualities of the proposed project and also enhances the lighting of the public right-of-way shall be submitted with 100% Construction Drawings. All lighting shall be designed to avoid illumination of adjoining properties.
- l. Energy Considerations - The design of the improvements shall include, where feasible, energy conservation construction techniques and design, including cogeneration facilities, and active and passive solar energy design. The Developer shall demonstrate consideration of such energy features during the review of the 100% Construction Drawings.
- m. Noise Control - All mechanical equipment, including but not limited to, air conditioning, heating and exhaust systems, shall comply with the City of San Diego Noise Ordinance and California Noise Insulation Standards as set forth in Title 24 of the California Code of Regulations. All mechanical equipment shall be located to mitigate noise and exhaust impacts on adjoining development, particularly residential. Developer shall provide evidence of compliance at 100% Construction Drawings.
- n. Signs - All signs shall comply with the City of San Diego Sign Regulations and the Centre City PDO.



- o. Street Address - Building address numbers shall be provided that are visible and legible from the public right-of-way.

7. On-Site Improvements

All off-site and on-site improvements shall be designed as part of an integral site development. An on-site improvement plan shall be submitted with the 100% Construction Drawings. The on-site landscaping shall establish a high quality of design and be sensitive to landscape materials and design planned for the adjoining public rights-of-way.

8. Off-Site Improvements

The following public improvements shall be installed, in accordance with the Centre City Streetscape Manual. The Manual is currently being updated and the developer shall install the appropriate improvements according to the latest requirements at the time of Building Permit issuance:

SIDEWALK PAVING: CCDC Standard

STREET LIGHTS: CCDC Standard

STREET TREES: Jacaranda

- a. Street Trees – All trees shall be planted at a minimum 36-inch box size with tree grates provided as specified in the CCDC Streetscape Manual, and shall meet the requirements of Title 24. Tree spacing shall be accommodated after street lights have been sited, and generally spaced 20 to 25 feet on center. All landscaping shall be irrigated with private water service from the subject property. The developer will be responsible for evaluating, with consultation with CCDC, whether any existing trees within the right-of-way shall be maintained and preserved. No trees shall be removed prior to obtaining a Tree Removal Permit from the City Streets Division per City Council Policy 200-05.
- b. Street Lights - All existing lights shall be evaluated to determine if they meet current CCDC and City requirements, and shall be modified or replaced if necessary.
- c. Sidewalk Paving - Any specialized paving materials shall be approved through the execution of an Encroachment Removal and Maintenance Agreement with the City.
- d. On Street Parking - The developer shall maximize the on-street parking wherever feasible.
- e. Litter Containers - CCDC Standard public trash receptacles shall be provided at each street corner.
- f. Public Utilities (sewer, water and storm drain) - The Developer shall be responsible for the connection of on-site sewer, water and storm drain systems from the development to the City Utilities located in the public right-of-way. Sewer, water, and roof drain laterals

shall be connected to the appropriate utility mains within the street and beneath the sidewalk. The Developer may use existing laterals if acceptable to the City, and if not, Developer shall cut and plug existing laterals at such places and in the manner required by the City, and install new laterals. The developer will be required to 'kill' all unused water services adjacent to the project site. Service kills require an engineering permit and must be shown on a public improvement plan. The Developer shall provide, satisfactory to the MWDD, CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one ownership. All roof drainage and sump drainage shall be connected to the storm drain system in the public street, or if no system exists, to the street gutters through sidewalk underdrains. Such underdrains shall be approved through an Encroachment Removal Agreement with the City.

Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the construction of all public sewer facilities as required by the accepted sewer study necessary to serve this development, including vehicular access within easements. The developer shall design all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego's current sewer design guide.

The project shall comply with the City of San Diego Storm Water Management and Discharge Control Ordinance and the storm water pollution prevention requirements of Chapter 14, Article 2, Division 1 and Chapter 14, Article 2, Division 2 of the Land Development Code.

The developer shall be responsible for the relocation of any and all public and private utilities within the project site which serve the adjacent El Cortez Hotel building and site. Such utilities shall be permitted, constructed and inspected by the City prior to the disconnection of any such existing utilities.

- g. Franchise Public Utilities - The Developer shall be responsible for the installation or relocation of franchise utility connections including, but not limited to, gas, electric, telephone and cable, to the project and all extensions of those utilities in public streets. Existing franchised utilities located above grade and in the sidewalk right-of-way shall be removed and incorporated into the adjoining development where feasible. Electrical transformer vaults shall be installed in a subterranean location accessible to the franchise utility from the public right-of-way where feasible. Covers to utility vaults located in the public right-of-way shall be designed as a pan which allows the lid to be in filled with the same paving materials used in the adjoining right-of-way where feasible.

The developer shall be responsible for the relocation of any and all franchise public and private utilities within the project site which serve the adjacent El Cortez Hotel building and site. Such utilities shall be permitted, constructed and inspected by the City, as applicable, prior to the disconnection of any such existing utilities.

- h. Fire Hydrants - If required, the Permittee shall install fire hydrants at locations satisfactory to the Fire Department and Development Services Department.
- i. Backflow preventers - The developer shall locate all water meters and backflow preventers in locations satisfactory to the Water Utilities Department and CCDC. Backflow preventers shall be located outside of the public right-of-way adjacent to the project's water meters, either within the building, a recessed alcove area, or within a plaza or landscaping area. The devices shall be screened from view from the public right-of-way.

All items of improvement shall be performed in accordance with the technical specifications, standards, and practices of the City of San Diego's Engineering and Building Inspection Departments and shall be subject to their review and approval. Improvements shall meet the requirements of Title 24 of the State Building Code.

Off-site improvement drawings (D sheets), including dimensional plans for all street frontages which illustrate proposed paving, street trees, lighting fixtures shall be submitted with 100% Construction Drawings. Such off-site plan shall be coordinated to complement and be comparable in quality to the adjoining on-site and off-site plazas, open space and sidewalk materials.

If, during construction, any improved portion of the public right-of-way is damaged or destroyed, the Developer shall be responsible for the replacement or repair of those improvements.

9. Removal and/or Remedy of Soil and/or Water Contamination

The Developer shall (at its own cost and expense) remove and/or otherwise remedy as provided by law and implementing rules and regulations, and as required by appropriate governmental authorities, any contaminated or hazardous soil and/or water conditions on the Site. Such work may include without limitation the following:

- a. Remove (and dispose of) and/or treat any contaminated soil and/or water on the Site (and encountered during installation of improvements in the adjacent public rights-of-way which the Developer is to install) as necessary to comply with applicable governmental standards and requirements.
- b. Design and construct all improvements on the Site in a manner which will assure protection of occupants and all improvements from any contamination, whether in vapor or other form, and/or from the direct and indirect effects thereof.
- c. Prepare a site safety plan and submit it to the appropriate governmental, CCDC, and other authorities for approval in connection with obtaining a Building Permit for the construction of improvements on the Site. Such site safety plan shall assure workers and

other visitors to the Site of protection from any health and safety hazards during development and construction of the improvements. Such site safety plan shall include monitoring and appropriate protective action against vapors and/or the effect thereof.

- d. Obtain from the County of San Diego and/or California Regional Water Quality Control Board and/or any other authorities required by law any permits or other approvals required in connection with the removal and/or remedy of soil and/or water contamination, in connection with the development and construction on the site.
- e. If required by a governmental authority having jurisdiction over the Site and due to the presence of contamination, an impermeable membrane or other acceptable construction alternative shall be installed beneath the foundation of the building. Drawings and specifications for such vapor barrier system shall be submitted for review and approval to CCDC. CCDC shall have the right, but not the obligation, to observe installation of such vapor barrier system and to require adjustments to such installation if deemed appropriate by CCDC consultants.

10. Environmental Impact Mitigation

The Developer shall comply with, and implement, the mitigation measures and/or mitigation monitoring requirements as identified in the Environmental Secondary Study prepared for the project dated January 2008.

11. Model

Prior to obtaining a Building Permit, the Permittee shall provide a one-inch (1") to fifty-foot (50') scale block building model which illustrates the true scale of the buildings on the site based on the building facade and the floor plate of the structure from the ground floor to and including the rooftop. No base is required. Landscaping at the ground level shall also be shown. Architectural detail such as windows, door, and balconies shall not be shown. Other building elements and articulation less than three feet in scaled dimension need not be shown.

The model shall be made of solid acrylic plastic (e.g., Lucite, Plexiglas), be colored solid white and be compatible with the scale and contours of the model of downtown on display at the Centre City Development Corporation's Downtown Information Center. Upon acceptance by CCDC, the model shall be installed by the developer or his designated representative on the model of downtown and the model shall become the property of the Centre City Development Corporation for its use.

12. Construction Fence

Developer shall install a construction fence pursuant to specifications of, and a permit from, the City Engineer. The fence shall be solid plywood with wood framing, painted a consistent color with the project's design, and shall contain a pedestrian passageway, signs,

and lighting as required by the City Engineer. The fencing shall be maintained in good condition and free of graffiti at all times.

13. Development Identification Signs

Prior to commencement of construction on the Site, the Developer shall prepare and install, at its cost and expense, at least one sign on the barricades around the Site which identifies the development. Each sign shall be at least four (4) feet by six (6) feet and be visible to passing pedestrian and vehicular traffic. The signs shall at a minimum include:

- Colored rendering of the development
- Development name
- Developer
- Completion Date \_\_\_\_\_.
- For information call \_\_\_\_\_.

Each sign shall also contain the CCDC "Paradise in Progress" logo and the Downtown Construction Hotline phone number.

Additional project signs may be provided around the perimeter of the site. All signs shall be limited to a maximum of 160 square feet per street frontage. Graphics may also be painted on any barricades surrounding the site. All signs and graphics shall be submitted to CCDC for approval prior to installation.

14. This Centre City Development Permit shall be conditioned upon obtaining a Building Permit within three (3) years from the date of issuance. The Permit approval may be extended in accordance with the provisions of the Land Development Code and Centre City PDO in effect at that time.
15. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
16. This permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interest of any successor shall be subject to each and every condition set out.
17. This project shall comply with the standards, policies, and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by the City of San Diego.
18. No permit for construction, operation, or occupancy of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until this Permit is recorded in the OFFICE OF THE COUNTY RECORDER.

Centre City Development Permit No. 2006-19  
777 Beech

This Centre City Development Permit is granted by the City of San Diego City Council on \_\_\_\_\_, 2008.

CENTRE CITY DEVELOPMENT  
CORPORATION

PERMITTEE SIGNATURE

\_\_\_\_\_  
Brad Richter                          Date  
Current Planning Manager

\_\_\_\_\_  
(Permittee)

## **ATTACHMENT C**

### **MAP WAIVER 349046 CONDITIONS OF APPROVAL**

#### **GENERAL**

1. This Map Waiver will expire (3 years from Council action)
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the County Recorder, prior to the Map Waiver expiration date.
4. The Certificate of Compliance shall conform to the provisions of Centre City Development Permit 2006-19.
5. The subdivider shall underground any new service run to any new or proposed structures within the subdivision.

#### **AFFORDABLE HOUSING**

6. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code.)

#### **ENGINEERING**

7. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
8. The subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
9. Prior to the issuance of any construction permit the subdivider shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
10. Prior to the issuance of any construction permits, the subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.

11. Prior to the issuance of a Certificate of Compliance, taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
12. The drainage system proposed for this subdivision, as shown on the Map Waiver exhibit, is private and subject to approval by the City Engineer.
13. The subdivider shall close the existing driveway on Eighth Avenue with restoration to full-height curb, gutter and sidewalk, and shall install a new 24-foot driveway on Eighth Avenue.
14. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for enhanced sidewalk paving in Beech Street, three (3) sidewalk underdrains in Seventh Avenue and two (2) sidewalk underdrains in Eighth Avenue.
15. This project proposes to export 33,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).
16. The subdivider shall obtain a grading/shoring permit for the excavation proposed for this project.
17. The subdivider shall replace the sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on Seventh Avenue, Beech Street and Eighth Avenue.
18. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. Prior to recordation of the Certificate of Compliance, all existing on-site utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
21. Prior to recordation of a Certificate of Compliance, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain



the required permits for work in the public right-of-way, satisfactory to the City Engineer.

22. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized.
23. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

## **MAPPING**

24. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

## **SEWER AND WATER**

25. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Water Department Director and the City Engineer.
26. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director and the City Engineer.
27. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
28. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A", shall be modified at final engineering to comply with standards.

## **GEOLOGY**

29. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego "Technical Guidelines for Geotechnical Reports."

## **INFORMATION:**

- The approval of this Map Waiver by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- This development may be subject to payment of a park fee prior to the filing of the Certificate of Compliance in accordance with the San Diego Municipal Code. This property is also subject to a building permit park fee in accordance with the San Diego Municipal Code.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.

**ENVIRONMENTAL SECONDARY STUDY**

**FOR THE PROPOSED**

**777 BEECH PROJECT**

**January 2008**

**Prepared for:** City of San Diego Redevelopment Agency  
600 B Street, Suite 400  
San Diego, CA 92101

**Preparation Administered by:** Centre City Development Corporation  
225 Broadway, Suite 1100  
San Diego, CA 92101

**Prepared by:** Jones & Stokes  
9775 Businesspark Avenue, Suite 200  
San Diego, CA 92131



# ENVIRONMENTAL SECONDARY STUDY

**1. PROJECT TITLE:** The 777 Beech Project

**2. APPLICANT:** Peter Janopaul for JSD1, LLC and JSD2, LLC,

**3. PROJECT LOCATION:** An approximately 20,000 square-foot site (one-third block) located along the south side of Beech Street between 7<sup>th</sup> and 8<sup>th</sup> avenues within the Cortez Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project, downtown San Diego (**Figure 1**). Centre City includes approximately 1,500 acres of the metropolitan core of San Diego, bounded by Interstate 5 on the north and east and San Diego Bay on the south and southwest. Centre City is located 15 miles north of the United States International Border with Mexico.

**4. PROJECT SETTING:** The Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Project Area describes the existing setting of Centre City including the Cortez Redevelopment District. This description is hereby incorporated by reference. Located in the highly urbanized Centre City environment, the project site is currently occupied by a large outdoor deck and a swimming pool, along with one level of underground parking. As depicted in **Figure 2**, directly south of the project site is the El Cortez Hotel. The surrounding neighborhood includes low and mid-rise residential buildings to the north, east and south of the project site. To the west of the site is a four-story motel, a mid-rise residential building and a two- to three-story office building. There are several high-rise structures in the immediate neighborhood, including the Discovery and Cortez Blu towers located on the blocks directly northeast and southeast of the project site.

**5. PROJECT DESCRIPTION:** The 777 Beech project proposes an approximately 144 foot tall mixed-use development consisting of 78 residential units; 15,261 square feet of commercial retail space; and 144 parking stalls in three levels below grade parking. **Figure 3** depicts the site plan for the project. As depicted in **Figure 4**, the ground level includes two commercial spaces and the entrance to the parking garage. As depicted in **Figure 5**, the floor plan for Level 1 includes the residential lobby and common interior space as well as five commercial spaces. As depicted in **Figure 6** through **16**, the floor plans for the 2<sup>nd</sup> through 12<sup>th</sup> floor contain 8 studios, 6 one-bedroom units, 56 two-bedroom units, 8 three-bedroom units and common indoor and outdoor space including a pool and pet open space. **Figure 17** depicts the roof area.

**Figures 18** through **21** depict the building elevations. The building design is comprised of three main elements including a 5-story mass along 7<sup>th</sup> Avenue; a 7-story mass along Beech Street; and a central curving 12- to 13-story central tower that steps back after the 7<sup>th</sup> and 11<sup>th</sup> floors. The building is characterized at the street level by a series of different uses and provides an attractive ground level experience for pedestrians. Building materials consist of painted exposed concrete floor slabs infilled with a metal storefront system of lightly tinted glass; glass balcony guardrails, and metal fins. The architectural massing and treatments, materials and colors provide for an attractive,

unique building. The proposed project's height would not exceed the height of the second shoulder of the adjacent El Cortez Hotel building and the new structure would be set back 25 and 40 feet from the Don Room and main tower of the El Cortez Hotel building, respectively. The City's Historical Resources Board has found that the new structure would comply with the Secretary of Interior Standards for new construction adjacent to the historic El Cortez Hotel building.

The project was located in the Employment/Residential Mixed-Use (ER) land use designation at the time of the application submittal and is being reviewed under the 2006 Centre City Planned District Ordinance (PDO) accordingly. It should be noted that the site has since been rezoned to the Residential Emphasis district, but the proposed project's design and land uses are consistent with the new designation. The ER district is intended to provide synergies between educational institutions and residential neighborhoods or transition between the Core and residential neighborhoods. The ER district supports a variety of uses including office, residential, hotel, research and development, and educational and medical facilities.

The building is designed per the Centre City PDO requirements, which allow for a maximum Floor Area Ratio (FAR) of 8.0 (Minimum 5.0). The project proposes a FAR of 6.6.

**6. CEQA COMPLIANCE:** The Centre City Redevelopment Community Plan and related activities have been addressed by the following environmental documents, which were prepared prior to this Secondary Study and are hereby incorporated by reference:

Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Project (State Clearinghouse Number 2003041001, certified by the Redevelopment Agency (Resolution No. R-04001) and the City Council (Resolution No. R-301265) on March 14, 2006.

Addendum to the FEIR for the 11<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, Amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and Mitigation, Monitoring and Reporting Program of the FEIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and the Redevelopment Plan for the Centre City Redevelopment Project certified by the Redevelopment Agency by Resolution R-04193 and by the city council by R-302932 on July 31, 2007.

The FEIR is a "Program EIR" as described in Section 15168 of the State CEQA Guidelines. The aforementioned environmental document is the most recent and comprehensive environmental document pertaining to the proposed project. This environmental document is available for review at the office of Centre City Development Corporation, 225 Broadway, Suite 1100, San Diego, CA 92101.

This Secondary Study has been prepared in compliance with the San Diego Redevelopment Agency's amended "Procedures for Implementation of CEQA and the State CEQA Guidelines" (adopted July 17, 1990). Under these Agency Guidelines, environmental review for subsequent specific development projects is accomplished

using the Secondary Study process defined in the Agency Guidelines, as allowed by Sections 15168 and 15180 of the State CEQA Guidelines. The Secondary Study includes the same evaluation criteria as the Initial Study defined in Section 15063 of the State CEQA Guidelines. Under this process, the Secondary Study is prepared for each subsequent specific development project to determine whether the potential impacts were anticipated in the FEIR. No additional documentation is required for subsequent specific development projects if the Secondary Study determines that the potential impacts have been adequately addressed in the FEIR and subsequent specific development projects implement appropriate mitigation measures identified in the MMRP that accompanies the FEIR.

If the Secondary Study identifies new impacts or a substantial change in circumstances, additional environmental documentation is required. The form of this documentation depends upon the nature of the impacts of the subsequent specific development project being proposed. Should a proposed project result in: a) new or substantially more severe significant impacts that are not adequately addressed in the FEIR, or b) there is a substantial change in circumstances that would require major revision to the FEIR, or c) that any mitigation measures or alternatives previously found not to be feasible or not previously considered would substantially reduce or lessen any significant effects of the project on the environment, a Subsequent or Supplement to the EIR would be prepared in accordance with Sections 15162 or 15163 of the State CEQA Guidelines (CEQA Statutes Section 21166). If the lead agency under CEQA finds pursuant to Sections 15162 and 15163, no new significant impacts will occur or no new mitigation will be required, the lead agency can approve the subsequent specific development project as being within the scope of the project covered by the FEIR, and no new environmental document is required.

**7. PROJECT-SPECIFIC ENVIRONMENTAL ANALYSIS:** See attached Environmental Checklist and *Section 10 Evaluation of Environmental Impacts*.

**8. MITIGATION, MONITORING AND REPORTING PROGRAM:** As described in the Environmental Checklist and summarized in the attached **Table A**, the following mitigation measures included in the Mitigation Monitoring and Reporting Program (MMRP) found in volume 1.B.2 of the FEIR will be implemented by the proposed project:

**AQ-B.1-1; HIST-B.1-1; PAL-A.1-1**

**9. DETERMINATION:** In accordance with Sections 15168 and 15180 of the CEQA Guidelines, the potential impacts associated with future development within the Centre City Redevelopment Project are addressed in the Final Environmental Impact Report (FEIR) prepared for the San Diego Downtown Community Plan, Centre City Planned District Ordinance and 10<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, which was certified on March 14, 2006 and the Addendum to the FEIR certified by the Redevelopment Agency by Resolution R-04193 and by the City Council by R-302932 on July 31, 2007.

These previous documents address the potential effects of future development within the Centre City Redevelopment Project based on buildout forecasts projected from the land use designations, density bonus, and other policies and regulations governing development intensity and density. Based on this analysis, the FEIR and Addendum concluded that development would result in significant impacts related to the following issues (mitigation and type of impact shown in parentheses):

#### Significant but Mitigated Impacts

- Air Quality: Construction Emissions (AQ-B.1) (D)
- Paleontology: Impacts to Significant Paleontological Resources (PAL-A.1) (D/C)

#### Significant and Not Mitigated Impacts

- Air Quality: Mobile Source Emissions (AQ-A.1) (C)
- Historical Resources: Archeological (HIST-B.1) (D/C)
- Water Quality: Urban Runoff (WQ-A.1) (C)
- Land Use: Physical Changes Related to Transient Activity (LU-B.6) (C)
- Noise: Exterior Traffic Level Increase on Grid Streets (NOI-A.1) (C)
- Traffic: Impact on Surrounding Streets (TRF-A.1.1) (C)
- Traffic: Impact on Freeway Ramps and Segments (TRF-A.2.1) (C)
- Parking: Excessive Parking Demand (TRF-D.1) (C)

In certifying the FEIR and approving the San Diego Downtown Community Plan, Planned District Ordinance and 10<sup>th</sup> Amendment to the Redevelopment Plan, the San Diego City Council and Redevelopment Agency adopted a Statement of Overriding Considerations which determined that the unmitigated impacts were acceptable in light of economic, legal, social, technological or other factors including the following.

#### Overriding Considerations

- Implement Downtown's Role As Primary Urban Center
- Relieve Growth Pressure On Outlying Communities
- Organize Balanced Mix Of Uses Around Neighborhood Centers
- Maximize Employment
- Capitalize On Transit Opportunities

The proposed activity analyzed within this secondary study is covered under the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, which was certified by the



Redevelopment Agency by Resolution R-04001 and by the City Council by Resolution R-301265 on March 14, 2006, and the Addendum to the FEIR for the 11<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, Amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and Mitigation, Monitoring and Reporting Program of the FEIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and the 10<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project certified by the Redevelopment Agency by Resolution R-04193 and by the City Council by R-302932 on July 31, 2007. This activity is adequately addressed in the environmental documents noted above and the secondary study prepared for this project reveals there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, this activity is not a separate project for purposes of review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3), 15180, and 15378(c).

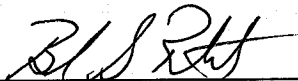
**SUMMARY OF FINDINGS:** In accordance with Public Resources Code sections 21166, 21083.3, and CEQA Guidelines sections 15168 and 15183, the following findings are derived from the environmental review documented by this Secondary Study and the 2006 FEIR:

1. No substantial changes are proposed in the Centre City Redevelopment Project (Project), or with respect to the circumstances under which the Project is to be undertaken as a result of the development of the proposed project, which will require important or major revisions in the 2006 FEIR or 2007 Addendum to the FEIR for the Project;
2. No new information of substantial importance to the Centre City Redevelopment Project has become available which was not known or could not have been known at the time the 2006 FEIR for the Project was certified as complete, and which shows that the Project will have any significant effects not discussed previously in the 2006 FEIR or 2007 Addendum to the FEIR, or that any significant effects previously examined will be substantially more severe than shown in the 2006 FEIR or 2007 Addendum to the FEIR, or that any mitigation measures or alternatives previously found not to be feasible or not previously considered would substantially reduce or lessen any significant effects of the project on the environment;
3. No Negative Declaration, Subsequent EIR, or Supplement or Addendum to the 2006 FEIR is necessary or required; and
4. The development of the site will have no significant effect on the environment, except as identified and considered in the 2006 FEIR and 2007 Addendum to the FEIR for the Centre City Redevelopment Project. No new or additional project-specific mitigation measures are required for this project.
5. If the project includes contaminated soils or other hazards covered by uniformly applied development standards, also use this bullet. Uniformly applied development policies or standards previously adopted by the City and/or

County of San Diego relating to the identification and remediation of soil contamination will substantially mitigate the site-specific effects associated with the potential soil contamination by previous activities on the proposed project site, and therefore the project site's existing soil conditions are not considered peculiar to the project site, nor is an EIR warranted for the proposed project;

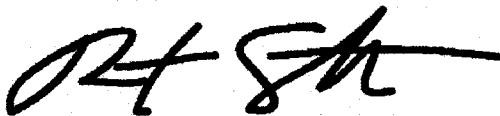
6. The proposed project and its associated activities would not have any new effects that were not adequately covered in the 2006 FEIR or 2007 Addendum to the FEIR, and therefore, the proposed project is within the scope of the program approved under 2006 FEIR and 2007 Addendum to the FEIR.

The Centre City Development Corporation (CCDC), the implementing body for the Redevelopment Agency of the City of San Diego, administered the preparation of this Secondary Study.



\_\_\_\_\_  
Signature of Lead Agency Representative

\_\_\_\_\_  
Date 1/7/08



\_\_\_\_\_  
Signature of Preparer

\_\_\_\_\_  
Date January 03, 2008

# ENVIRONMENTAL CHECKLIST

## 10. EVALUATION OF ENVIRONMENTAL IMPACTS

This environmental checklist evaluates the potential environmental effects of the proposed project consistent with the significance thresholds and analysis methods contained in the FEIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance (PDO), and Redevelopment Plan for the Centre City Project Area. However, since the application process for the proposed project was submitted prior to adoption of these documents in February 2006, the planning policies and regulations applicable to the proposed project are the 1992 Community Plan and PDO. These previous regulations do not allow more intense or dense development, or substantially different types of development on the project site than assumed in the FEIR analysis.

Based on the assumption that the proposed activity is adequately addressed in the FEIR, the following table indicates how the impacts of the proposed activity relate to the conclusions of the FEIR. As a result, the impacts are classified into one of the following categories:

- Significant and Not Mitigated (SNM)
- Significant but Mitigated (SM)
- Not Significant (NS)

The checklist identifies each potential environmental effect and provides information supporting the conclusion drawn as to the degree of impact associated with the proposed project. As applicable, mitigation measures from the FEIR are identified and are summarized in Table A to this Secondary Study. Some of the mitigation measures are plan-wide and not within the control of the proposed project. Other measures, however, are to be specifically implemented by the proposed project. Consistent with the FEIR analysis, the following issue areas have been identified as Significant and Not Mitigated even with inclusion of the proposed mitigation measures, where feasible:

- Air Quality: Mobile Source Emissions (AQ-A.1) (C)
- Historical Resources: Archeological (HIST-B.1) (D/C)
- Water Quality: Urban Runoff (WQ-A.1) (C)
- Land Use: Physical Changes Related to Transient Activity (LU-B.6) (C)
- Noise: Exterior Traffic Level Increase on Grid Streets (NOI-A.1) (C)
- Traffic: Impact on Surrounding Streets (TRF-A.1.1) (C)
- Traffic: Impact on Freeway Ramps and Segments (TRF-A.2.1) (C)
- Parking: Excessive Parking Demand (TRF-D.1) (C)

The following Overriding Considerations apply directly to the proposed project:

- Implement Downtown's Role As Primary Urban Center
- Relieve Growth Pressure On Outlying Communities
- Organize Balanced Mix Of Uses Around Neighborhood Centers
- Maximize Employment
- Capitalize On Transit Opportunities

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<b>1. AESTHETICS/VISUAL QUALITY:</b>						
<p>(a) Substantially disturb a scenic resource, vista or view from a public viewing area, including a State scenic highway or view corridor designated by the San Diego Downtown Community Plan? Views of scenic resources such as San Diego Bay, San Diego-Coronado Bay Bridge, Point Loma, Coronado, Petco Park and the downtown skyline are afforded by the public viewing areas within and around the downtown and along view corridor streets within the planning area. Additionally, Highway 163 is a State Scenic Highway entering downtown at Tenth Avenue, however this highway lies significantly lower than the proposed project, therefore the proposed project would not impact this scenic resource. Lastly, the project would not be located on a street designated as a view corridor by the San Diego Downtown Community Plan (2006). Therefore, significant impacts associated with these issues could not occur.</p> <p>The proposed project would be a 12- to 13-story (144-foot tall) building in the Cortez District. The architectural features of the proposed project do not include extreme height, bulk, scale, or a site orientation that would substantially disturb views of the San Diego Bay, San Diego-Coronado Bay Bridge, Point Loma, Coronado, Petco Park and the downtown skyline from public viewing areas. In addition, the project conforms to the design measures required by the San Diego Downtown Community Plan (2006) and PDO (2006). Thus, significant direct impacts</p>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<p><i>associated with this issue would not occur.</i></p> <p><i>While the views of the historic El Cortez Hotel building were not identified in the FEIR as significant, the tower is viewable from the Laurel Street bridge entering Balboa Park. While the proposed project would obstruct views of the lower portion of the building in addition to the other buildings in the neighborhood, the upper floors and historic sign would remain visible from this vantage point.</i></p> <p><i>The project site itself does not possess any significant scenic resources that could be impacted by the proposed project. Impacts to on-site scenic resources are not significant.</i></p>						
<p>(b) Substantially incompatible with the bulk, scale, color and/or design of surrounding development? <i>The bulk, scale, and design of the proposed project would be compatible with the existing and planned development of the surrounding area (Cortez District). Redevelopment of the site will provide a new, modern building on a currently underutilized site. The design of the building exhibits a modern architectural style with colors and materials that are compatible with the character of the surrounding neighborhood. In addition, the City's Historical Resources Board found that the design, height and massing of the new structure met the Secretary of Interior's Standards for new construction adjacent to the adjacent El Cortez Hotel building. Therefore, project-level and cumulative impacts associated with this issue would not occur.</i></p>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
(c) Substantially affect daytime or nighttime views in the area due to lighting? <i>The proposed project would not involve a substantial amount of exterior lighting or include materials that would generate substantial glare. The City's Light Pollution Law (Municipal Code Section 101.1300 et seq.) also protects nighttime views (e.g., astronomical activities) and light-sensitive land uses from excessive light generation by development in the downtown area. Therefore, the proposed project's conformance with these requirements would ensure that direct and cumulative impacts associated with this issue are not significant.</i>					X	X
<b>2. AGRICULTURAL RESOURCES</b>						
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use? <i>Centre City is an urban downtown environment that does not contain land designated as prime agricultural soils by the Soils Conservation Service, nor does it contain prime farmlands designated by the California Department of Conservation. Therefore, no impact to agricultural resources would occur.</i>					X	X
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? <i>The area does not contain, nor is it near, land zoned for agricultural use or land subject to a Williamson Act Contract pursuant to Section 512101 of the California Government Code. Therefore, impacts resulting from conflicts with existing zoning for agricultural use or a Williamson Act Contract would not occur.</i>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<b>3. AIR QUALITY</b>						
(a) Conflict with or obstruct implementation of an applicable air quality plan, including the County's Regional Air Quality Strategies or the State Implementation Plan? <i>The proposed mixed-use development is consistent with the Employment/Residential Mixed Use land use designation of the San Diego Downtown Community Plan (2006) and PDO (2006), the land use policies and regulations of which are in accordance with those of the Regional Air Quality Strategy (RAQS). Thus, the proposed project would not conflict with, but would help implement, the RAQS with its compact, high intensity land use. No impact to the applicable air quality plan would occur.</i>					X	X
(b) Expose sensitive receptors to substantial air contaminants including, but not limited to, criteria pollutants, smoke, soot, grime, toxic fumes and substances, particulate matter, or any other emissions that may endanger human health? <i>The proposed project could involve the exposure of sensitive receptors to substantial air contaminants during short-term construction activities and over the long-term operation of the project. The potential for short-term, temporary impacts to sensitive receptors during construction activities would be mitigated to below a level of significance through compliance with the City's mandatory standard dust control measures and the dust control and construction equipment emission reduction measures required by FEIR Mitigation Measure AQ-B.1-1 (See Table A).</i>  <i>The proposed project could involve the</i>			X			X



	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>exposure of sensitive receptors to air contaminants over the long-term operation of the project, such as carbon monoxide exposure (commonly referred to as CO "hot spots") due to traffic congestion near the project site. However, the FEIR concludes that development within the downtown would not expose sensitive receptors to significant levels of any of the substantial air contaminants. Since the land use designation of the proposed development does not differ from the land use designation assumed in the FEIR analysis, the project would not expose sensitive receptors to substantial air contaminants beyond the level assumed by the FEIR. Additionally, the proposed project is not located close enough to any industrial activities to be impacted by any emissions potentially associated with such activities. Therefore, impacts associated with this issue would not be significant. Project impacts associated with the generation of substantial air contaminants are discussed below in 3.c.</i>						
(c) Generate substantial air contaminants including, but not limited to, criteria pollutants, smoke, soot, grime, toxic fumes and substances, particulate matter, or any other emissions that may endanger human health? <i>Implementation of the proposed project could result in potentially adverse air quality impacts related to the following air emission generators: construction and mobile-sources. Site preparation activities and construction of the proposed project would involve short-term, potentially adverse impacts associated with the creation of dust and the generation of construction equipment emissions. The</i>		X	X			

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<p><i>clearing, grading, excavation and construction activities associated with the proposed project would result in dust and equipment emissions that, when considered together, could endanger human health. Implementation of FEIR Mitigation Measure AQ-B.1-1 (see Table A) would reduce dust and construction equipment emissions generated during construction of the proposed project to a level below significance.</i></p> <p><i>The air emissions generated by automobile trips associated with the proposed project would not exceed air quality significance standards established by the San Diego Air Pollution Control District. However, the project's mobile source emissions, in combination with dust generated during the construction of the project, would contribute to the significant and unmitigated cumulative impact to air quality identified in the FEIR. The proposed mixed-use project does not propose any uses that would significantly increase stationary-source emissions in the downtown planning area; therefore, impacts from stationary sources would be not significant.</i></p>						
<b>4. BIOLOGICAL RESOURCES</b>						
(a) Substantially effect, either directly or through habitat modifications, any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by local, state or federal agencies? <i>Due to the highly urbanized nature of the downtown area, there are no sensitive plant or animal species, habitats, or wildlife migration corridors within the area. In addition, the ornamental trees and landscaping</i>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>included in the proposed project are considered of no significant value to the native wildlife in their proposed location. Therefore, no impact associated with this issue could occur.</i>						
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations by local, state or federal agencies? As identified in the FEIR, the San Diego Downtown Community Plan (2006) area is not within a subregion of the San Diego County Multiple Species Conservation Program (MSCP). Therefore, impacts associated with substantial adverse effects on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations by local, state or federal agencies would not occur.					X	X
<b>5. HISTORICAL RESOURCES</b>						
(a) Substantially impact a significant historical resource, as defined in § 15064.5? The project site is located on a block that contains the El Cortez Hotel building, which is listed on both the San Diego Register of Historical Resources and the National Register of Historical Buildings or Structures (FEIR, Table 5.3-2, item 3). While these designations were applied to the entire block through its legal description, the designation resolution states "the area specifically designated being the exterior of the building." During conversion of the El Cortez Hotel building to condominiums in 2004, the existing twelve lots were consolidated into two parcels. Parcel 1 contains the historic El					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>Cortez Hotel and Parcel 2, the northern 1/3 of the block, is the subject of the current development proposal. In a September 13, 2007 report to the Historical Resources Board (HRB), HRB staff reviewed the project proposal and determined that the proposed project site contains no historic resources today. In addition, the HRB agreed with staff that the proposed project conforms to the Secretary of the Interior's Standards for Rehabilitation with respect to the El Cortez Hotel building. Therefore, the proposed project would not impact a significant historical resource.</i>						
(b) Substantially impact a significant archaeological resource pursuant to § 15064.5, including the disturbance of human remains interred outside of formal cemeteries? <i>The likelihood of encountering archaeological resources is greatest for projects that include grading and/or excavation of areas on which past grading and/or excavation activities have been minimal (e.g., surface parking lots). Since archaeological resources have been found within inches of the ground surface in the downtown planning area, even minimal grading activities can impact these resources. In addition, the likelihood of encountering subsurface human remains during construction and excavation activities, although considered low, is possible. Thus, the excavation, demolition, and surface clearance activities associated with development of the proposed project and the subterranean parking levels could have potentially adverse impacts to</i>	X	X				

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<p>archaeological resources, including buried human remains. Implementation of FEIR Mitigation Measure HIST-B.1-1, (see Table A) would minimize, but not fully mitigate, these potential impacts. Since the potential for archaeological resources and human remains on the proposed project site cannot be confirmed until grading is conducted, the exact nature and extent of impacts associated with the proposed project cannot be predicted. Consequently, the required mitigation may or may not be sufficient to reduce these direct project-level impacts to below a level of significance. Therefore, project-level impacts associated with this issue remain potentially significant and not fully mitigated, and consistent with the analysis of the FEIR. Furthermore, project-level significant impacts to important archaeological resources would contribute to the potentially significant and unmitigated cumulative impacts identified in the FEIR.</p>						
<p>(c) Substantially impact a unique paleontological resource or site or unique geologic feature? The proposed project site is underlain by the Bay Point Formation, which has high paleontological resource potential. The FEIR concludes that development would have potentially adverse impacts to paleontological resources if grading and/or excavation activities are conducted beyond a depth of 1-3 feet. The project's proposal for three levels of subterranean parking would involve excavation beyond the FEIR standard, resulting in potentially significant impacts to paleontological resources. However, implementation of FEIR Mitigation Measure</p>			X	X		

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>PAL-A.1-1 (see Table A) would ensure that the proposed project's potentially direct impacts to paleontological resources are not significant. Furthermore, the project would not impact any resources outside of the project site. The mitigation measures for direct impacts fully mitigate for paleontological impacts, therefore, the project's contribution to cumulative impacts to paleontological resources would be significant but mitigated because the same measures that mitigate direct impacts would also mitigate for any cumulative impacts.</i>						
<b>6. GEOLOGY AND SOILS</b>						
<i>(a) Substantial health and safety risk associated with seismic or geologic hazards? The project site is in a seismically active region where there is a Potentially Active fault within the eastern portion of the project site. The project site is located within the Rose Canyon Fault Zone, which is designated as an Earthquake Fault Zone by the California Department of Mines and Geology. A seismic event on this fault could cause significant groundshaking on the proposed project site. Therefore, the potential exists for substantial health and safety risks on the project site associated with a seismic hazard. A fault investigation by Kleinfelder, Inc. in 1998, classified the fault on the project site as Potentially Active. However, they determined the fault constituted a low risk in terms of the potential for future ground rupture, and as such, structural setbacks were not recommended across the potentially active fault. A more recent fault study was conducted by Kleinfelder, Inc. in 2004, which supports the</i>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<p><i>previous evaluation of the potentially active fault as having a low risk in terms of the potential for future ground rupture and accordingly, no structural setbacks from the fault are recommended.</i></p> <p><i>According to the FEIR, potentially significant impacts to future development as a result of seismic groundshaking would be reduced to below a level of significance through the implementation of the goals and policies contained in the Health and Safety chapter of the Downtown Community Plan. In addition to these goals and policies, conformance to building construction standards for seismic safety with the Uniform Building Code would assure that new structures would be able to withstand anticipated seismic events with the downtown planning area. Conformance with, and implementation of, all seismic-safety development requirements, including all applicable requirements of the Alquist-Priolo Zone Act, the seismic design requirements of the Uniform Building Code, the City of San Diego Notification of Geologic Hazard procedures, and all other applicable requirements would ensure that the potential impacts associated with seismic and geologic hazards are not significant.</i></p>						
<b>7. HAZARDS AND HAZARDOUS MATERIALS</b>						
(a) Substantial health and safety risk related to onsite hazardous materials? <i>The FEIR states that contact with, or exposure to, hazardous building materials, soil and ground water contaminated with hazardous materials, or other hazardous materials could adversely affect human health and safety during short-</i>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>term construction or long term operation of a development. The proposed project is subject to federal, state, and local agency regulations for the handling of hazardous building materials and waste. Compliance with all applicable requirements of the County of San Diego Department of Environmental Health and federal, state, and local regulations for the handling of hazardous building materials and wastes would ensure that potential health and safety impacts caused by exposure to onsite hazardous materials are not significant during short term, construction activities. In addition, herbicides and fertilizers associated with the landscaping of the project could pose a significant health risk over the long-term operation of the project. However, the proposed project's adherence to existing mandatory federal, state, and local regulations controlling these materials would ensure that long-term health and safety impacts associated with onsite hazardous materials over the long-term operation of the project are not significant.</i>						
(b) Be located on or within 2,000 feet of a site that is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>The proposed project is not located on or within 2,000 feet of a site on the State of California Hazardous Waste and Substances Sites List; however, there are sites within 2,000 feet of the project site that are listed on the County of San Diego's Site Assessment Mitigation (SAM)</i>					X	X



	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>Case Listing. The FEIR states that significant impacts to human health and the environment regarding hazardous waste sites would be avoided through compliance with mandatory federal, state, and local regulations as described in section 7.a above. Therefore, the FEIR states that no mitigation measures would be required.</i>						
(c) Substantial safety risk to operations at San Diego International Airport? <i>The proposed project is within the boundaries of the Airport Influence Area of the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA). However, the project has been reviewed by the Federal Aviation Administration (FAA) which has found that the project would not create a hazard to aircraft operations. Therefore, impacts associated with this issue are not anticipated to occur.</i>					X	X
(d) Substantially impair implementation of an adopted emergency response plan or emergency evacuation plan? <i>The project does not propose any features that would affect an emergency response or evacuation plan. Therefore, no impact associated with this issue is anticipated.</i>					X	X
<b>8. HYDROLOGY AND WATER QUALITY</b>						
(a) Substantially degrade groundwater or surface water quality? <i>The project proposes soil excavation at a depth that may surpass known groundwater levels, which would indicate that groundwater dewatering might be required. Compliance with the requirements of either (1) the San Diego</i>		X			X	

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<p><i>Regional Water Quality Control Board under a National Pollution Discharge Elimination system general permit for construction dewatering (if dewatering is discharged to surface waters), or (2) the City of San Diego Metropolitan Wastewater Department (if dewatering is discharged into the City's sanitary sewer system under the Industrial Waste Pretreatment Program), and (3) the mandatory requirements controlling the treatment and disposal of contaminated dewatered groundwater would ensure that potential impacts associated with construction dewatering and the handling of contaminated groundwater are not significant. In addition, Best Management Practices (BMPs) required as part of the local Storm Water Pollution Prevention Plan (SWPPP) would ensure that short-term water quality impacts during construction are not significant. The proposed project would result in hard structure areas and other impervious surfaces that would generate urban runoff with the potential to degrade groundwater or surface water quality. However, implementation of BMPs required by the local Standard Urban Stormwater Mitigation Program (SUSMP) and Stormwater Standards would reduce the project's long-term impacts. Thus, adherence to the state and local water quality controls would ensure that direct impacts to groundwater and surface water quality would not be significant.</i></p> <p><i>Despite not resulting in direct impacts to water quality, the FEIR found that the urban runoff generated by the cumulative development in the downtown would</i></p>						

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>contribute to the existing significant cumulative impact to the water quality of San Diego Bay. No mitigation other than adherence to existing regulations has been identified in the FEIR to feasibly reduce this cumulative impact to below a level of significance. Consistent with the FEIR, the project's contribution to the cumulative water quality impact will remain significant and unmitigated.</i>						
(b) Substantially increase impervious surfaces and associated runoff flow rates or volumes? <i>The proposed project site is currently developed and mostly covered with impervious surfaces. Implementation of the proposed project would result in impervious surfaces similar to those that exist onsite. Therefore, the proposed project would not substantially increase the runoff volume entering the storm drain system. Therefore, impacts associated with this issue are not significant. (Impacts associated with the quality of urban runoff are analyzed in Section 8.a.)</i>					X	X
(c) Substantially impede or redirect flows within a 100-year flood hazard area? <i>The project site is not located within a 100-year floodplain. Similarly, the proposed project would not affect offsite flood hazard areas, as no 100-year floodplains are located downstream. Therefore, impacts associated with these issues are not significant.</i>					X	X
(d) Substantially increase erosion and sedimentation? <i>The project site is currently developed with impervious surfaces. The hydrology of the proposed site would not be</i>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>substantially altered by implementation of the proposed project as the site would maintain a similar quantity of impervious surfaces and, therefore, the proposed project would not substantially increase the long-term potential for erosion and sedimentation. However, the potential for erosion and sedimentation could increase during the short-term during site preparation, excavation, and other construction activities. The proposed project's compliance with regulations mandating the preparation and implementation of a SWPPP would ensure that impacts associated with erosion and sedimentation are not significant.</i>						
<b>9. LAND USE AND PLANNING</b>						
(a) Physically divide an established community? <i>The proposed project does not propose any features or structures that would physically divide an establishment community. Impacts associated with this issue would not occur.</i>					X	X
(b) Substantially conflict with the City's General Plan and Progress Guide, Downtown Community Plan or other applicable land use plan, policy, or regulation? <i>The project site is located within the Cortez District of the Centre City Planned District under the San Diego Downtown Community Plan (2006). The project site is within the Centre City PDO designated Employment/Residential Mixed-Use Land Use District. The Employment/Residential Mixed-Use Land Use District is intended to provide synergies between educational institutions and residential neighborhoods, or transition between the Core and residential neighborhoods. The Employment/Residential</i>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<p><i>Mixed-Use District supports a variety of uses including office, residential, hotel, research and development, and educational and medical facilities.</i></p> <p><i>The Centre City PDO permits a maximum base Floor Area Ratio (FAR) of 8.0 and a minimum FAR of 5.0 on the proposed project site. In conformance with PDO requirements, the project proposes a FAR of 6.6.</i></p> <p><i>As discussed in 7.c, the proposed project is within the jurisdiction of the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA). Based on the FAA Determinations of No Hazard for the project and the fact that the site is just outside of the 60 CNEL noise contour for SDIA, the project is compatible with the ALUCP for SDIA. In addition, the proposed project would not conflict with other applicable land use plans, policies, or regulations. The proposed project complies with the goals and requirements of the San Diego Downtown Community Plan (2006), and meets all applicable standards of the PDO (2006). Therefore, no significant direct or cumulative impacts associated with an adopted land use plan would occur.</i></p>						
(c) Substantial incompatibility with surrounding land uses? Sources of land use incompatibility include lighting, shading, industrial activities, and noise. The proposed project would not result in, or be subject to, adverse impacts due to substantially incompatible land uses. Compliance with the City's Light Pollution Ordinance would ensure that land use incompatibility impacts related to the					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>proposed project's emitting of, and exposure to, lighting are not significant. In addition, the FEIR concludes that existing mandatory regulations addressing land use compatibility with industrial activities would ensure that residents of, and visitors to, the proposed project are not subject to potential land use incompatibilities (potential land use incompatibilities resulting from hazardous materials and air emissions are evaluated elsewhere in this Secondary Study). Similarly, the project site is not directly adjacent to any major planned neighborhood parks that could be significantly impacted by shading from the project. Potentially significant impacts associated with the project's incompatibility with traffic noise on adjacent grid streets would not occur as discussed in Sections 11.b and 11.c. No impacts associated with this issue would occur.</i>						
<i>(d) Substantially impact surrounding communities due to sanitation and litter problems generated by transients displaced by downtown development? Although not expected to be a substantial direct impact of the project because substantial numbers of transients are not known to congregate onsite, the project, in tandem with other downtown redevelopment activities, would have a significant cumulative impact on surrounding communities resulting from sanitation problems and litter generation by transients who are displaced from downtown into surrounding canyons and vacant land as discussed in the FEIR. Continued support of Homeless Outreach Teams (HOTs) and similar transient outreach efforts will reduce, but not</i>		<b>X</b>			<b>X</b>	

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>fully mitigate, the adverse impacts to surrounding neighborhoods caused by the transient relocation. Therefore, the proposed project would result in cumulatively significant and not fully mitigated impacts to surrounding neighborhoods.</i>						
<b>10. MINERAL RESOURCES</b>						
(a) Substantially reduce the availability of important mineral resources? <i>The FEIR states that the viable extraction of mineral resources is limited in the Centre City due to its urbanized nature and the fact that the area is not designated as having high mineral resource potential. Therefore, no impact associated with this issue would occur.</i>					X	X
<b>11. NOISE</b>						
(a) Substantial noise generation? <i>The proposed project would not result in substantial noise generation from any stationary sources over the long-term. Short-term construction noise impacts would be avoided by adherence to construction noise limitations imposed by the City's Noise Abatement and Control Ordinance. In addition, the proposed project is consistent with the land use designation for this site in the Downtown Community Plan. Therefore, as significant noise impacts were not identified in the Downtown Community Plan, the proposed project is not expected to result in substantial noise increases. Thus, no significant impact related to noise generation would be associated with the proposed project. However, the project would, in combination with other development in the</i>		X			X	

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>downtown, contribute to the cumulatively significant traffic noise increases on nine street segments. This impact is consistent with the analysis of the FEIR and considered cumulatively significant and not mitigated.</i>						
(b) Substantial exposure of required outdoor residential open spaces or public parks and plazas to noise levels (e.g. exposure to levels exceeding 65 dBA CNEL)? <i>The proposed project is considered a mixed-use residential and commercial project by the PDO, and the balcony spaces proposed by the project are required by the PDO. According to the FEIR, the project site is not located on street segments that are expected to carry traffic volumes that would create traffic noise in excess of 65 dBA CNEL. In addition, the project site is outside of the 60 CNEL noise contour for SDIA. Therefore, substantial exposure of required private open space to noise levels exceeding the 65 dBA CNEL standard would not occur. Impacts associated with this issue would be considered less than significant.</i>					X	X
(c) Substantial interior noise within habitable rooms (e.g. levels in excess of 45 dBA CNEL)? <i>As traffic noise levels on the street segments bordering the project site are not expected to reach levels in excess of 65 dBA CNEL, interior noise levels within habitable rooms facing the street segments would not experience interior noise levels in excess of 45 dBA CNEL (the FEIR standard). The project would be required to comply with State Building Codes for interior noise levels. Therefore, project-level impacts associated with this issue would be less than</i>					X	X



	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>significant.</i>						
<b>12. POPULATION AND HOUSING</b>						
(a) Substantially induce population growth in an area? <i>The proposed project is consistent in land use with the San Diego Downtown Community Plan (2006). Adverse physical changes associated with the population growth generated by the proposed project would not exceed those analyzed throughout the FEIR and this Secondary Study. Therefore, project-level and cumulative impacts associated with this issue are not significant.</i>					X	X
(b) Substantial displacement of existing housing units or people? <i>No housing units currently exist on the project site. Therefore, project-level and cumulative impacts associated with this issue are not significant.</i>					X	X
<b>13. PUBLIC SERVICES AND UTILITIES:</b>						
(a) Substantial adverse physical impacts associated with the provision of new schools? <i>The FEIR concludes that the additional student population anticipated at build out of the downtown area would require the construction of at least one additional school. In and of itself, the proposed project would not generate a sufficient number of students to warrant construction of a new school facility. However, the project would contribute, in combination with other development in downtown to the need for at least one additional school in downtown, consistent with the analysis of the FEIR. Nevertheless, as indicated in the FEIR, the specific future location of a new school is unknown at present time. Pursuant to</i>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>Section 15145 of the California Environmental Quality Act (CEQA), analysis of the physical changes in the downtown planning area, which may occur from future construction of schools, would be speculative and no further analysis of their impacts is required. However, construction of new schools would be subject to CEQA. Environmental documentation prepared pursuant to CEQA would identify potentially significant impacts and appropriate mitigation measures.</i>						
(b) Substantial adverse physical impacts associated with the provision of new libraries? The FEIR concludes that, cumulatively, development in the downtown would generate the need for a new Main Library and possibly several smaller libraries within the downtown. In and of itself, the proposed project would not generate additional demand necessitating the construction of new library facilities. However, the proposed project would contribute to the cumulative need for new library facilities in the downtown identified in the FEIR. Nevertheless, the specific future location of these facilities (except the Main Library) is unknown at present time. Pursuant to Section 15145 of the California Environmental Quality Act (CEQA), analysis of the physical changes in the downtown planning area, which may occur from future construction of these public facilities, would be speculative and no further analysis of their impacts is required (The environmental impacts of the Main Library were analyzed in a Secondary Study prepared by CCDC in 2001). Environmental documentation prepared pursuant to CEQA					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>would identify potentially significant impacts and appropriate mitigation measures.</i>						
(c) Substantial adverse physical impacts associated with the provision of new fire protection/emergency facilities? <i>The FEIR does not conclude that the cumulative development of the downtown would generate additional demand necessitating the construction of new fire protection/emergency facilities. Since the land use designation of the proposed development is consistent with the land use designation assumed in the FEIR analysis, the project would not generate a level of demand for fire protection/emergency facilities beyond the level assumed by the FEIR. However, the FEIR reports that the San Diego Fire Department is in the process of securing sites for two new fire stations in the downtown area. Pursuant to Section 15145 of the California Environmental Quality Act (CEQA), analysis of the physical changes in the downtown planning area that may occur from future construction of this fire station facility would be speculative and no further analysis of the impact is required. However, construction of the second new fire protection facility would be subject to CEQA. Environmental documentation prepared pursuant to CEQA would identify significant impacts and appropriate mitigation measures.</i>					X	X
(d) Substantial adverse physical impacts associated with the provision of new law enforcement facilities? <i>The FEIR analyzes impacts to law enforcement service resulting</i>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>from the cumulative development of the downtown and concludes the construction of new law enforcement facilities would not be required. Since the land use designation of the proposed development is consistent with the land use designation assumed in the FEIR analysis, the project would not generate a level of demand for law enforcement facilities beyond the level assumed by the FEIR. However, the need for a new facility could be identified in the future. Pursuant to Section 15145 of the California Environmental Quality Act (CEQA), analysis of the physical changes in the downtown planning area that may occur from the future construction of law enforcement facilities would be speculative and no future analysis of their impacts would be required. However, construction of new law enforcement facilities would be subject to CEQA. Environmental documentation prepared pursuant to CEQA would identify potentially significant impacts and appropriate mitigation measures.</i>						
(e) Substantial adverse physical impacts associated with the provision of new water transmission or treatment facilities? <i>The FEIR concludes that new water treatment facilities would not be required to address the cumulative development of downtown. In addition, water pipe improvements that may be needed to serve the proposed project are categorically exempt from environmental review under CEQA as stated in the FEIR. Therefore, impacts associated with this issue would not be significant.</i>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
(f) Substantial adverse physical impacts associated with the provision of new storm water facilities? <i>The FEIR concludes that the cumulative development of the downtown would not impact the existing downtown storm drain system. Since implementation of the proposed project would result in an amount of impervious surfaces similar to the existing use of the site, the amount of runoff volume entering the storm drain system would not create demand for new storm water facilities. Direct and cumulative impacts associated with this issue are considered not significant.</i>					X	X
(g) Substantial adverse physical impacts associated with the provision of new wastewater transmission or treatment facilities? <i>The FEIR concludes that new wastewater treatment facilities would not be required to address the cumulative development of the downtown. In addition, sewer improvements that may be needed to serve the proposed project are categorically exempt from environmental review under CEQA as stated in the FEIR. Therefore, impacts associated with this issue would not be significant.</i>					X	X
(h) Substantial adverse physical impacts associated with the provision of new landfill facilities? <i>The FEIR concludes that cumulative development within the downtown would increase the amount of solid waste to the Miramar Landfill and contribute to the eventual need for an alternative landfill. Although the proposed project would generate a higher level of solid waste than</i>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>the existing use of the site, implementation of a mandatory Waste Management Plan and compliance with the applicable provisions of the San Diego Municipal Code would ensure that both short-term and long-term project-level impacts are not significant. However, the project would contribute, in combination with other development activities in downtown, to the cumulative increase in the generation of solid waste sent to Miramar Landfill and the eventual need for a new landfill as identified in the FEIR. The location and size of a new landfill is unknown at this time. Pursuant to Section 15145 of the California Environmental Quality Act (CEQA), analysis from the physical changes that may occur from future construction of landfills would be speculative and no further analysis of their impacts is required. However, construction or expansion of a landfill would be subject to CEQA. Environmental documentation prepared pursuant to CEQA would identify potentially significant impacts of the proposed project and appropriate mitigation measures. Therefore, cumulative impacts of the proposed project are also considered not significant.</i>						
<b>14. PARKS AND RECREATIONAL FACILITIES:</b>						
(a) Substantial increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? <i>The FEIR discusses impacts to parks and recreational facilities and the maintenance thereof and concludes that buildout of the Downtown Community Plan (2006) would not result in significant</i>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>impacts associated with this issue. Since the land use designation of the proposed development does not differ from the land use designation assumed in the FEIR analysis, the project would not generate a level of demand for parks and recreational facilities beyond the level assumed by the FEIR. Therefore, substantial deterioration of existing neighborhood or regional parks would not occur or be substantially accelerated as a result of the proposed project. No significant impacts with this issue would occur.</i>						
<b>15. TRANSPORTATION/TRAFFIC</b>						
(a) Cause the LOS on a roadway segment or intersection to drop below LOS E? Based on Centre City Cumulative Traffic Generation Rates for residential and retail projects contained in the May 2003 San Diego Municipal Code Trip Generation Manual, the worst-case scenario for automobile trips by the project is 587 Average Daily Trips (ADT) based on a trip generation rate of four ADT per residential unit (total of 312 ADT) for the proposed 78 residential units, and 18 ADT per 1,000 square feet of commercial space (total of 275 ADT) for the proposed mixed-use project. Anticipated traffic generation does not exceed the 2,400 ADT threshold used for determining the need for a traffic study established in the FEIR, therefore the project is not considered a large project that would generate significant automobile trips. With buildout of the Downtown Community Plan, a total of 62 intersections are anticipated to operate at LOS F, however, none of the impacted intersections are adjacent to the project site. The proposed project's direct		<b>X</b>			<b>X</b>	

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>impacts on downtown roadway segments or intersections would not be significant. However, the traffic generated by the proposed project would, in combination with the traffic generated by other downtown development, contribute to the significant cumulative traffic impacts projected in the FEIR to occur on a number of downtown roadway segments and intersections, and streets within neighborhoods surrounding the Plan area at buildout of the downtown. The FEIR includes mitigation measures to address these impacts, but the identified measures may or may not be able to fully mitigate these cumulative impacts due to constraints imposed by bicycle and pedestrian activities and the land uses adjacent to affected roadways. These mitigation measures are not the responsibility of the proposed project, and are therefore not included in Table A. Therefore, consistent with the analysis of the FEIR, the proposed project would contribute to significant cumulative impacts associated with this issue.</i>						
(b) Cause the LOS on a freeway segment to drop below LOS E or cause a ramp delay in excess of 15 minutes? <i>The FEIR concludes that development within the downtown will result in significant cumulative impacts to freeway segments and ramps serving the downtown planning area. Since the land use designation of the proposed development is consistent with the land use designation assumed in the FEIR analysis, the proposed development would contribute on a cumulative-level to the substandard LOS F identified in the FEIR on all freeway segments in the downtown area and several ramps</i>		X			X	



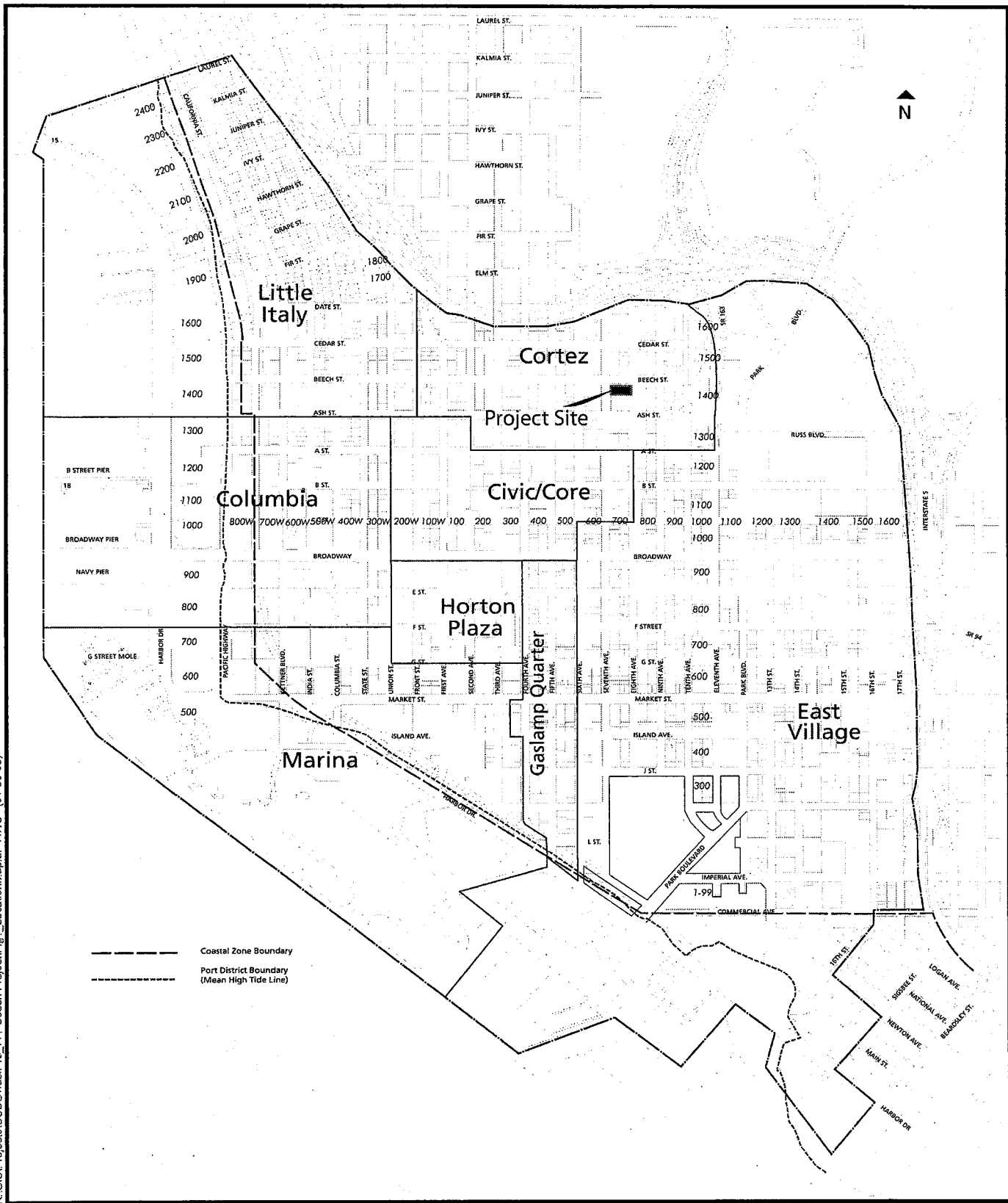
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	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>servicing the downtown. TRF-A.2.1-1 would reduce these impacts to the extent feasible, but not to below the level of significance. This mitigation measure is not the responsibility of the proposed project, and therefore is not included in Table A. The FEIR concludes that the uncertainty associated with implementing freeway improvements and limitations in increasing ramp capacity limits the feasibility of fully mitigating impacts to these facilities. Thus, the proposed project's cumulative-level impacts to freeways would remain significant and unavoidable, consistent with the analysis of the FEIR. The proposed project would not have a direct impact on freeway segments and ramps.</i>						
(c) Create an average demand for parking that would exceed the average available supply? The proposed project, composed of residential units and commercial space, is considered a mixed-use residential and commercial use per the Centre City PDO. Thus, the proposed project is in conformance with applicable land use plans. In addition, the Centre City PDO requires a minimum of 1 off-street parking space per dwelling unit and 1 guest space per 30 units, and is exempt from commercial parking requirements since the commercial space would total less than 30,000 square feet, which would result in the need for a minimum of 81 parking spaces. Implementation of the project would result in 144 parking spaces, including 53 reserved parking spaces for use by the adjacent El Cortez Hotel owners per an existing parking agreement. Since the net 91 spaces for the project are more than the 81 spaces required		<b>X</b>			<b>X</b>	

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<p>by the Centre City PDO, the project would not have a significant direct impact on downtown parking. However, demand generated by cumulative downtown development would exceed the amount of parking provided by such development in accordance with the PDO. Implementation of FEIR Mitigation Measure TRF-D.1-1 would reduce, but not fully mitigate, the significant cumulative impact of excessive parking demand (this mitigation measure is not the responsibility of the proposed project, and therefore is not included in Table A). Therefore, the proposed project would contribute to the cumulatively significant and not mitigated shortfall in parking supply anticipated to occur throughout the downtown by the FEIR.</p>						
<p>(d) Substantially discourage the use of alternative modes of transportation or cause transit service capacity to be exceeded? The proposed project does not include any features that would discourage the use of alternatives modes of transportation. In addition, the project site is located less than three blocks from an existing light-rail trolley station, and there is regular bus service along 5th Avenue and A Street and elsewhere in the Cortez District. The project's proximity to several existing and planned community serving uses, including nearby shopping and recreational activities, also encourages walking. Additionally, SANDAG has indicated that transit facilities should be sufficient to serve the downtown population without exceeding capacity.</p>					X	X

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<b>16. MANDATORY FINDINGS OF SIGNIFICANCE</b>						
(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? <i>As indicated in the FEIR, due to the highly urbanized nature of the downtown area, no sensitive plant or animal species, habitats, or wildlife migration corridors are located in the Centre City area. However, the project does have potential to eliminate important examples of major periods of California history or prehistory at the project level. No other aspects of the project would substantially degrade the environment. Cumulative impacts described in the subsection 16.b below.</i>	X	X				
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? <i>As acknowledged in the FEIR, implementation of the Downtown Community Plan (2006), PDO (2006), and Redevelopment Plan (2006) will result in cumulative impacts associated with: air quality, archeological resources, physical</i>		X				

	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<b>Issues and Supporting Information</b>						
<i>changes associated with transient activities, noise, parking, traffic, and water quality. This project will contribute to those impacts. Implementation of the mitigation measures identified in the FEIR would reduce some significant impacts; however, the impacts would remain significant and immitigable. Cumulative impacts would not be greater than those identified in the FEIR.</i>						
(c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? As described elsewhere in this study, the proposed project would result in significant and unmitigated impacts. Those impacts associated with air and noise could have substantial adverse effects on human beings. However, these impacts would be no greater than those assumed in the FEIR. Implementation of the mitigation measures identified in the FEIR would mitigate many, but not all, of the significant impacts.	<b>X</b>	<b>X</b>				

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777 Beech Project  
CCDC Secondary Study

Figure 1  
Location Map  
January 2008

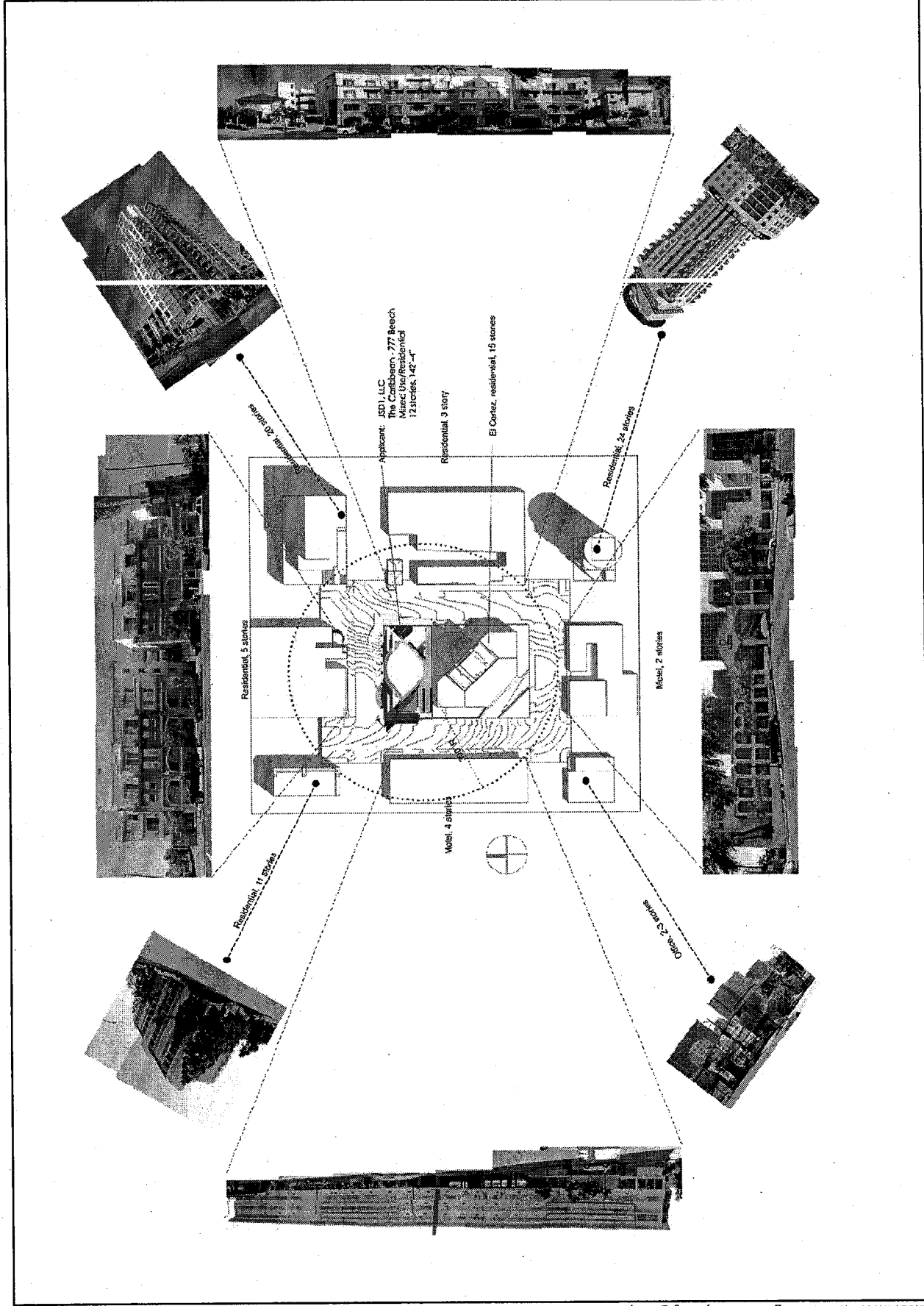


Figure 2  
Vicinity Map  
January 2008

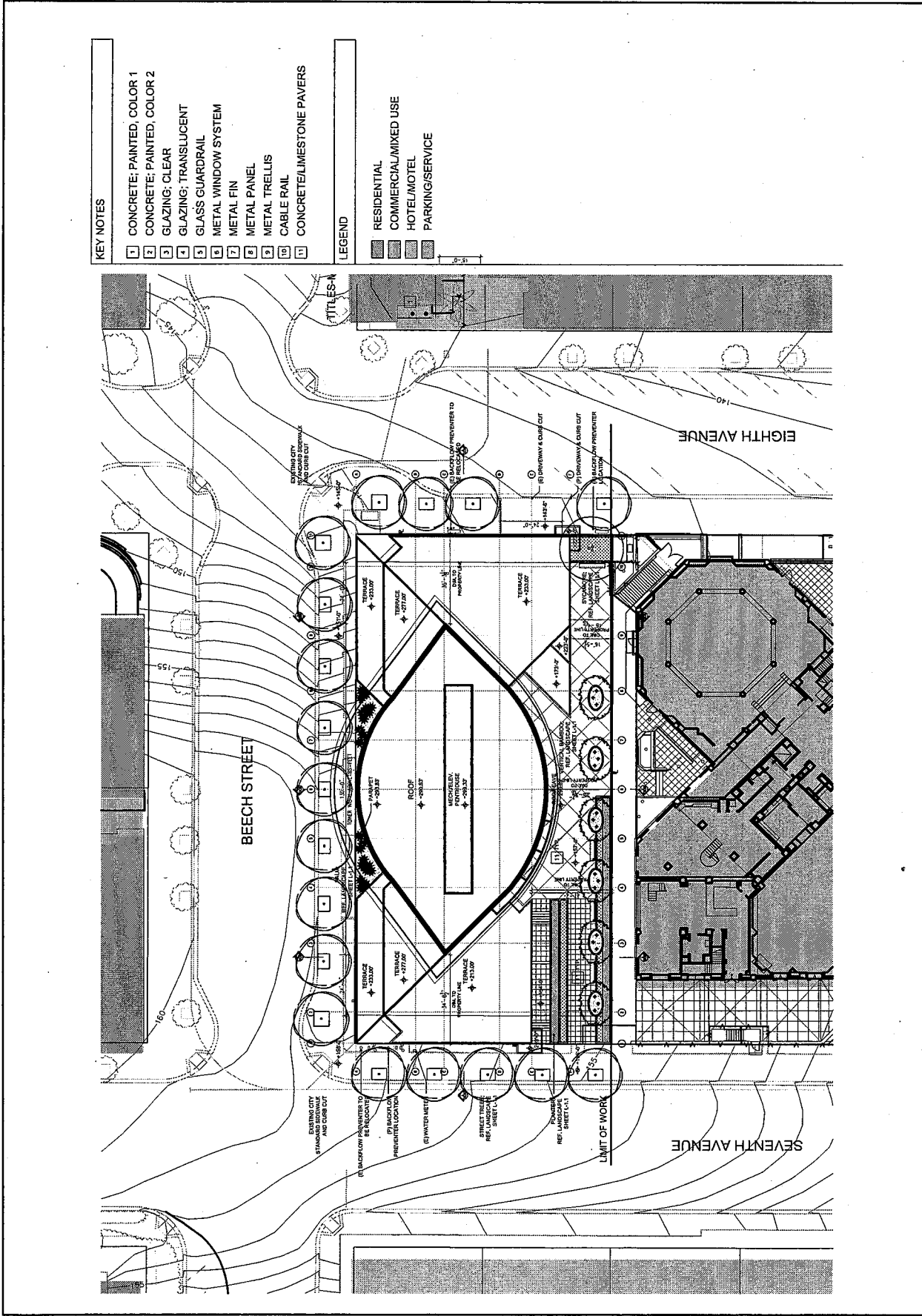


Figure 3  
 Site Plan  
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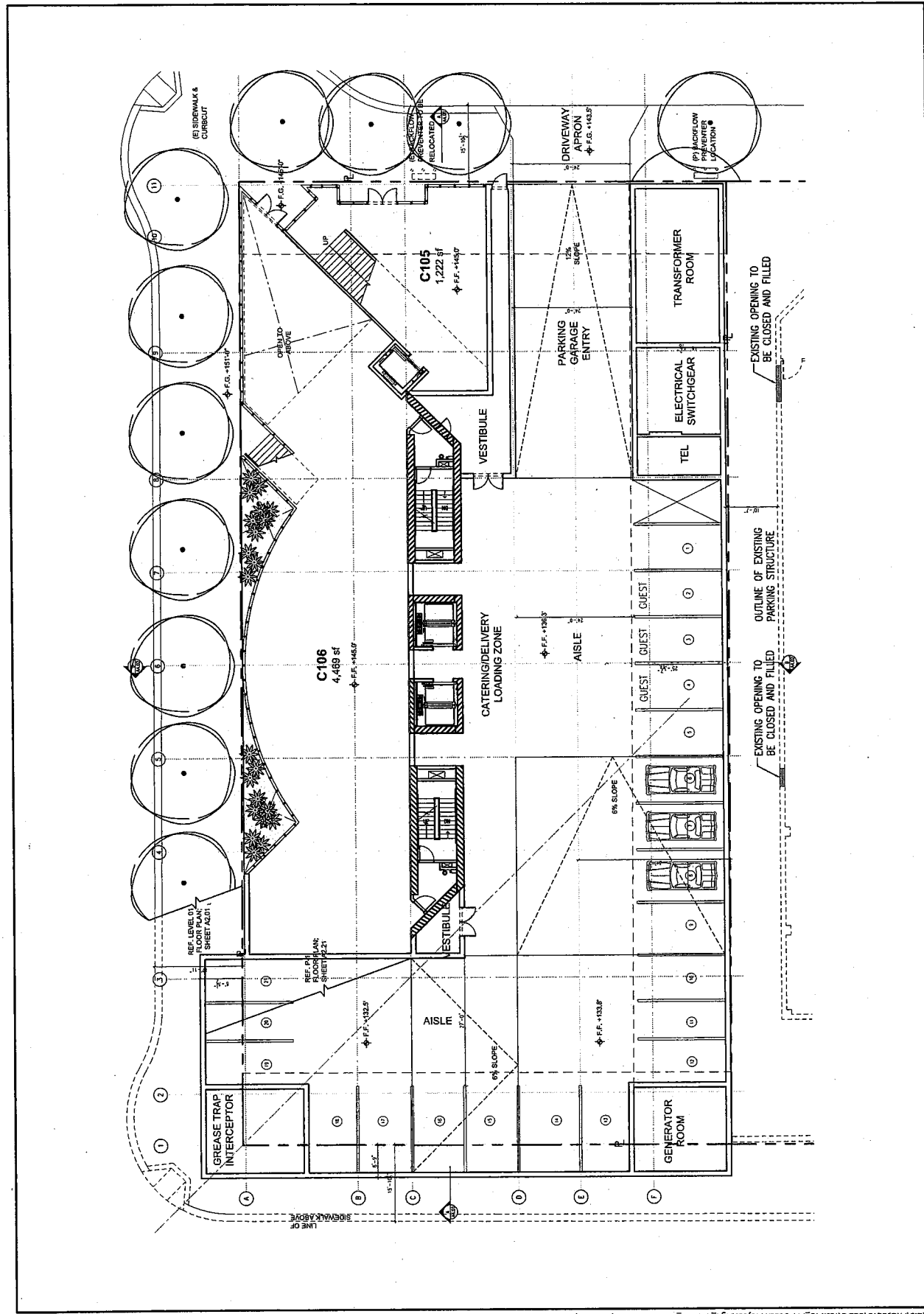


Figure 4  
Ground Floor  
January 2008

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NO SCALE

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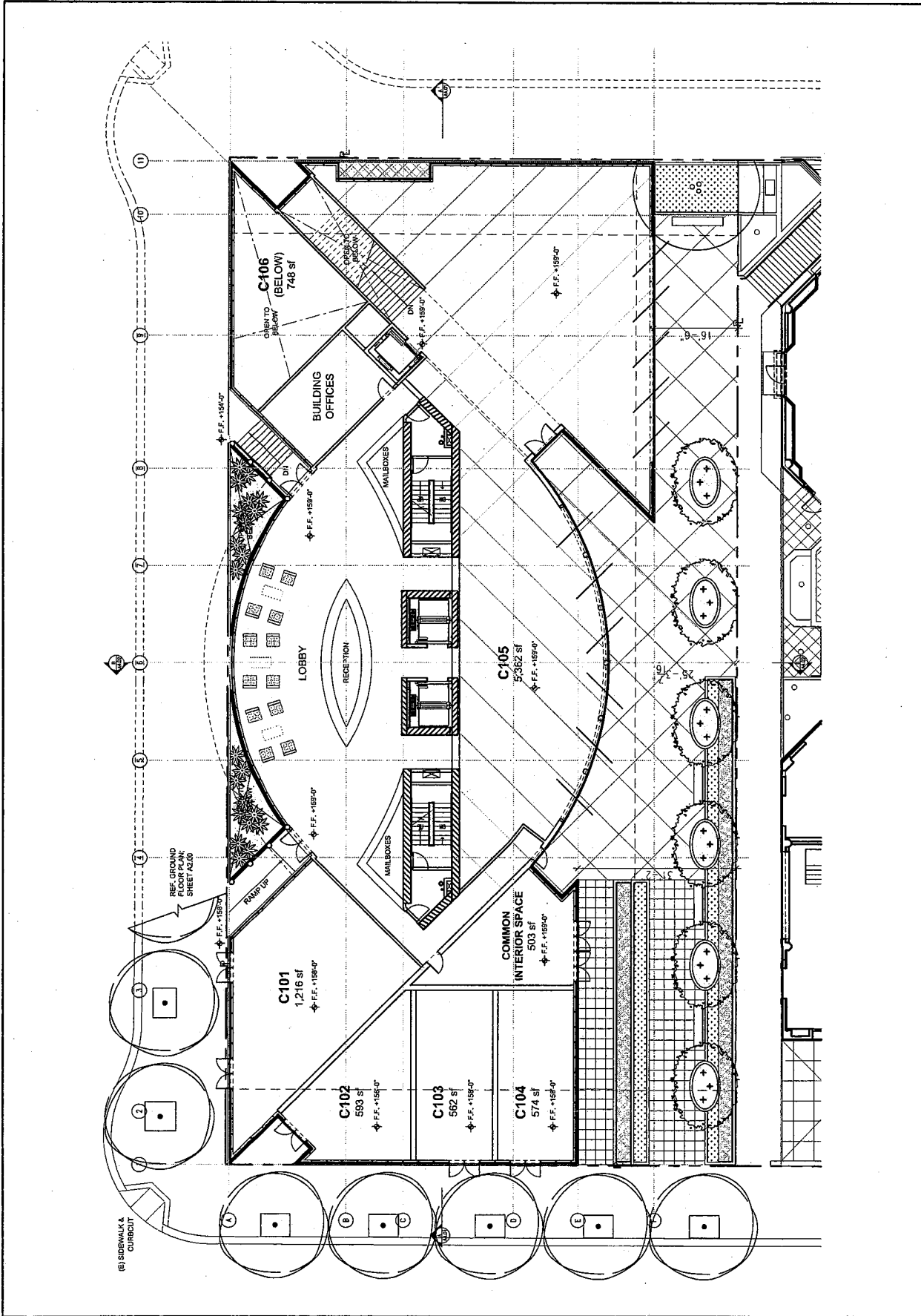


Figure 5  
Level 1

January 2008

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777 Beech Project  
CCDC Secondary Study

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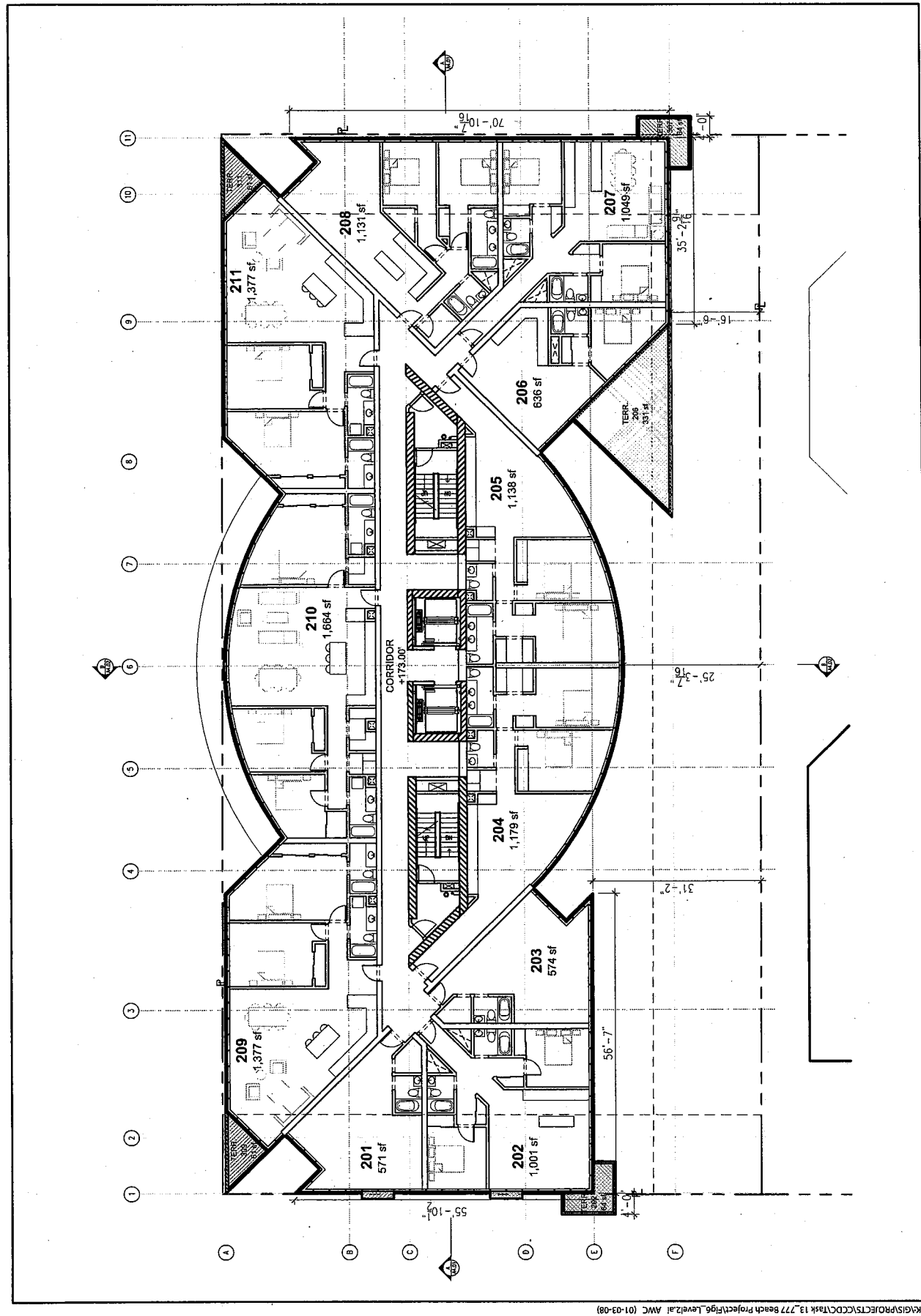
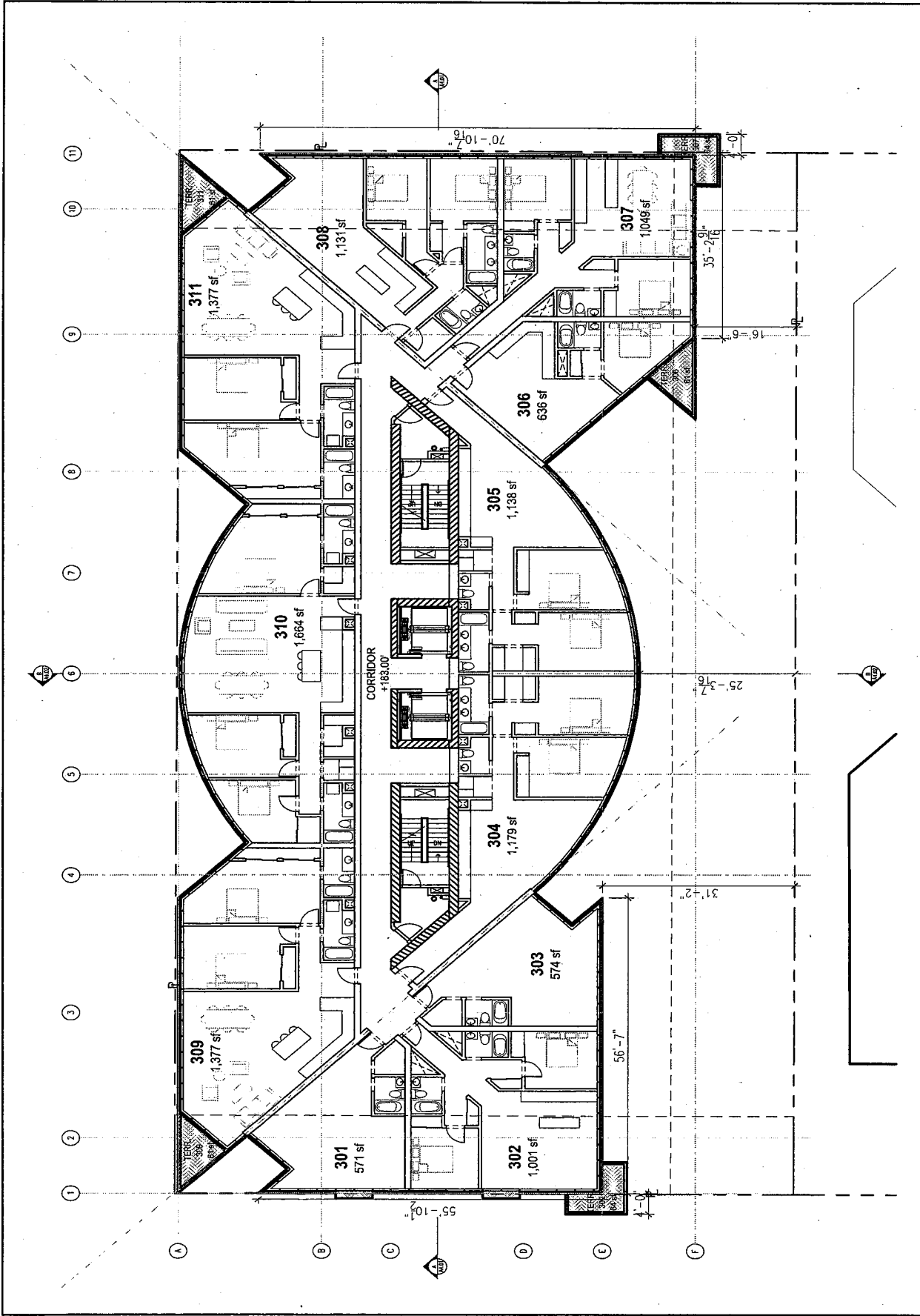


Figure 6  
Level 2  
January 2008

N  
NO SCALE

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NO SCALE

Figure 7  
Level 3

January 2008

777 Beech Project  
CCDC Secondary Study

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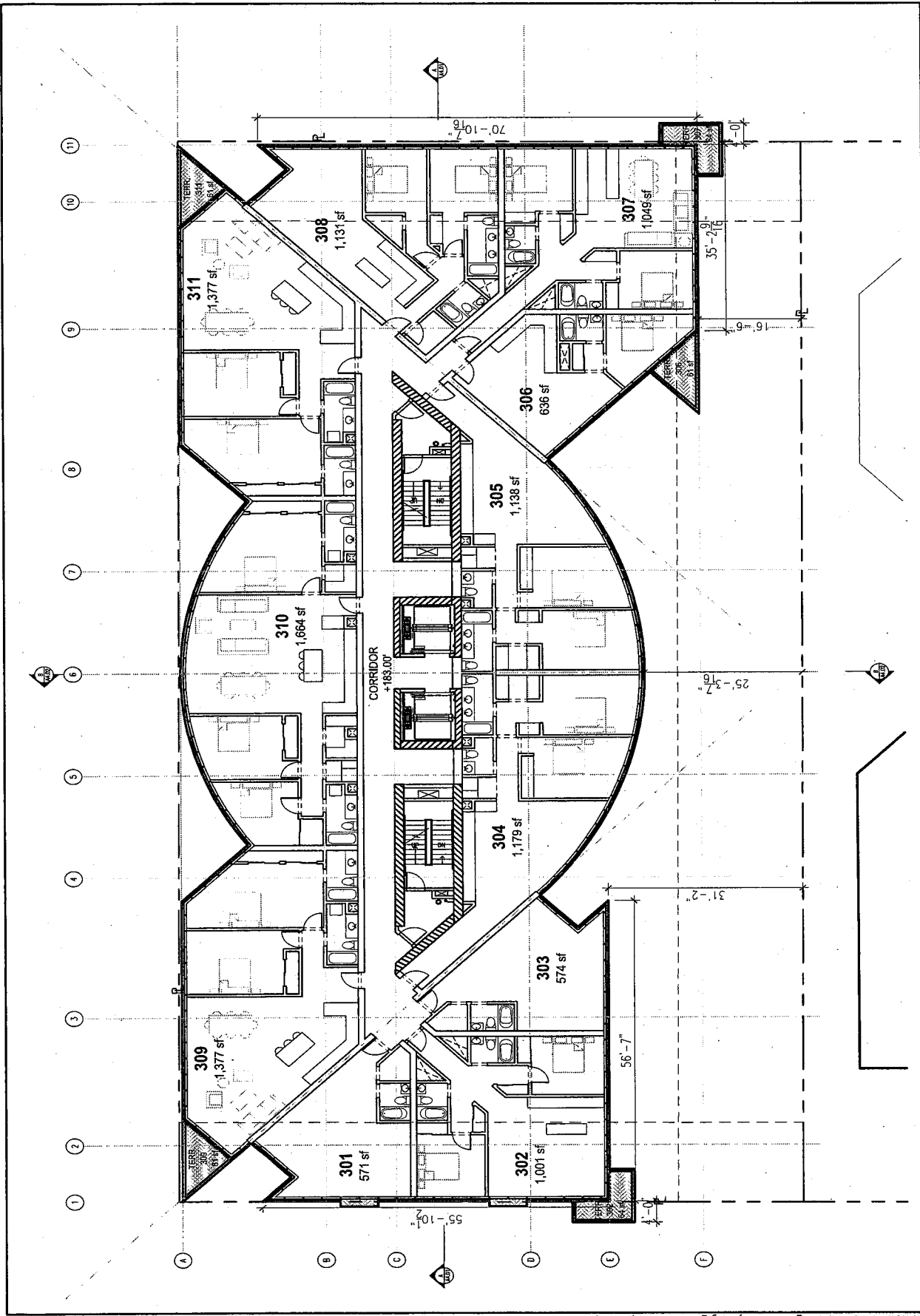
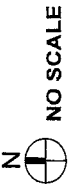
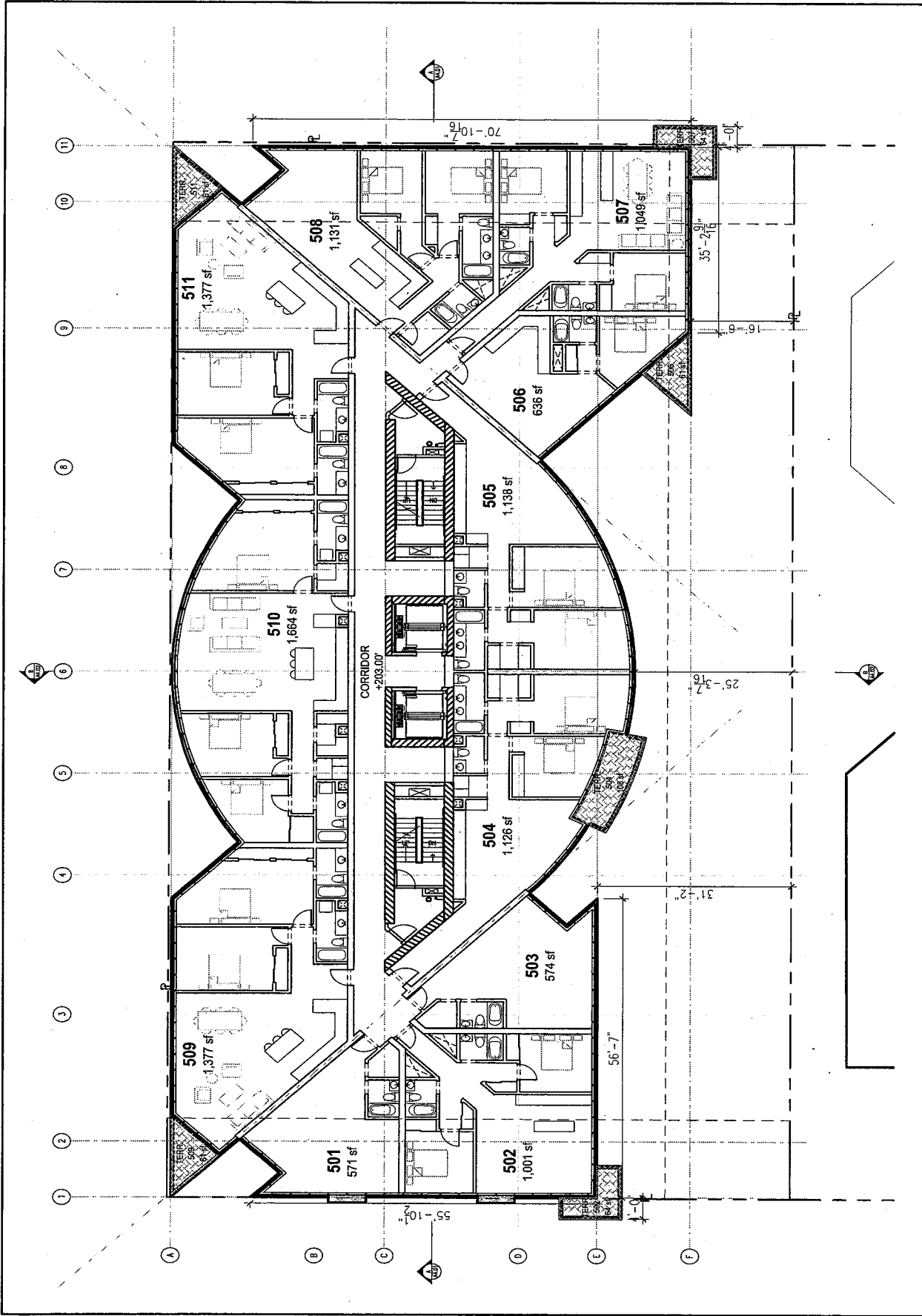


Figure 8  
Level 4  
January 2008

NO SCALE

777 Beech Project  
CCDC Secondary Study

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NO SCALE

777 Beech Project  
CCDC Secondary Study

Figure 9  
Level 5  
January 2008

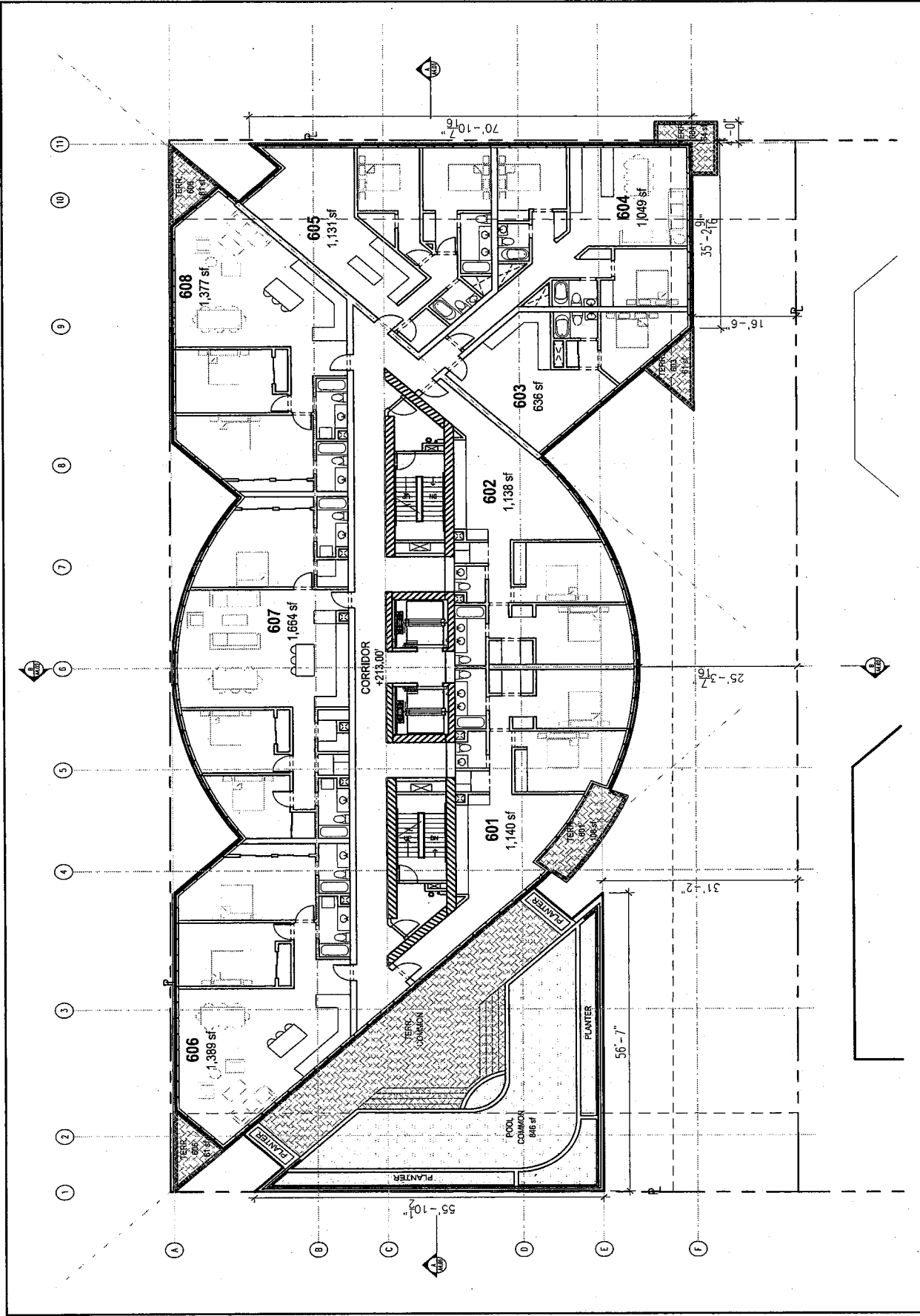


Figure 10  
Level 6  
January 2008

NO SCALE

777 Beech Project  
CCDC Secondary Study

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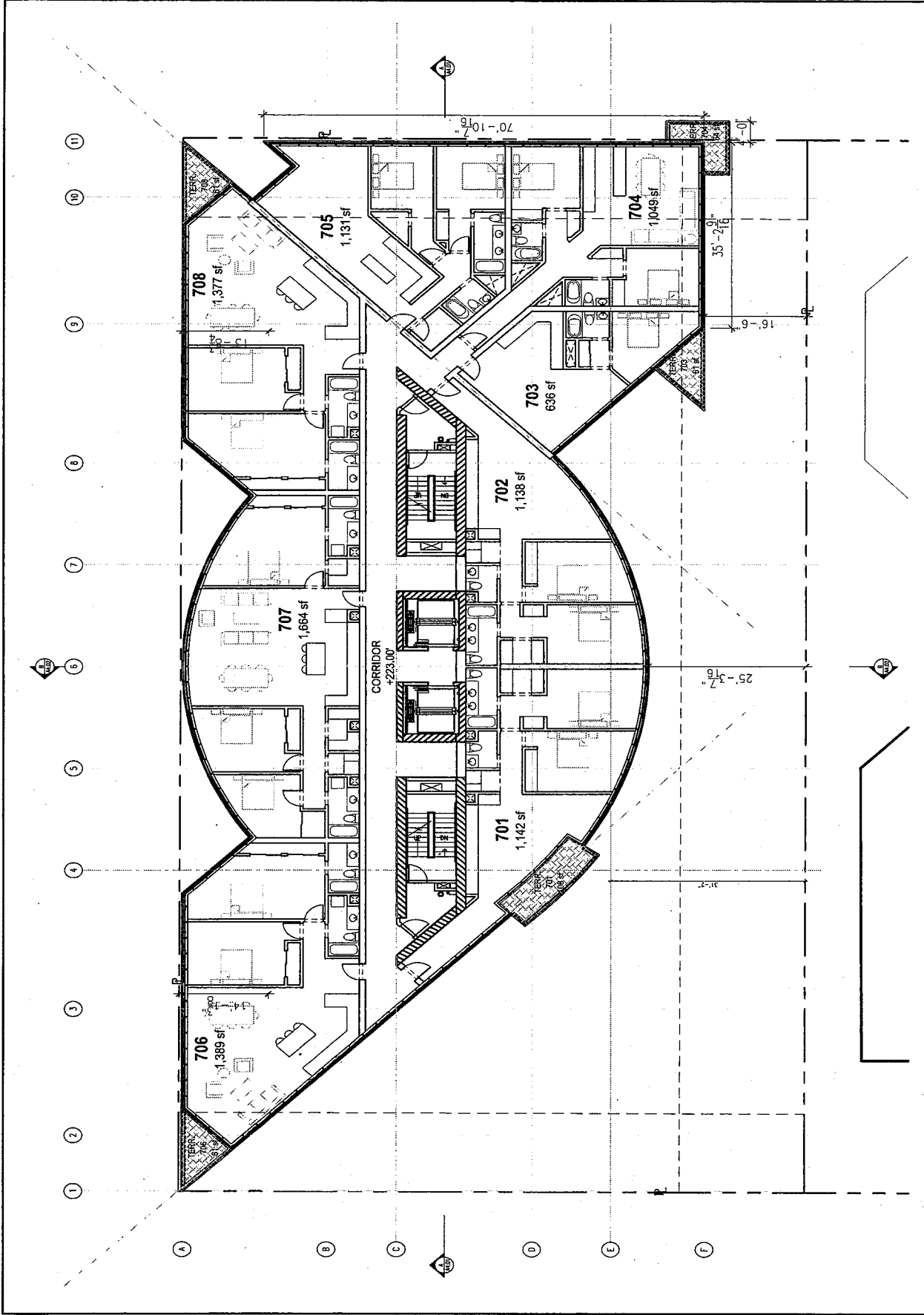


Figure 11  
Level 7

January 2008

NO SCALE  
N

777 Beech Project  
CCDC Secondary Study

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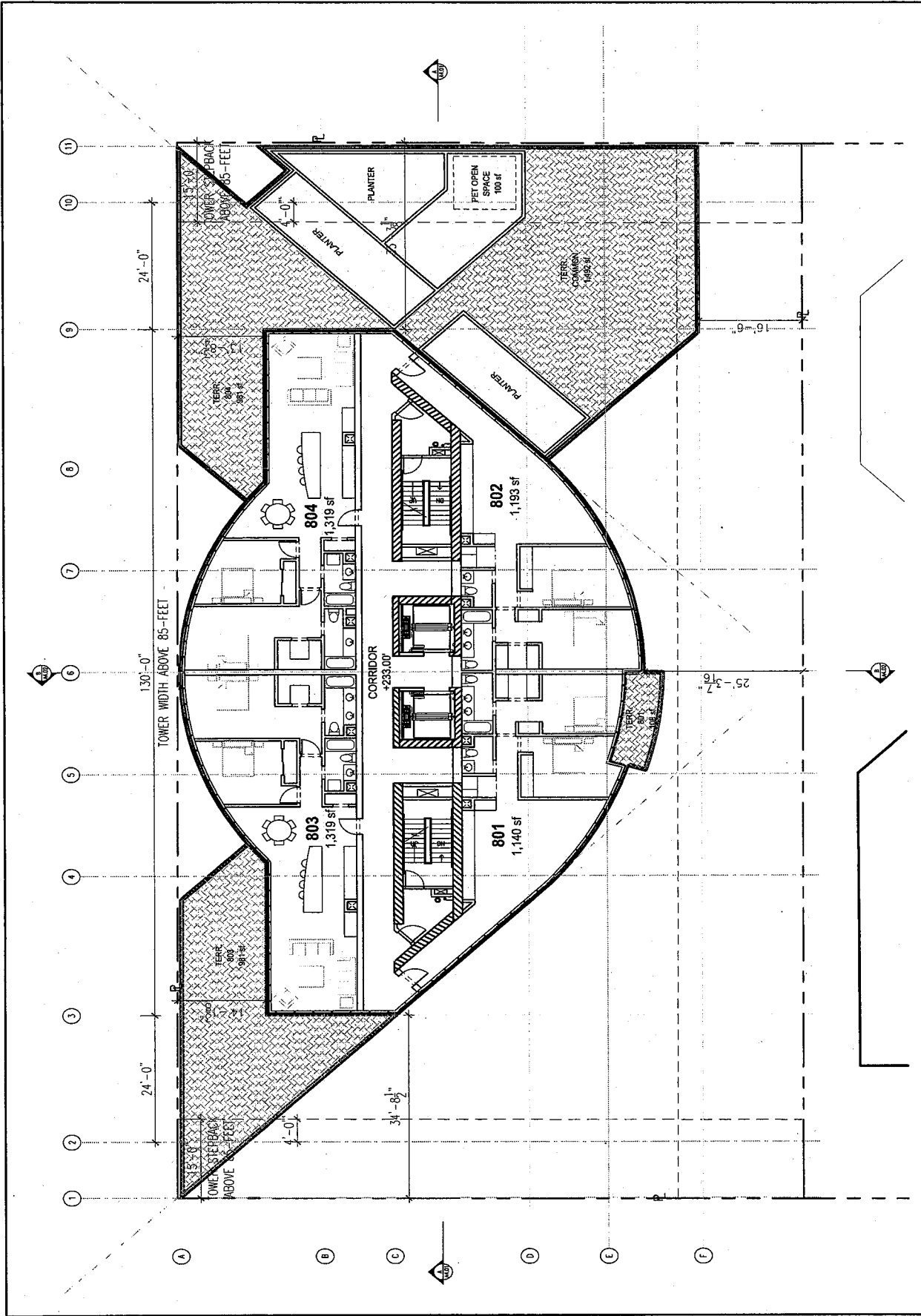


Figure 12  
Level 8  
January 2008

NO SCALE

777 Beech Project  
CCDC Secondary Study

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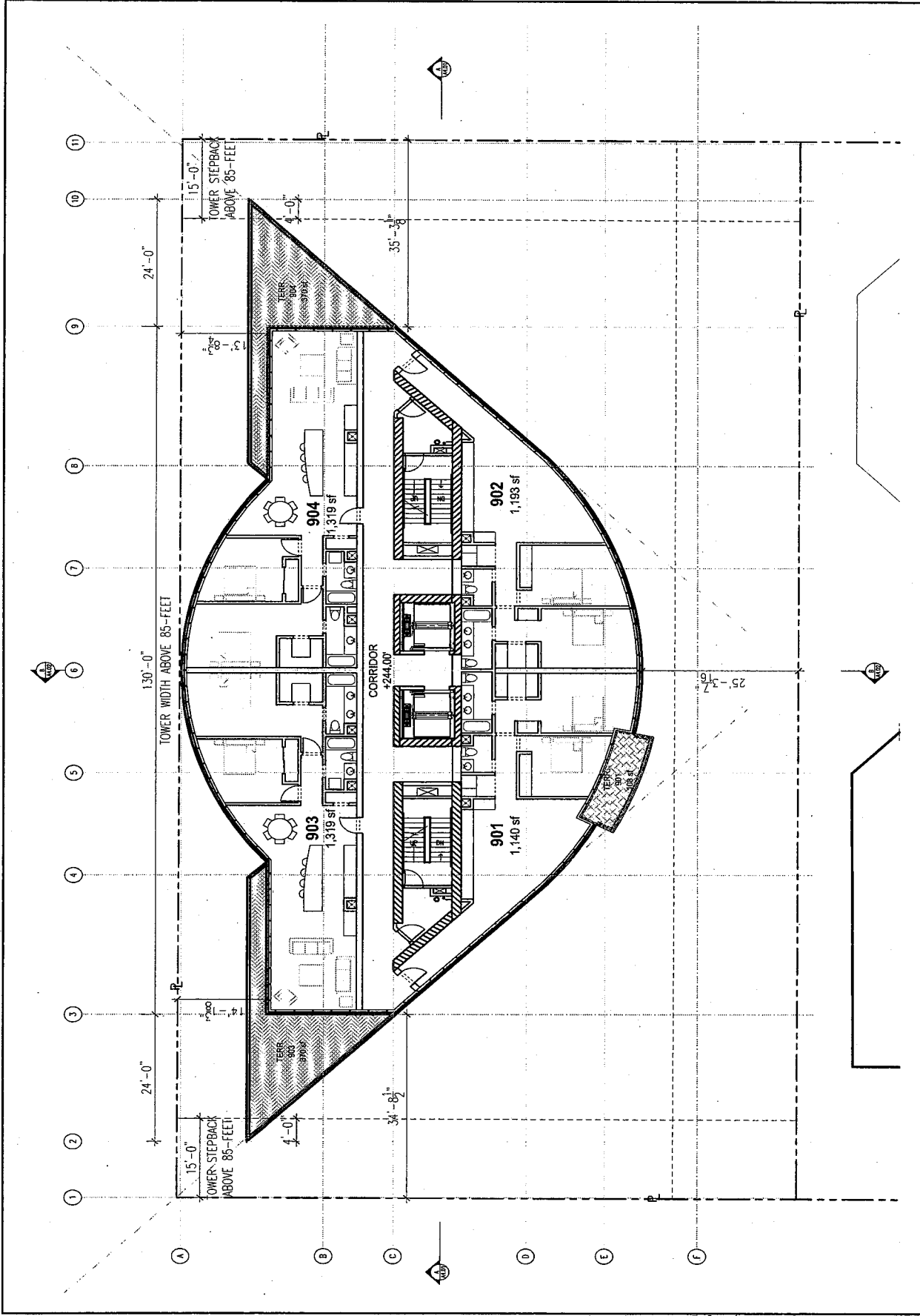


Figure 13  
Level 9  
January 2008

N  
NO SCALE

777 Beech Project  
CCDC Secondary Study

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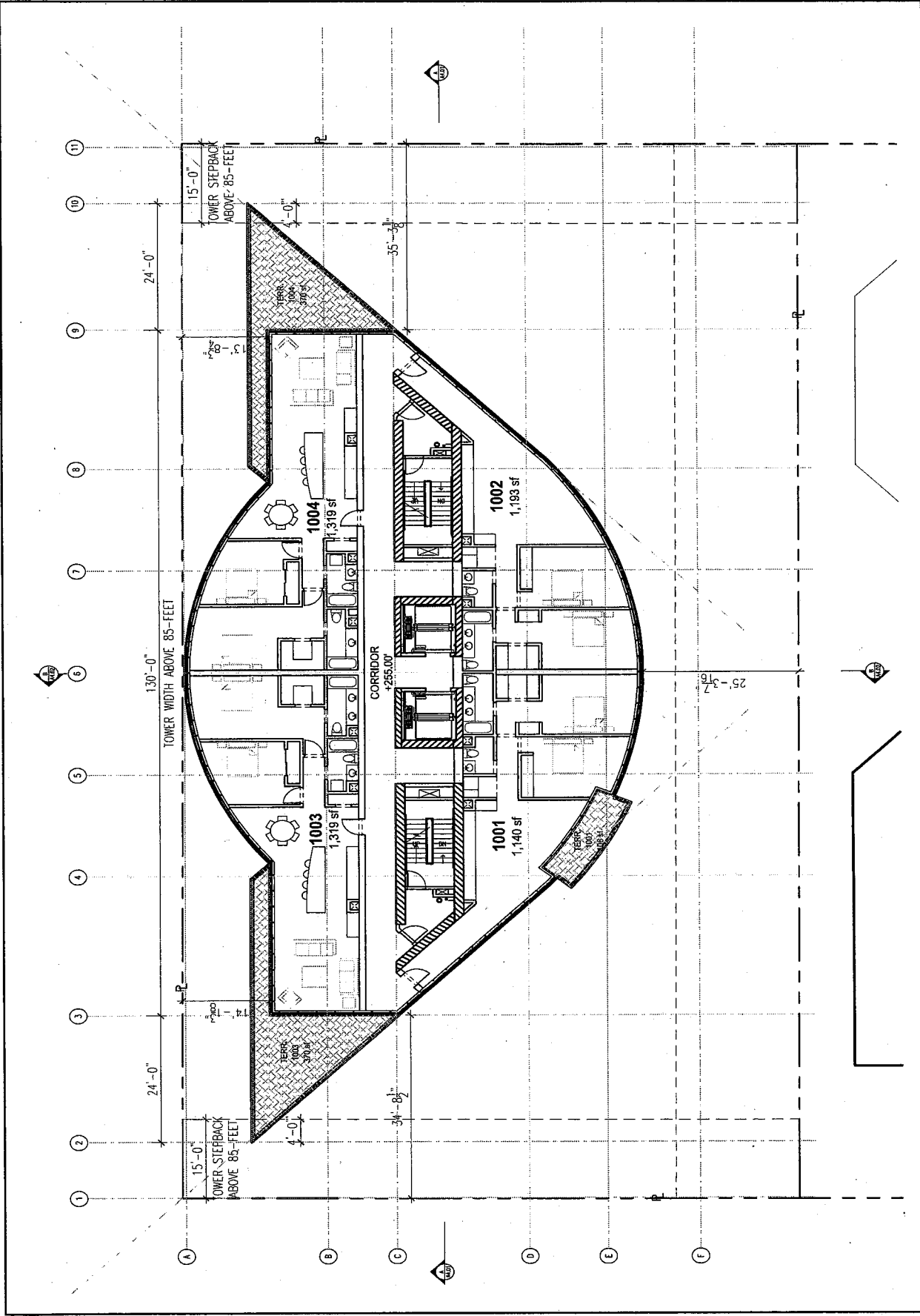


Figure 14  
Level 10  
January 2008

NO SCALE

777 Beech Project  
CCDC Secondary Study

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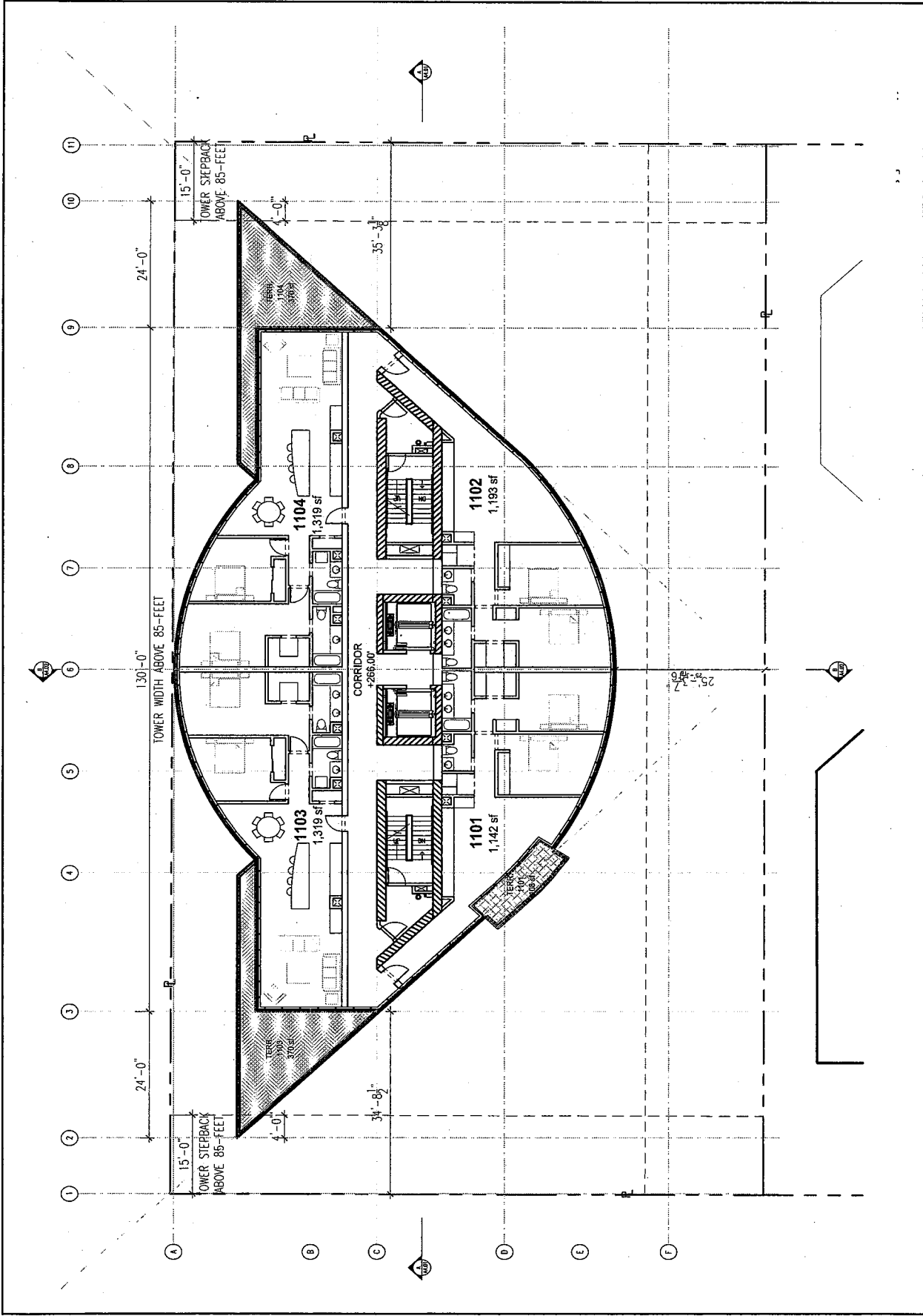


Figure 15  
Level 11  
January 2008

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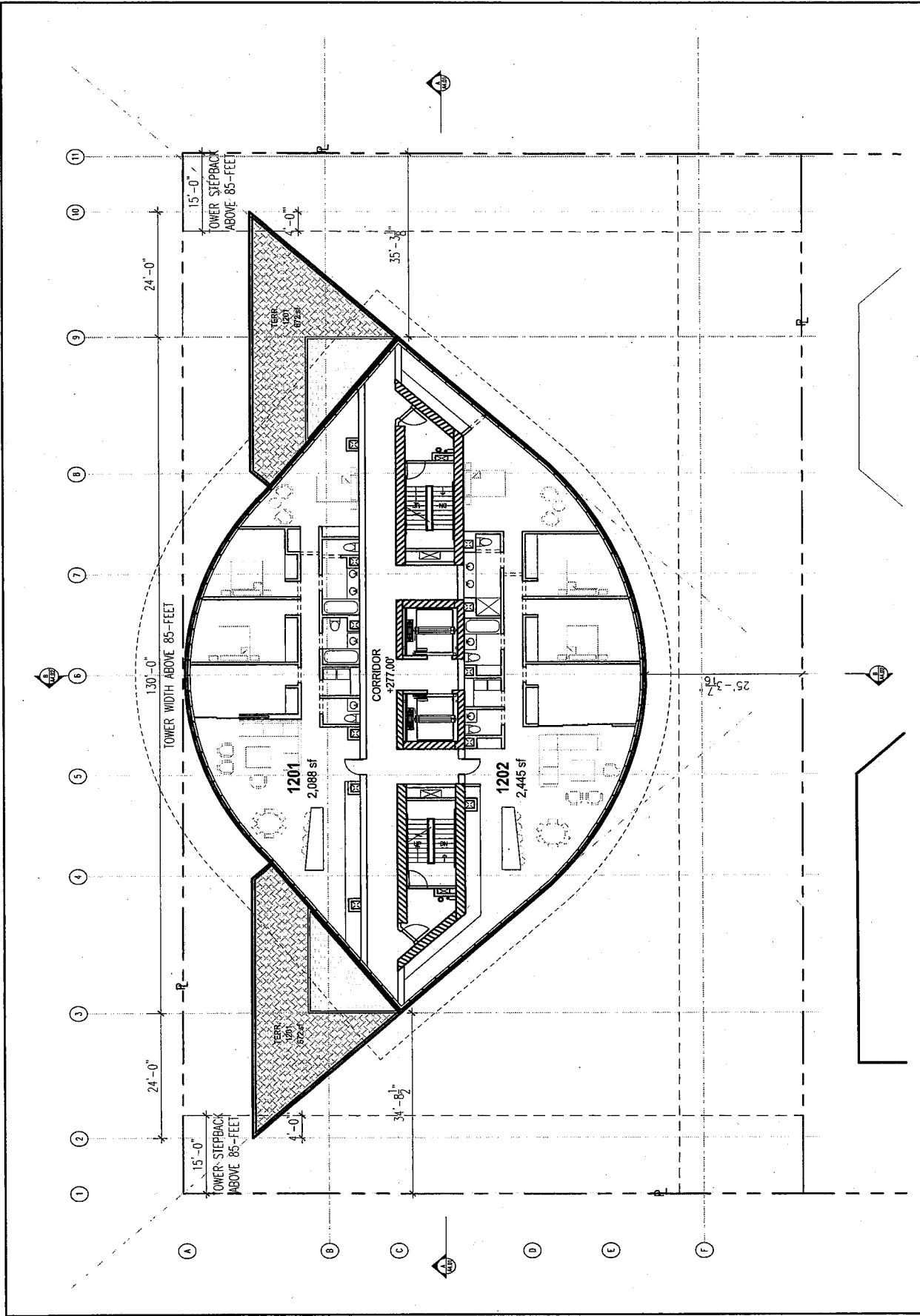


Figure 16  
Level 12  
January 2008

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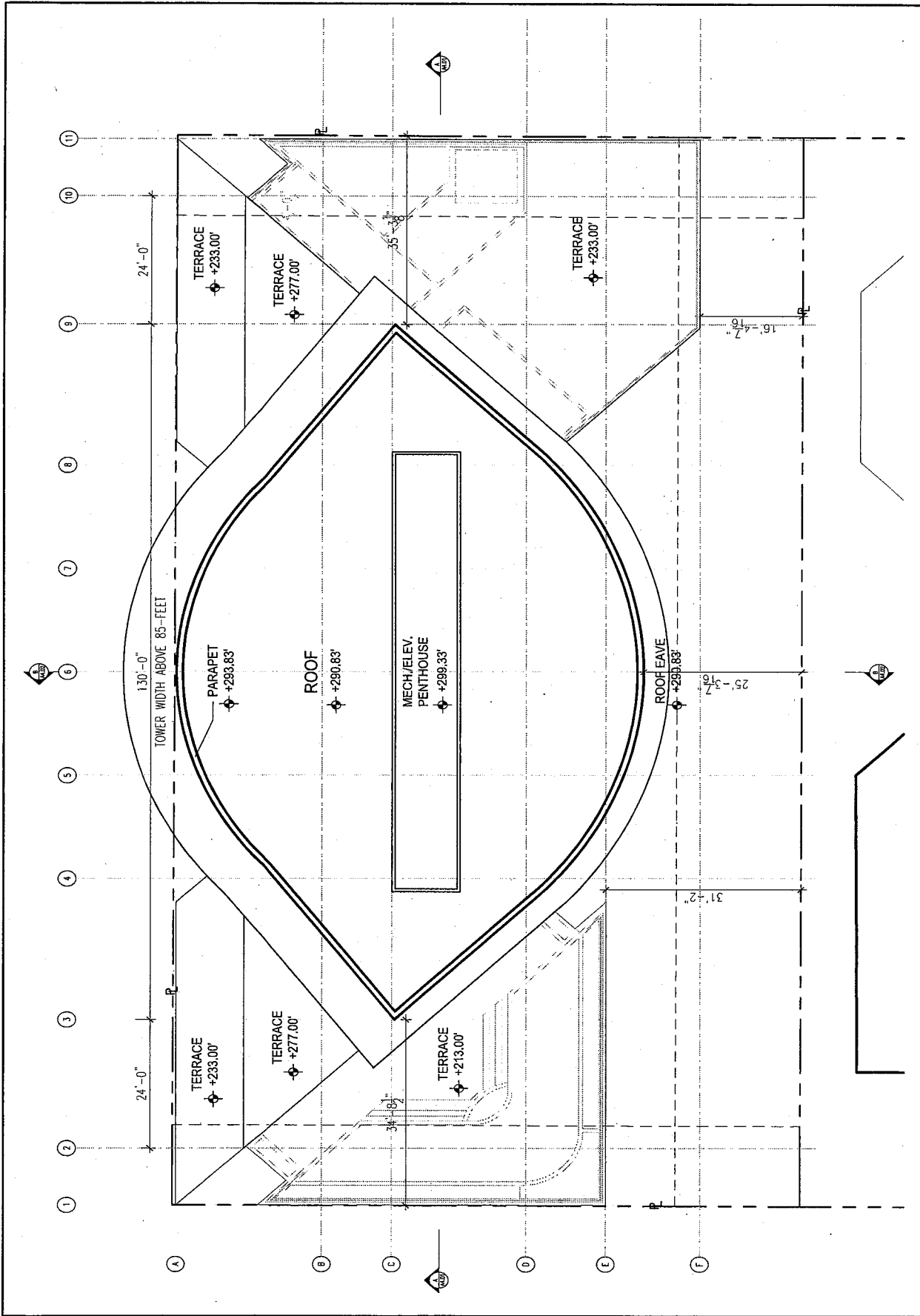


Figure 17  
Roof Plan  
January 2008

NO SCALE

777 Beech Project  
CCDC Secondary Study

KEY NOTES

- 1 CONCRETE; PAINTED, COLOR 1
- 2 CONCRETE; PAINTED, COLOR 2
- 3 GLAZING; CLEAR
- 4 GLAZING; TRANSLUCENT
- 5 GLASS GUARDRAIL
- 6 METAL WINDOW SYSTEM
- 7 METAL FIN
- 8 METAL PANEL
- 9 METAL TRELIS
- 10 CABLE RAIL
- 11 CONCRETE/LIMESTONE PAVERS

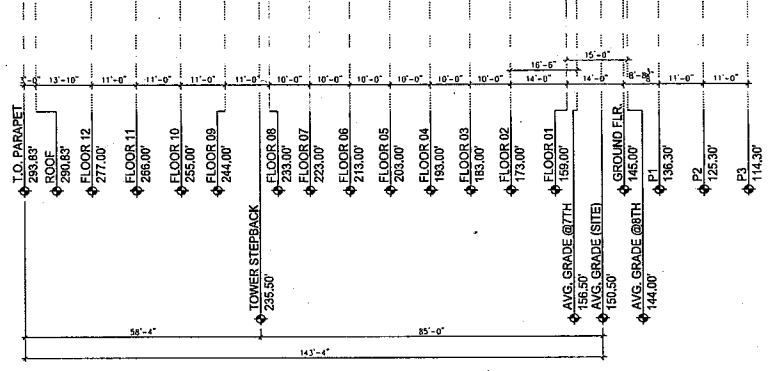
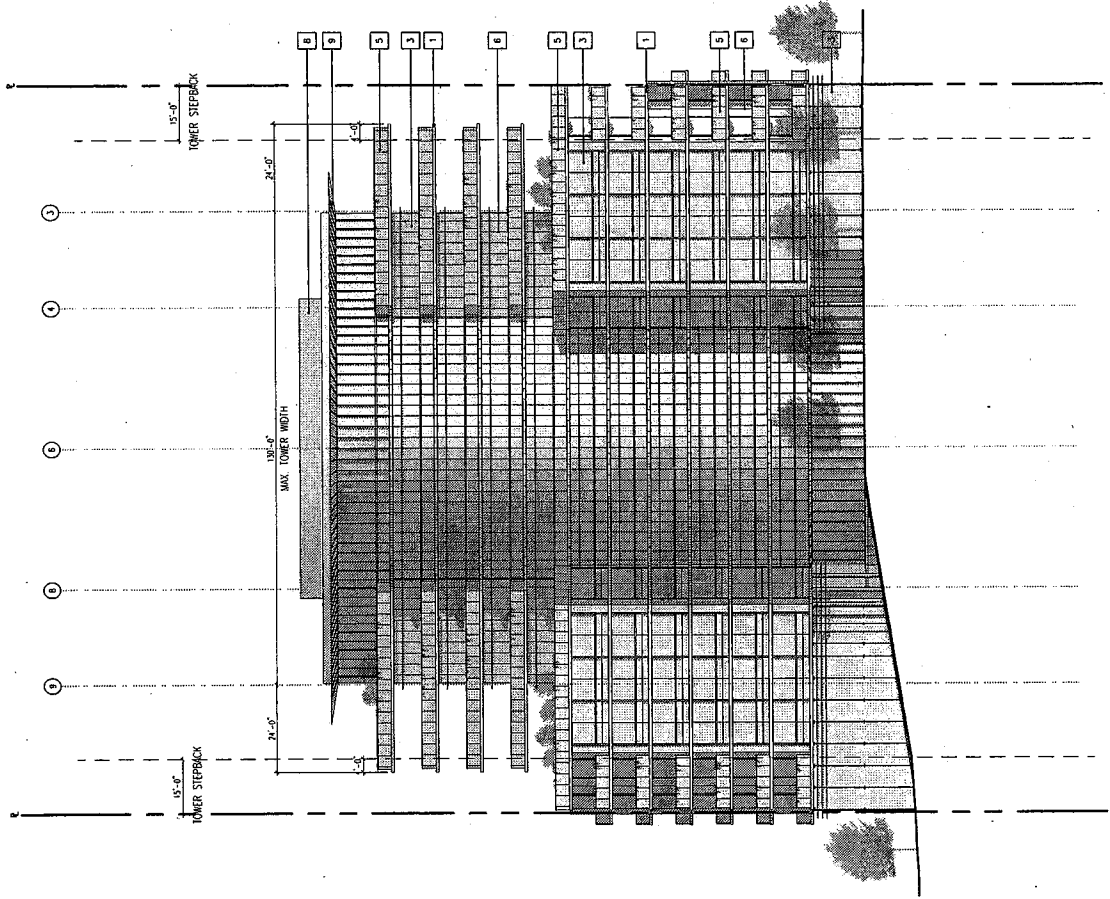


Figure 18  
North Elevation  
January 2008

NO SCALE  
777 Beech Project  
CCDC Secondary Study

**KEY NOTES**

- 1 CONCRETE; PAINTED, COLOR 1
- 2 CONCRETE; PAINTED, COLOR 2
- 3 GLAZING; CLEAR
- 4 GLAZING; TRANSLUCENT
- 5 GLASS GUARDRAIL
- 6 METAL WINDOW SYSTEM
- 7 METAL FIN
- 8 METAL PANEL
- 9 METAL TRELLIS
- 10 CABLE RAIL
- 11 CONCRETE/LIMESTONE PAVERS

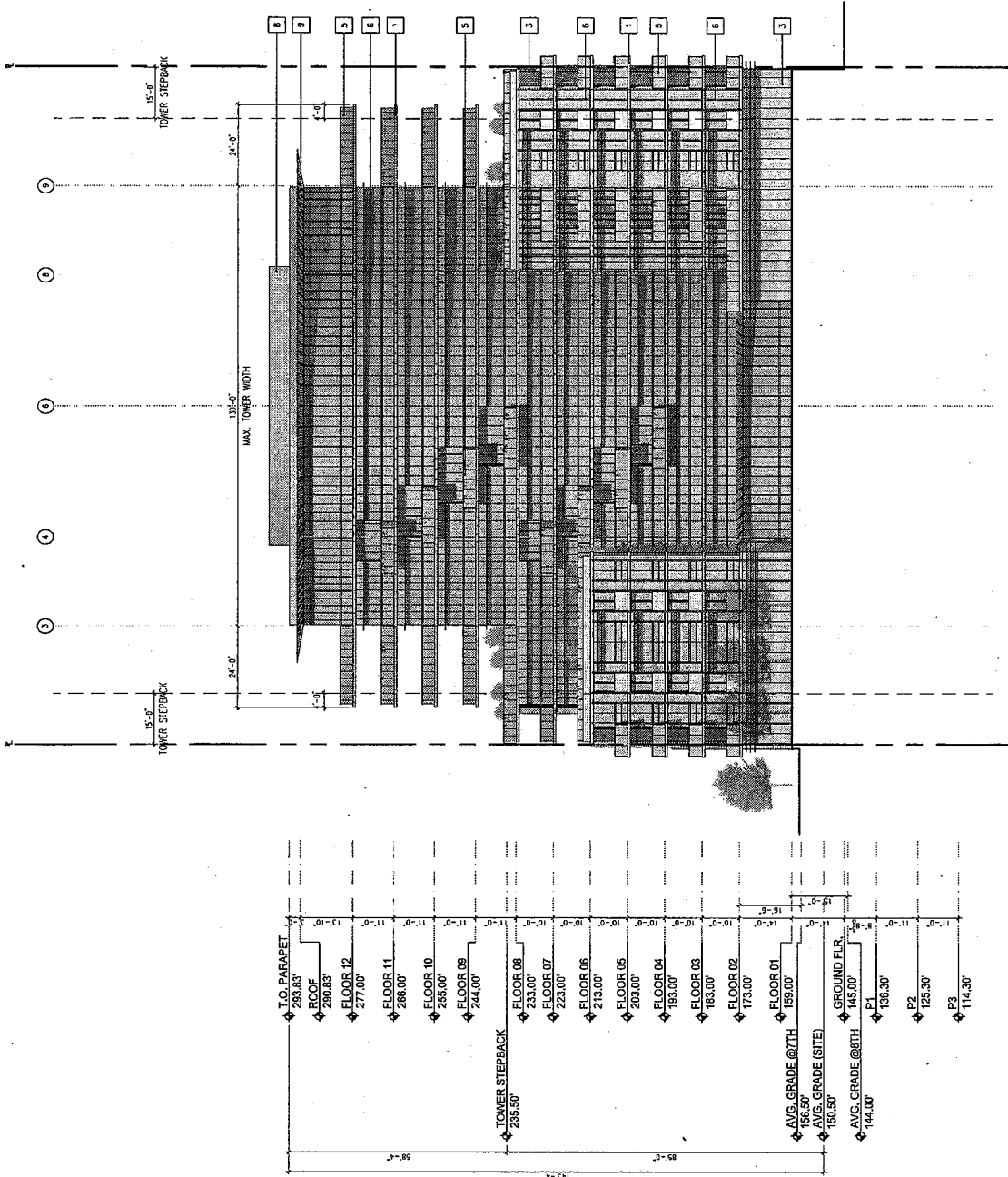


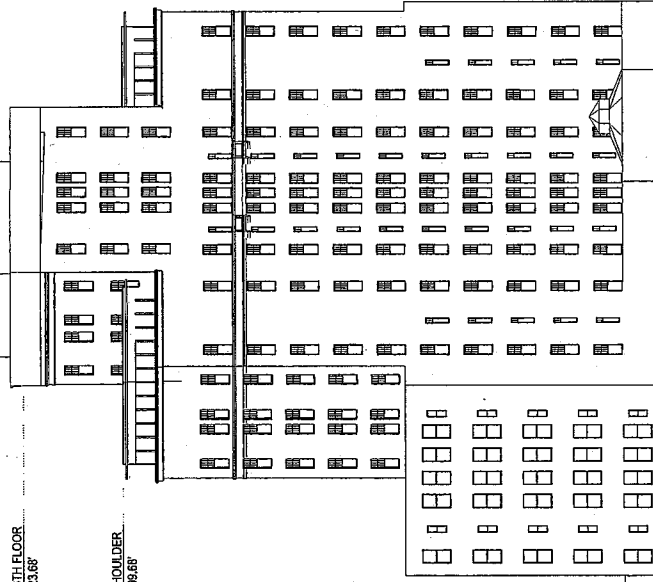
Figure 19  
South Elevation  
January 2008

NO SCALE  
777 Beech Project  
CCDC Secondary Study

K:\GIS\PROJECTS\CCDC\Task 13\_777 Beech Project\Fig19\_South.ai (01-03-08)

JE EL  
CORTEZ

TOP OF SIGN ..... 367.90'  
 ROOF HIGH POINT ..... 346.35'  
 15TH FLOOR ..... 323.66'  
 SHOULDER ..... 299.66'



- KEY NOTES
- 1 CONCRETE; PAINTED, COLOR 1
  - 2 CONCRETE; PAINTED, COLOR 2
  - 3 GLAZING; CLEAR
  - 4 GLAZING; TRANSLUCENT
  - 5 GLASS GUARDRAIL
  - 6 METAL WINDOW SYSTEM
  - 7 METAL FIN
  - 8 METAL PANEL
  - 9 METAL TRELIS
  - 10 CABLE RAIL
  - 11 CONCRETE/LIMESTONE PAVERS

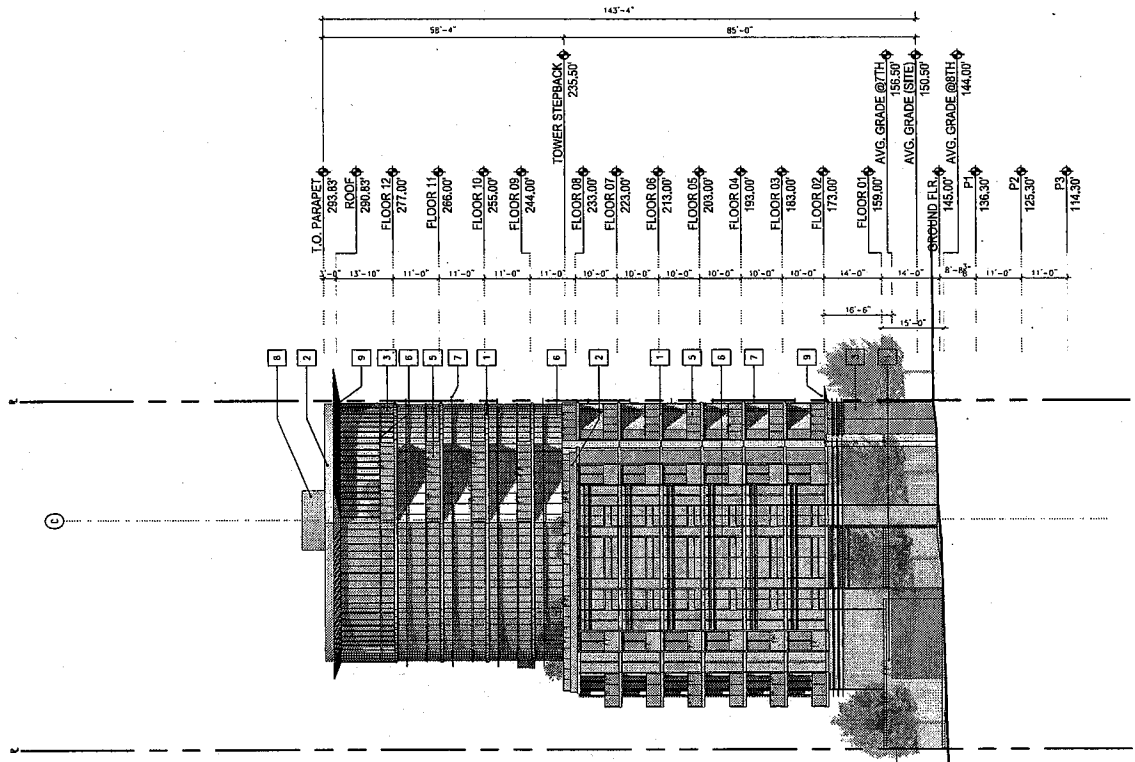


Figure 20  
 East Elevation  
 January 2008

NO SCALE

777 Beech Project  
 CCDC Secondary Study



KEY NOTES

- 1 CONCRETE; PAINTED, COLOR 1
- 2 CONCRETE; PAINTED, COLOR 2
- 3 GLAZING; CLEAR
- 4 GLAZING; TRANSLUCENT
- 5 GLASS GUARDRAIL
- 6 METAL WINDOW SYSTEM
- 7 METAL FIN
- 8 METAL PANEL
- 9 METAL TRELLIS
- 10 CABLE RAIL
- 11 CONCRETE/LIMESTONE PAVERS

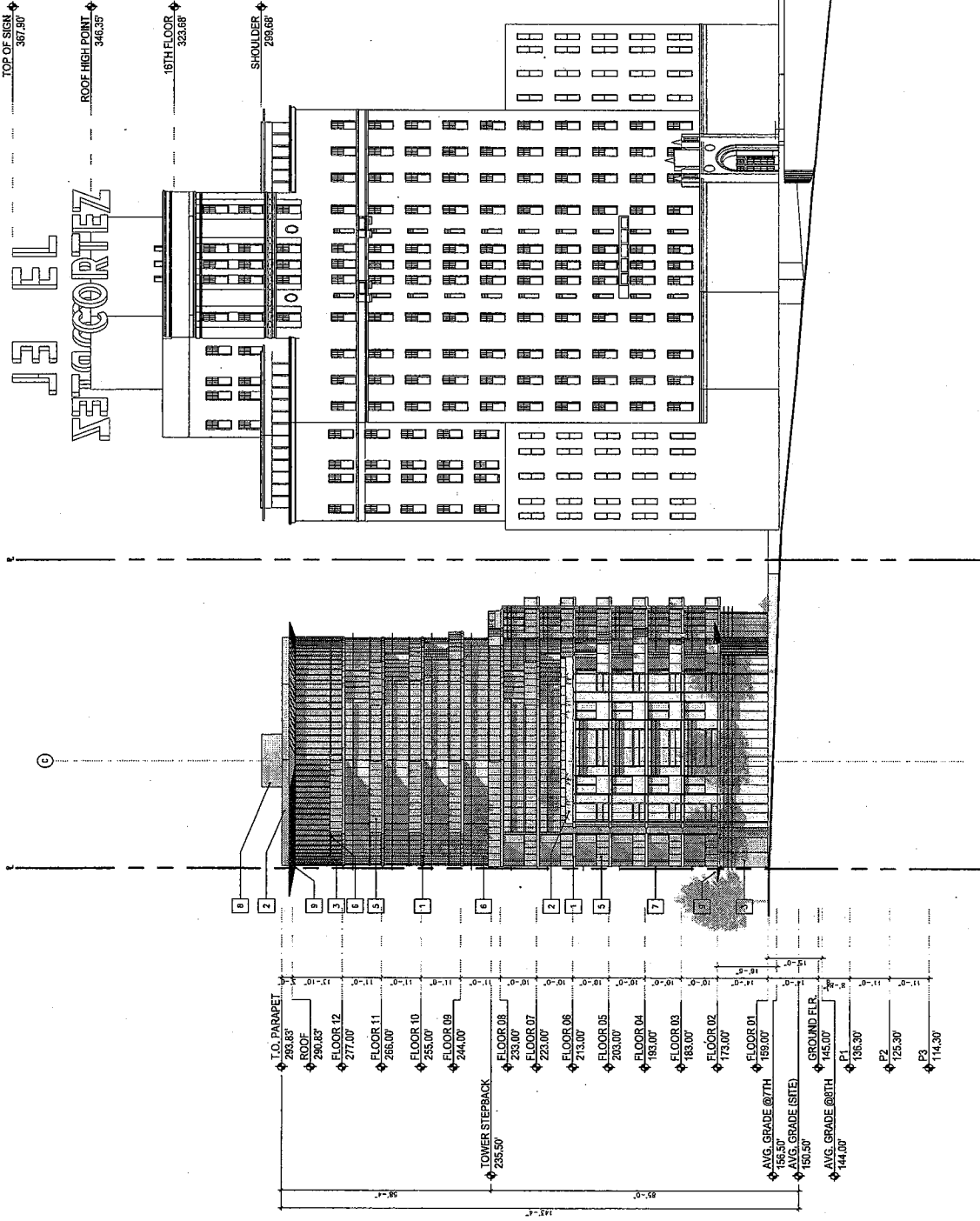


Figure 21  
West Elevation  
January 2008

NO SCALE  
777 Beech Project  
CCDC Secondary Study



SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
<p><b>AIR QUALITY (AQ)</b></p> <p><b>Impact AQ-B.1:</b>                      Dust and construction equipment engine emissions generated during grading and demolition would impact local and regional air quality. (Direct and Cumulative)</p>	<p><b>Mitigation Measure AQ-B.1-1:</b> Prior to approval of a Grading or Demolition Permit, the City shall confirm that the following conditions have been applied, as appropriate:</p> <ol style="list-style-type: none"> <li>1. Exposed soil areas shall be watered twice per day. On windy days or when fugitive dust can be observed leaving the development site, additional applications of water shall be applied as necessary to prevent visible dust plumes from leaving the development site. When wind velocities are forecast to exceed 25 miles per hour, all ground disturbing activities shall be halted until winds that are forecast to abate below this threshold.</li> <li>2. Dust suppression techniques shall be implemented including, but not limited to, the following:                             <ol style="list-style-type: none"> <li>a. Portions of the construction site to remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the CCDC.</li> <li>b. On-site access points shall be paved as soon as feasible or watered periodically or otherwise stabilized.</li> <li>c. Material transported offsite shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.</li> <li>d. The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times.</li> </ol> </li> <li>3. Vehicles on the construction site shall travel at speeds less than 15 miles per hour.</li> <li>4. Material stockpiles subject to wind erosion during construction activities, which will not be utilized within three days, shall be covered with plastic, an alternative cover deemed equivalent to plastic, or sprayed with a nontoxic chemical stabilizer.</li> <li>5. Where vehicles leave the construction site and enter adjacent public streets, the streets shall be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface. Any visible</li> </ol>	<p>Prior to Demolition or Grading Permit (Design)</p>	<p>Developer</p>	<p>City</p>

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>track-out extending for more than fifty (50) feet from the access point shall be swept or washed within thirty (30) minutes of deposition.</p> <ol style="list-style-type: none"> <li>6. All diesel-powered vehicles and equipment shall be properly operated and maintained.</li> <li>7. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than five minutes, as required by state law.</li> <li>8. The construction contractor shall utilize electric or natural gas-powered equipment in lieu of gasoline or diesel-powered engines, where feasible.</li> <li>9. As much as possible, the construction contractor shall time the construction activities so as not to interfere with peak hour traffic. In order to minimize obstruction of through traffic lanes adjacent to the site, a flag-person shall be retained to maintain safety adjacent to existing roadways, if necessary.</li> <li>10. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.</li> <li>11. Low VOC coatings shall be used as required by SDAPCD Rule 67. Spray equipment with high transfer efficiency, such as the high volume-low pressure (HPLV) spray method, or manual coatings application such as paint brush hand roller, trowel, spatula, dauber, rag, or sponge, shall be used to reduce VOC emissions, where feasible.</li> <li>12. If construction equipment powered by alternative fuel sources (LPG/CNG) is available at comparable cost, the developer shall specify that such equipment be used during all construction activities on the development site.</li> <li>13. The developer shall require the use of particulate filters on diesel construction equipment if use of such filters is demonstrated to be cost-competitive for use on this development.</li> <li>14. During demolition activities, safety measures as required by City/County/State for removal of toxic or hazardous materials shall be utilized.</li> <li>15. Rubble piles shall be maintained in a damp state to minimize dust generation.</li> <li>16. During finish work, low-VOC paints and efficient transfer systems shall be utilized, to the extent possible.</li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>17. If alternative-fueled and/or particulate filter-equipped construction equipment is not feasible, construction equipment shall use the newest, least-polluting equipment, whenever possible.</p>			
<b>HISTORICAL RESOURCES (HIST)</b>				
<p><b>Impact HIST-B.1:</b> Development in downtown could impact significant buried archaeological resources. (Direct and Cumulative)</p>	<p><i>Mitigation Measure HIST-B.1-I:</i> If the potential exists for archaeological resources, the following measures shall be implemented.</p> <p><b>I. Prior to Permit Issuance</b></p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> <li>1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, the Centre City Development Corporation (CCDC) shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.</li> <li>B. Letters of Qualification have been submitted to CCDC                             <ol style="list-style-type: none"> <li>1. The applicant shall submit a letter of verification to CCDC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.</li> <li>2. CCDC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.</li> <li>3. Prior to the start of work, the applicant must obtain approval from CCDC for any personnel changes associated with the monitoring program.</li> </ol> </li> </ol> <p><b>II. Prior to Start of Construction</b></p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> <li>1. The PI shall provide verification to CCDC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a</li> </ol>	<p>Prior to Demolition or Grading Permit (Design)</p> <p>Prior to Certificate of Occupancy (Implementation)</p>	<p>Developer</p>	<p>CCDC</p>

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>confirmation letter from South Coast Information Center, or if the search was in-house, a letter of verification from the PI stating that the search was completed.</p> <ol style="list-style-type: none"> <li>2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.</li> <li>3. The PI may submit a detailed letter to CCDC requesting a reduction to the ¼ mile radius.</li> </ol> <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> <li>1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and CCDC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.             <ol style="list-style-type: none"> <li>(a) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with CCDC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</li> </ol> </li> <li>2. Archaeological Monitoring Plan (AMP)             <ol style="list-style-type: none"> <li>(a) Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Plan which describes how the monitoring would be accomplished for approval by CCDC. The AMP shall include an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to CCDC identifying the areas to be monitored including the delineation of grading/excavation limits.</li> <li>(b) The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).</li> <li>(c) Prior to the start of any work, the PI shall also submit a construction schedule to CCDC through the RE indicating when and where monitoring will occur.</li> <li>(d) The PI may submit a detailed letter to CCDC prior to the start of work or during construction requesting a</li> </ol> </li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.</p> <p><b>III. During Construction</b></p> <p><b>A. Monitor Shall be Present During Grading/Excavation/Trenching</b></p> <ol style="list-style-type: none"> <li>1. The monitor shall be present full-time during soil remediation and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and CCDC of changes to any construction activities.</li> <li>2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to CCDC.</li> <li>3. The PI may submit a detailed letter to CCDC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.</li> </ol> <p><b>B. Discovery Notification Process</b></p> <ol style="list-style-type: none"> <li>1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or PI, as appropriate.</li> <li>2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</li> <li>3. The PI shall immediately notify CCDC by phone of the discovery, and shall also submit written documentation to CCDC within 24 hours by fax or email with photos of the resource in context, if possible.</li> </ol> <p><b>C. Determination of Significance</b></p>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.</p> <p>(a) The PI shall immediately notify CCDC by phone to discuss significance determination and shall also submit a letter to CCDC indicating whether additional mitigation is required.</p> <p>(b) If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from CCDC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.</p> <p>(c) If resource is not significant, the PI shall submit a letter to CCDC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.</p> <p><b>IV. Discovery of Human Remains</b>                      If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:</p> <p>A. Notification</p> <ol style="list-style-type: none"> <li>1. Archaeological Monitor shall notify the RE or BI as appropriate, CCDC, and the PI, if the Monitor is not qualified as a PI.</li> <li>2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.</li> </ol> <p>B. Isolate discovery site</p> <ol style="list-style-type: none"> <li>1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.</li> <li>2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.</li> <li>3. If a field examination is not warranted, the Medical Examiner</li> </ol>			



SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.</p> <p>C. If Human Remains are determined to be Native American</p> <ol style="list-style-type: none"> <li>1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, only the Medical Examiner can make this call.</li> <li>2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.</li> <li>3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..</li> <li>4. The PI shall coordinate with the MLD for additional consultation.</li> <li>5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, if:             <ol style="list-style-type: none"> <li>(a) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;</li> <li>(b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.</li> </ol> </li> </ol> <p>D. If Human Remains are not Native American</p> <ol style="list-style-type: none"> <li>1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.</li> <li>2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).</li> <li>3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with CCDC, the applicant/landowner and the Museum of Man.</li> </ol> <p>V. Night Work</p> <p>A. If night work is included in the contract</p> <ol style="list-style-type: none"> <li>1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the pre-con meeting.</li> <li>2. The following procedures shall be followed.             <ol style="list-style-type: none"> <li>(a) No Discoveries</li> </ol> </li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>In the event that no discoveries were encountered during night work, the PI shall record the information on the CSV and submit to CCDC via fax by 9am the following morning, if possible.</p> <p>(b) Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.</p> <p>(c) Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed. The PI shall immediately contact CCDC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</p> <p>B. If night work becomes necessary during the course of construction</p> <ol style="list-style-type: none"> <li>1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.</li> <li>2. The RE, or BI, as appropriate, shall notify CCDC immediately.</li> </ol> <p>C. All other procedures described above shall apply, as appropriate.</p> <p><b>VI. Post Construction</b></p> <p>A. Submittal of Draft Monitoring Report</p> <ol style="list-style-type: none"> <li>1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to CCDC for review and approval within 90 days following the completion of monitoring.             <ol style="list-style-type: none"> <li>(a) For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.</li> <li>(b) Recording sites with State of California Department of Parks and Recreation The PI shall be responsible for recording (on the appropriate State of California Department of Park and</li> </ol> </li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.</p> <ol style="list-style-type: none"> <li>2. CCDC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</li> <li>3. The PI shall submit revised Draft Monitoring Report to CCDC for approval.</li> <li>4. CCDC shall provide written verification to the PI of the approved report.</li> <li>5. CCDC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</li> </ol> <p>B. Handling of Artifacts and Submittal of Collections Management Plan, if applicable</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.</li> <li>2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.</li> <li>3. The PI shall submit a Collections Management Plan to CCDC for review and approval for any project which results in a substantial collection of historical artifacts.</li> </ol> <p>C. Curation of artifacts: Accession Agreement and Acceptance Verification</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with CCDC and the Native American representative, as applicable.</li> <li>2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and CCDC.</li> </ol> <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> <li>1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one</li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>copy to CCDC (even if negative), within 90 days after notification from CCDC that the draft report has been approved.</p> <p>2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from CCDC which includes the Acceptance Verification from the curation institution.</p>			
<b>PALEONTOLOGICAL RESOURCES (PAL)</b>				
<p><b>Impact PAL-A.1:</b> Excavation in geologic formations with a moderate to high potential for paleontological resources could have an significant impact on these resources, if present. (Direct)</p>	<p><i>Mitigation Measure PAL-A.1-1:</i> In the event the Secondary Study indicates the potential for significant paleontological resources, the following measures shall be implemented as determined appropriate by CCDC.</p> <p><b>I. Prior to Permit Issuance</b></p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> <li>1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, Centre City Development Corporation (CCDC) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.</li> </ol> <p>B. Letters of Qualification have been submitted to CCDC</p> <ol style="list-style-type: none"> <li>1. The applicant shall submit a letter of verification to CCDC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.</li> <li>2. CCDC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.</li> <li>3. Prior to the start of work, the applicant shall obtain approval from CCDC for any personnel changes associated with the monitoring program.</li> </ol> <p><b>II. Prior to Start of Construction</b></p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> <li>1. The PI shall provide verification to CCDC that a site-specific records search has been completed. Verification includes, but is</li> </ol>	<p>Prior to Demolition, Grading or Building Permit (Design)</p> <p>Prior to Certicate of Occupancy (Implementation)</p>	<p>Developer</p>	<p>CCDC/City</p>

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.</p> <p>2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.</p> <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> <li>1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and CCDC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.             <ol style="list-style-type: none"> <li>a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with CCDC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</li> </ol> </li> <li>2. Identify Areas to be Monitored             <ol style="list-style-type: none"> <li>a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to CCDC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).</li> </ol> </li> <li>3. When Monitoring Will Occur             <ol style="list-style-type: none"> <li>a. Prior to the start of any work, the PI shall also submit a construction schedule to CCDC through the RE indicating when and where monitoring will occur.</li> <li>b. The PI may submit a detailed letter to CCDC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as</li> </ol> </li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.</p> <p><b>III. During Construction</b></p> <p>A. Monitor Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> <li>1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and CCDC of changes to any construction activities.</li> <li>2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of any discoveries. The RE shall forward copies to CCDC.</li> <li>3. The PI may submit a detailed letter to CCDC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formation soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.</li> </ol> <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> <li>1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.</li> <li>2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</li> <li>3. The PI shall immediately notify CCDC by phone of the discovery, and shall also submit written documentation to CCDC within 24 hours by fax or email with photos of the resource in context, if possible.</li> </ol> <p>C. Determination of Significance</p> <ol style="list-style-type: none"> <li>1. The PI shall evaluate the significance of the resource. <ol style="list-style-type: none"> <li>a. The PI shall immediately notify CCDC by phone to discuss significance determination and shall also submit a letter to CCDC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall</li> </ol> </li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>be at the discretion of the PI.</p> <ol style="list-style-type: none"> <li>b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from CCDC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.</li> <li>c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to CCDC unless a significant resource is encountered.</li> <li>d. The PI shall submit a letter to CCDC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.</li> </ol> <p><b>IV. Night Work</b></p> <ol style="list-style-type: none"> <li>A. If night work is included in the contract             <ol style="list-style-type: none"> <li>1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the pre-con meeting.</li> <li>2. The following procedures shall be followed.                 <ol style="list-style-type: none"> <li>a. No Discoveries                     <ol style="list-style-type: none"> <li>(1) In the event that no discoveries were encountered during night work, The PI shall record the information on the CSV and submit to CCDC via fax by 9am the following morning, if possible.</li> </ol> </li> <li>b. Discoveries                     <ol style="list-style-type: none"> <li>(1) All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.</li> </ol> </li> <li>c. Potentially Significant Discoveries                     <ol style="list-style-type: none"> <li>(1) If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.</li> </ol> </li> <li>d. The PI shall immediately contact CCDC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</li> </ol> </li> </ol> </li> </ol>			

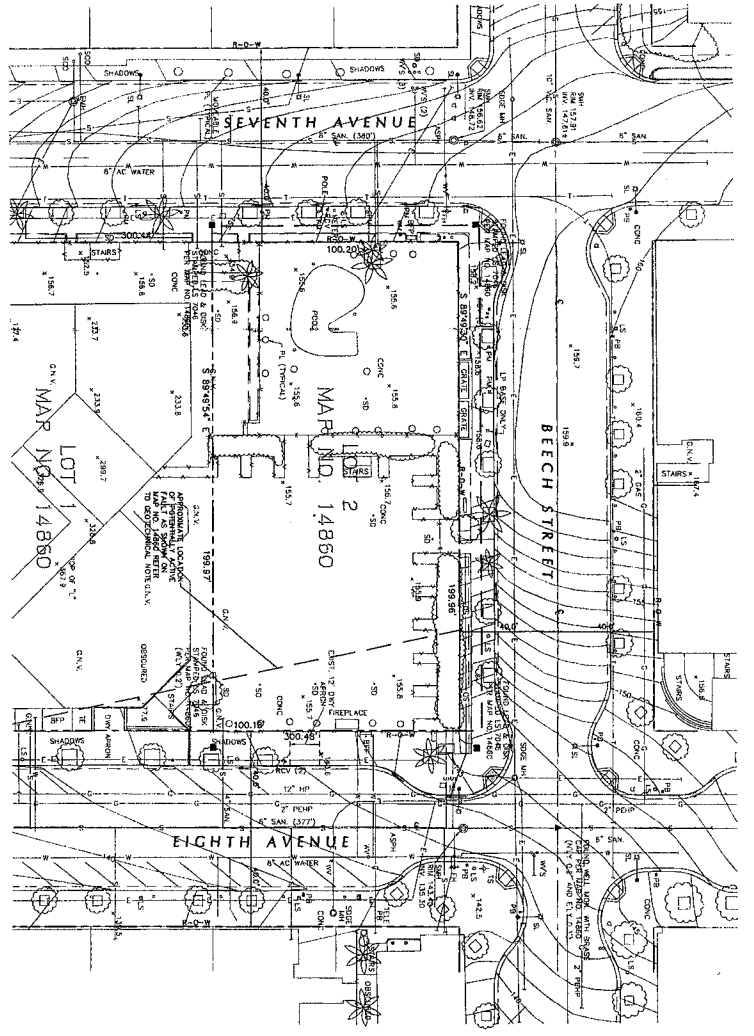
SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>B. If night work becomes necessary during the course of construction</p> <ol style="list-style-type: none"> <li>1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.</li> <li>2. The RE, or BI, as appropriate, shall notify CCDC immediately.</li> <li>C. All other procedures described above shall apply, as appropriate.</li> </ol> <p><b>VI. Post Construction</b></p> <ol style="list-style-type: none"> <li>A. Submittal of Draft Monitoring Report             <ol style="list-style-type: none"> <li>1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to CCDC for review and approval within 90 days following the completion of monitoring,                 <ol style="list-style-type: none"> <li>a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.</li> <li>b. Recording Sites with the San Diego Natural History Museum                     <ol style="list-style-type: none"> <li>(1) The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.</li> </ol> </li> </ol> </li> </ol> </li> <li>2. CCDC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</li> <li>3. The PI shall submit revised Draft Monitoring Report to CCDC for approval.</li> <li>4. CCDC shall provide written verification to the PI of the approved report.</li> <li>5. CCDC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</li> </ol> <p>B. Handling of Fossil Remains</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.</li> <li>2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate</li> </ol>			



SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>C. Curation of fossil remains: Deed of Gift and Acceptance Verification</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.</li> <li>2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and CCDC.</li> </ol> <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> <li>1. The PI shall submit two copies of the Final Monitoring Report to CCDC (even if negative), within 90 days after notification from CCDC that the draft report has been approved.</li> <li>2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from CCDC which includes the Acceptance Verification from the curation institution.</li> </ol>			







**OWNERS**

4801 LOT AND 3522, LLC  
 202 WEST 10TH STREET, SUITE 200  
 DENVER, CO 80202

**LEGAL DESCRIPTION**

PARCEL 2 OF BLOCK 28 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP INSTRUMENT NO. 2005-118181 IN BOOK 23,200 OF THE COUNTY RECORDS OF SAN DIEGO COUNTY, ASSASSIN'S BASIS OF BEARINGS

**BENCHMARK**

THE BENCH MARK USED FOR THIS SURVEY IS THE CITY OF SAN DIEGO BENCH MARK PLUG LOCATED AT THE NORTH EAST CORNER OF BECH STREET AND NO. 1214 N. BROADWAY. UTM COORDINATES: 4320426.000M EASTING AND 121420.000M NORTHING.

**NOTES**

1. EXISTING AND OTHER UTILITY SIGNS, METER COMPARTMENTS AND METER ENCLOSURES SHOWN ON THIS SURVEY ARE THE RESULT OF AN ASSESSMENT CONDUCTED BY THE ENGINEER AND SURVEYOR. THE EXISTING UTILITY SIGNS, METER COMPARTMENTS AND METER ENCLOSURES SHOWN ON THIS SURVEY ARE NOT GUARANTEED TO BE ACCURATE BY THIS SURVEY.
2. METER READING SHALL BE TAKEN AT THE LOCATION INDICATED BY THE SURVEYOR.
3. METER READING SHALL BE TAKEN AT THE LOCATION INDICATED BY THE SURVEYOR.
4. METER READING SHALL BE TAKEN AT THE LOCATION INDICATED BY THE SURVEYOR.
5. ASSASSIN'S BASIS OF BEARINGS: SA-003-13-100
6. ZONE: COPS-0
7. THE COMPLETE SIGN OF THIS SURVEY ARE THE RESULT OF AN ASSESSMENT CONDUCTED BY THE ENGINEER AND SURVEYOR. THE COMPLETE SIGN OF THIS SURVEY ARE NOT GUARANTEED TO BE ACCURATE BY THIS SURVEY.

**UTILITY NOTE**

THE LOCATION OF EXISTING UTILITY SIGNS, METER COMPARTMENTS AND METER ENCLOSURES SHOWN ON THIS SURVEY ARE THE RESULT OF AN ASSESSMENT CONDUCTED BY THE ENGINEER AND SURVEYOR. THE EXISTING UTILITY SIGNS, METER COMPARTMENTS AND METER ENCLOSURES SHOWN ON THIS SURVEY ARE NOT GUARANTEED TO BE ACCURATE BY THIS SURVEY.

**LEGEND**

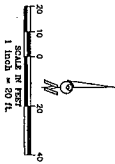
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EXISTING ELECTRICAL RISER	□ 1.18
EXISTING ELECTRICAL METER	□ 1.24
EXISTING ELECTRICAL TRANSFORMER	□ 1.30
EXISTING ELECTRICAL VALVE	□ 1.36
EXISTING TELEPHONE MANHOLE	□ 1.42
EXISTING TELEPHONE RISER	□ 1.48
EXISTING TELEPHONE VALVE	□ 1.54
EXISTING GAS VALVE	□ 1.60
EXISTING GAS LINE	— 1.66
EXISTING GAS METER	○ 1.72
EXISTING WATER RISER	□ 1.78
EXISTING WATER METER	□ 1.84
EXISTING WATER VALVE	□ 1.90
EXISTING REINFORCED WATER SERVICE	— 1.96
EXISTING WATER VALVE	○ 2.02
EXISTING FOG FIRE INDICATOR VALVE	□ 2.08
EXISTING FOG FLOW INDICATOR VALVE	□ 2.14
EXISTING WATER LINE	— 2.20
EXISTING SEWER LINE	— 2.26
EXISTING SEWER VALVE	○ 2.32
EXISTING SEWER CLEANOUT	□ 2.38
EXISTING SEWER MANHOLE	□ 2.44
EXISTING AC PAVING	— 2.50
EXISTING PLUMBING	— 2.56
EXISTING SPOT ELEVATION	— 2.62
EXISTING PROPERTY LINE	— 2.68
EXISTING RIGHT-OF-WAY LINE	— 2.74
EXISTING PROJECT LINE	— 2.80

**AGREEMENTS, FACTS AND DOCUMENTS**

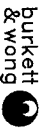
1. ALL INFORMATION IN THIS SURVEY WAS OBTAINED FROM THE OFFICIAL RECORDS OF THE CITY OF SAN DIEGO AND COUNTY OF SAN DIEGO, CALIFORNIA. THE SURVEYOR HAS VERIFIED THE ACCURACY OF THE INFORMATION AND HAS FOUND IT TO BE CORRECT.
2. ALL INFORMATION IN THIS SURVEY WAS OBTAINED FROM THE OFFICIAL RECORDS OF THE CITY OF SAN DIEGO AND COUNTY OF SAN DIEGO, CALIFORNIA. THE SURVEYOR HAS VERIFIED THE ACCURACY OF THE INFORMATION AND HAS FOUND IT TO BE CORRECT.
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4. ALL INFORMATION IN THIS SURVEY WAS OBTAINED FROM THE OFFICIAL RECORDS OF THE CITY OF SAN DIEGO AND COUNTY OF SAN DIEGO, CALIFORNIA. THE SURVEYOR HAS VERIFIED THE ACCURACY OF THE INFORMATION AND HAS FOUND IT TO BE CORRECT.

**NON-PLOTTABLE EASEMENTS**

1. ALL INFORMATION IN THIS SURVEY WAS OBTAINED FROM THE OFFICIAL RECORDS OF THE CITY OF SAN DIEGO AND COUNTY OF SAN DIEGO, CALIFORNIA. THE SURVEYOR HAS VERIFIED THE ACCURACY OF THE INFORMATION AND HAS FOUND IT TO BE CORRECT.
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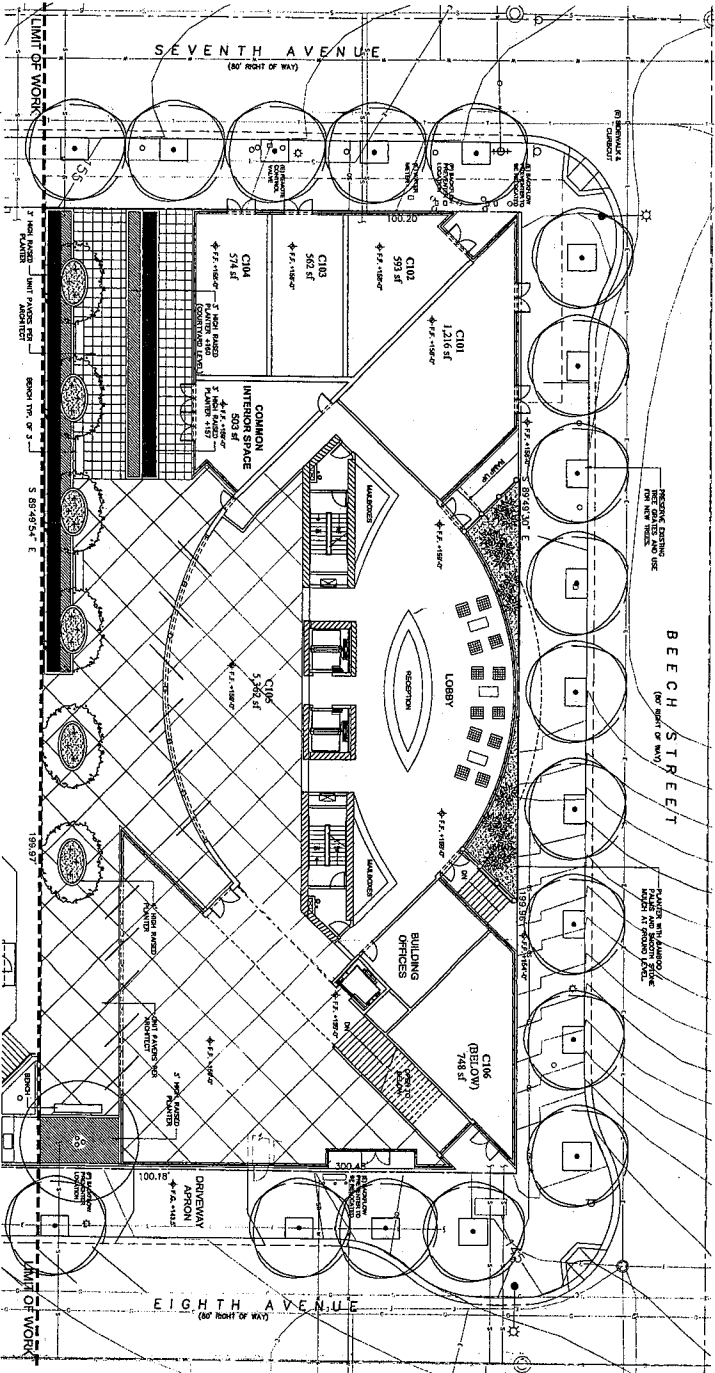
**SURVEYOR'S STATEMENT**  
 THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD AND DESK SURVEY.  
 [Signature]



777 BECH STREET, SUITE 100, SAN DIEGO, CA 92108  
 619.594.8888 • (619) 798-5559

Prepared By:	Daniel M. Wong	Revision 14:	
Checked By:	Cheryl A. Wong	Revision 13:	
Drawn By:	Cheryl A. Wong	Revision 12:	
Address:	777 BECH STREET, SUITE 100, SAN DIEGO, CA 92108	Revision 11:	
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Project Address:	777 BECH STREET, SUITE 100, SAN DIEGO, CA 92108	Revision 9:	
Project Name:	777 BECH STREET, SUITE 100, SAN DIEGO, CA 92108	Revision 8:	
Client Name:	777 BECH STREET, SUITE 100, SAN DIEGO, CA 92108	Revision 7:	
Issue Date:	06/29/2007	Revision 6:	
Issue Date:	07/17/06	Revision 5:	
Issue Date:		Revision 4:	
Issue Date:		Revision 3:	
Issue Date:		Revision 2:	
Issue Date:		Revision 1:	
Issue Date:		Revision 0:	

Sheet 2 of 3



ROW NUMBER	SYMBOL	SYMBOLICAL COMMON NAME	COMMON NAME
1	(Symbol)	ADONIS	ADONIS
2	(Symbol)	ADONIS	ADONIS
3	(Symbol)	ADONIS	ADONIS
4	(Symbol)	ADONIS	ADONIS
5	(Symbol)	ADONIS	ADONIS
6	(Symbol)	ADONIS	ADONIS
7	(Symbol)	ADONIS	ADONIS
8	(Symbol)	ADONIS	ADONIS
9	(Symbol)	ADONIS	ADONIS
10	(Symbol)	ADONIS	ADONIS
11	(Symbol)	ADONIS	ADONIS
12	(Symbol)	ADONIS	ADONIS

NOTES: 1. ALL TREE LOCATIONS, HEIGHTS, AND SPACING SHALL BE SHOWN TO THE PLAN. THE DISTANCE FROM THE CURB TO THE TREE SHALL BE SHOWN TO THE PLAN. THE DISTANCE FROM THE CURB TO THE TREE SHALL BE SHOWN TO THE PLAN.

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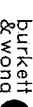
8. ALL TREE LOCATIONS, HEIGHTS, AND SPACING SHALL BE SHOWN TO THE PLAN. THE DISTANCE FROM THE CURB TO THE TREE SHALL BE SHOWN TO THE PLAN.

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12. ALL TREE LOCATIONS, HEIGHTS, AND SPACING SHALL BE SHOWN TO THE PLAN. THE DISTANCE FROM THE CURB TO THE TREE SHALL BE SHOWN TO THE PLAN.



**Burkett & wong**  
landscape & site planning  
1000 N. 17th Street, Suite 1000  
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(303) 733-7777

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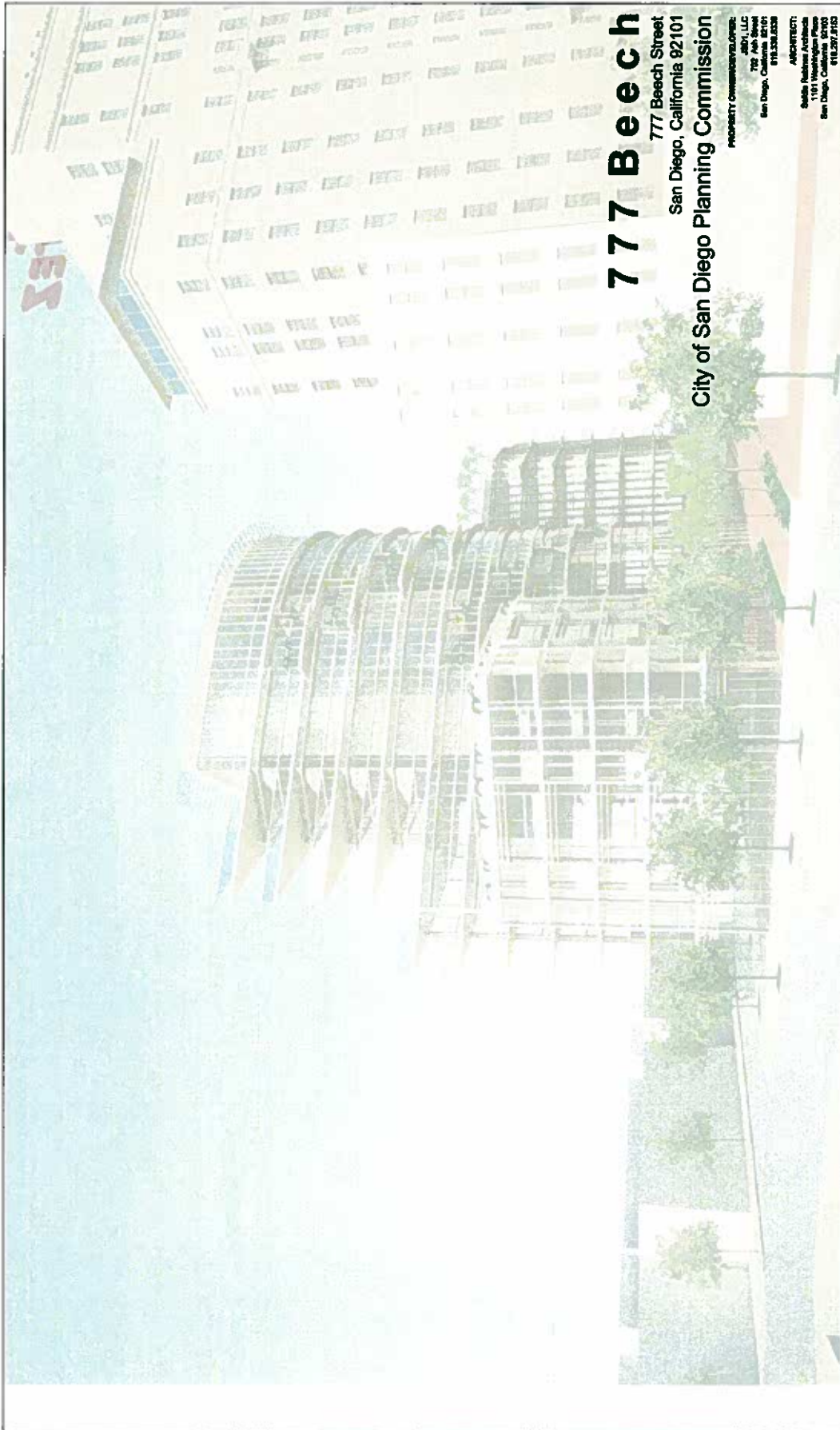
Project Name: 277 BECH  
 Project Address: 277 BECH  
 Designer: JANIS LABRE  
 Date: 07/17/06

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Prepared By: JANIS LABRE  
 Address: 277 BECH  
 Phone: (303) 733-7777

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Revision 1: 07/17/06  
 Revision 2: 07/17/06  
 Revision 3: 07/17/06  
 Revision 4: 07/17/06  
 Revision 5: 07/17/06  
 Revision 6: 07/17/06  
 Revision 7: 07/17/06  
 Revision 8: 07/17/06  
 Revision 9: 07/17/06  
 Revision 10: 07/17/06  
 Revision 11: 07/17/06  
 Revision 12: 07/17/06



**777 Beech**  
 777 Beech Street  
 San Diego, California 92101  
 City of San Diego Planning Commission

PROPERTY OWNER/OWNER'S  
 JSD1 LLC  
 702 Ash Street  
 San Diego, California 92101  
 619.538.8338

ARCHITECT:  
 SARDIE RABINES ARCHITECTS  
 1101 Washington Place  
 San Diego, California 92103  
 619.597.8185

**SARDIE RABINES  
 ARCHITECTS**  
 1101 Washington Place, San Diego, California 92103-1728  
 (619) 597-8185 Fax: (619) 599-6072 [sr@sdarchitects.com](mailto:sr@sdarchitects.com)

**777 Beech**  
 JSD1 LLC  
 702 Ash Street, San Diego, CA 92101  
 619.538.8338 1619.538.8338

TITLE SHEET  
 SCALE  
 DATE 17 JANUARY 2008

**A0.0**

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DETAILED UNIT BREAKDOWN			GROSS FLOOR AREA			DEVELOPMENT SUMMARY			SHEET INDEX			
FLOOR	UNIT	TYPE	SQ. FT.	TERR. SQ. FT.	FLOOR	UNIT	TYPE	SQ. FT.	TERR. SQ. FT.	PROJECT DESCRIPTION:	ARCHITECTURAL	
GROUND	C105	CONAL	4,490	-	06	801	2 BR	1,140	108	<p>THE PROPOSED PROJECT IS AN APPROXIMATELY 122,897 SQ. FT., 12-STORY MIXED-USE BUILDING LOCATED AT 777 BEACH STREET, IMMEDIATELY ADJACENT TO THE EXISTING 12-STORY BUILDING ON THE EAST SIDE OF TWO LOW WINGS, ONE AT 1 STORES AND ONE AT 3 STORES, A 12-STORY TOWER, AND 3 FLOORS OF UNDERGROUND PARKING. THE ROOF LEVEL OF THE BUILDING IS 122,897 SQ. FT. ABOVE GRADE. THERE ARE 72 PROPOSED RESIDENTIAL UNITS, AND 6 PROPOSED COMMERCIAL UNITS.</p> <p>PROJECT SITE AREA: 20,000 SF</p> <p>PROPOSED BUILDING AREA: 122,897 SF</p> <p>PROJECT ADDRESS: 777 BEACH STREET</p> <p>ASSESSOR'S PARCEL NUMBER: 634-023-040</p> <p>LEGAL DESCRIPTION: PART OF THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14880, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, AUGUST 23, 2004.</p> <p>ZONING: CPO-D-3R</p>	<p>ALP1 PROJECT DATA SHEET</p> <p>ALP2 VICTORY MAP &amp; CONTEXT PHOTOS</p> <p>ALP3 LAYOUT PLAN</p> <p>ALP4 LANDSCAPE PLAN</p> <p>ALP5 FLOOR PLAN - GROUND</p> <p>ALP6 FLOOR PLAN - LEVEL 01</p> <p>ALP7 FLOOR PLAN - LEVEL 02</p> <p>ALP8 FLOOR PLAN - LEVEL 03</p> <p>ALP9 FLOOR PLAN - LEVEL 04</p> <p>ALP10 FLOOR PLAN - LEVEL 05</p> <p>ALP11 FLOOR PLAN - LEVEL 06</p> <p>ALP12 FLOOR PLAN - LEVEL 07</p> <p>ALP13 FLOOR PLAN - LEVEL 08</p> <p>ALP14 FLOOR PLAN - LEVEL 09</p> <p>ALP15 FLOOR PLAN - LEVEL 10</p> <p>ALP16 FLOOR PLAN - LEVEL 11</p> <p>ALP17 ROOF PLAN</p> <p>ALP18 NORTH ELEVATION</p> <p>ALP19 SOUTH ELEVATION</p> <p>ALP20 WEST ELEVATION</p> <p>ALP21 SECTION 'A'</p> <p>ALP22 SECTION 'B'</p> <p>ALP23 COLOR &amp; MATERIAL BOARD</p> <p>ALP24 PERSPECTIVE VIEW</p> <p>ALP25 PERSPECTIVE VIEW</p> <p>ALP26 PERSPECTIVE VIEW</p> <p>ALP27 PERSPECTIVE VIEW</p> <p>ALP28 SOLAR SHADOW STUDIES</p> <p>ALP29 CARBON FOOTPRINT</p>	
	01	C101	CONAL	1,246	-	06	802	2 BR	1,140			108
		C102	CONAL	1,246	-	06	803	1 BR	920			64
		C103	CONAL	1,246	-	06	804	2 BR	1,040			64
		C104	CONAL	874	-	06	805	2 BR	1,291			61
		C105	CONAL	1,302	-	06	806	3 BR	1,084			61
02	C201	STUDIO	671	-	07	701	2 BR	1,140	108			
	C202	2 BR	1,001	64	07	702	2 BR	1,139	61			
	C203	2 BR	1,001	64	07	703	2 BR	1,139	61			
	C204	2 BR	1,139	-	07	704	2 BR	1,131	61			
	C205	2 BR	1,139	-	07	705	2 BR	1,360	61			
	C206	1 BR	628	321	07	707	3 BR	1,094	61			
	C207	2 BR	1,131	-	08	708	2 BR	1,277	108			
	C208	2 BR	1,377	-	08	801	2 BR	1,140	108			
	C209	2 BR	1,377	-	08	802	2 BR	1,319	61			
	C210	2 BR	1,664	-	08	803	2 BR	1,319	61			
03	C301	STUDIO	671	-	09	904	2 BR	1,319	61			
	C302	2 BR	1,001	64	09	901	2 BR	1,140	108			
	C303	2 BR	1,001	64	09	902	2 BR	1,183	108			
	C304	2 BR	1,139	-	10	903	2 BR	1,219	370			
	C305	2 BR	1,139	-	10	904	2 BR	1,319	370			
	C306	2 BR	1,040	64	10	905	2 BR	1,140	108			
	C307	2 BR	1,040	64	10	906	2 BR	1,319	370			
	C308	2 BR	1,131	-	11	1001	2 BR	1,319	370			
	C309	2 BR	1,377	-	11	1002	2 BR	1,319	370			
	C310	2 BR	1,377	-	11	1101	2 BR	1,140	108			
04	C401	STUDIO	671	-	12	1102	2 BR	1,183	108			
	C402	2 BR	1,001	64	12	1103	2 BR	1,319	370			
	C403	2 BR	1,001	64	12	1104	2 BR	1,319	370			
	C404	2 BR	1,139	-	12	1201	3 BR + DEN	2,069	1,244			
	C405	1 BR	628	321	12	1202	3 BR + DEN	2,140	1,244			
	C406	2 BR	1,040	64								
	C407	2 BR	1,040	64								
	C408	2 BR	1,131	-								
	C409	3 BR	1,664	-								
	C410	2 BR	1,377	-								
05	C501	STUDIO	671	-								
	C502	2 BR	1,001	64								
	C503	STUDIO	671	-								
	C504	2 BR	1,139	-								
	C505	2 BR	1,139	-								
	C506	1 BR	628	321								

DEVELOPMENT SUMMARY		FLOOR AREA RATIO		UNIT COUNT SUMMARY	
PROJECT SITE AREA:	20,000 SF	NUMBER OF LEVELS BELOW GRADE:	3	NUMBER OF DWELLING UNITS:	72
PROPOSED BUILDING AREA:	122,897 SF	NUMBER OF PARKING SPACES PER FLOOR:	21 SPACES	STUDIOS:	6
122,897 / 20,000 = 6.14 F.A.R.		GROUND FLOOR:	21 SPACES	1 BEDROOMS:	56
		LOWER LEVELS:	41 SPACES	2 BEDROOMS:	8
		TOTAL NUMBER OF STANDARD PARKING SPACES:	144	3 BEDROOMS:	8
		AUTOMOBILE:	144	TOTAL RESIDENTIAL UNITS:	72
		MOTORCYCLE:	16	# UNITS WITH BALCONIES:	45
		PARKING ALLOCATION:		% TOTAL UNITS WITH BALCONIES:	63%
		RESIDENTIAL TENANT:	26	GFA RESIDENTIAL:	90,041 SQ. FT.
		GUEST:	3	NUMBER OF COMMERCIAL UNITS:	6
		EL CORTEZ:	53	GFA COMMERCIAL:	34,740 SQ. FT.
		CFA OF PARKING GARAGE:			

**777 Beach**

PROJECT DATA & SHEET INDEX

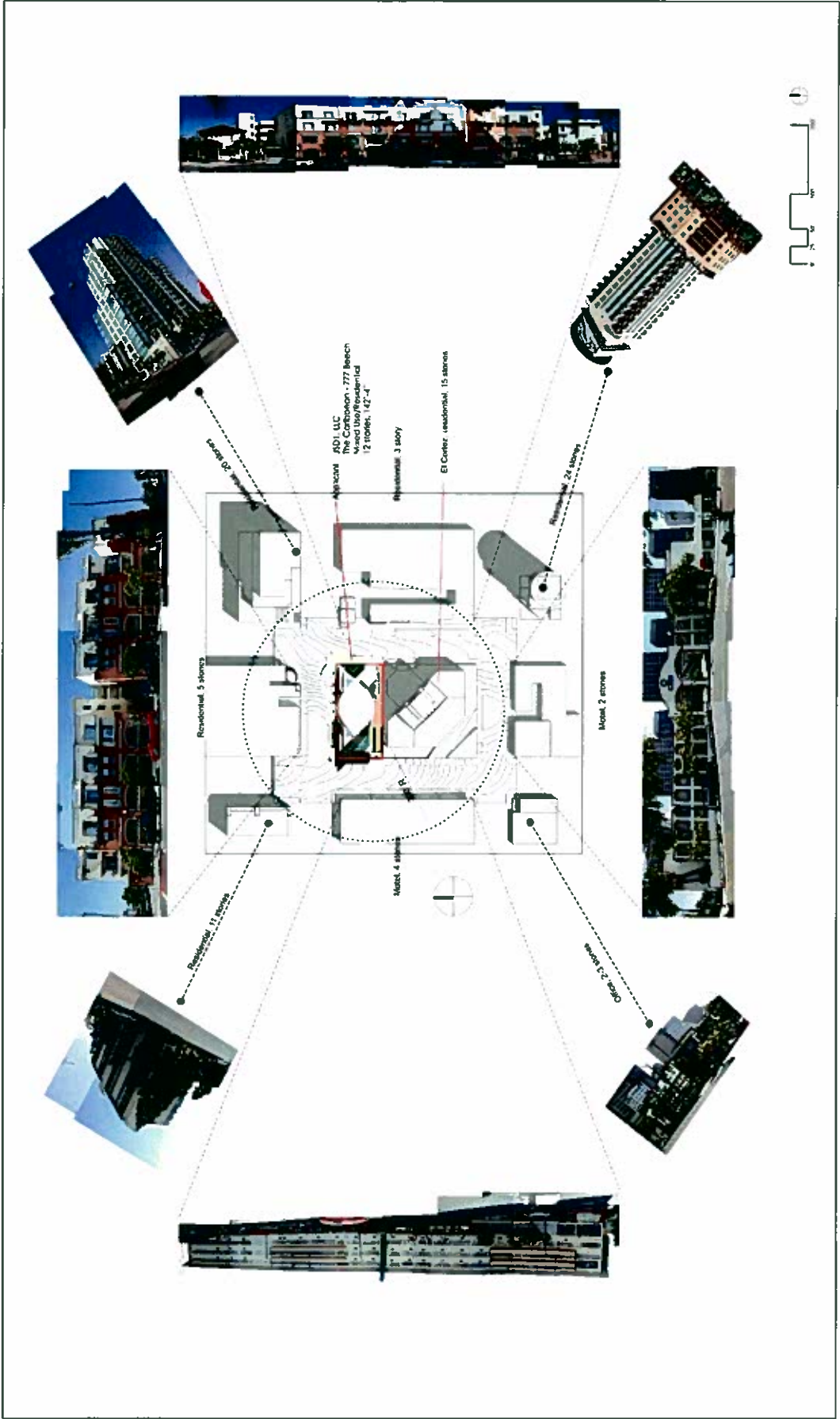
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DATE: 02/10/17

702 Ash Street, San Diego, CA 92101

© 2017 SAFDIE RABINE ARCHITECTS, 1619 23RD STREET





**S A F D I E R A B I N E S**  
**A R C H I T E C T S**  
 1101 Washington Place, San Diego, California 92103-1778  
 (619) 557-6152 Fax: (619) 556-6277 [safdie@safdie.com](mailto:safdie@safdie.com)

**777 Beech**  
 JSD1, LLC  
 702 Ash Street, San Diego, CA, 92101  
 p 619.526.5209 f 619.526.5209

VICINITY MAP & CONTEXT PHOTOS  
 SHEET  
**A0.2**



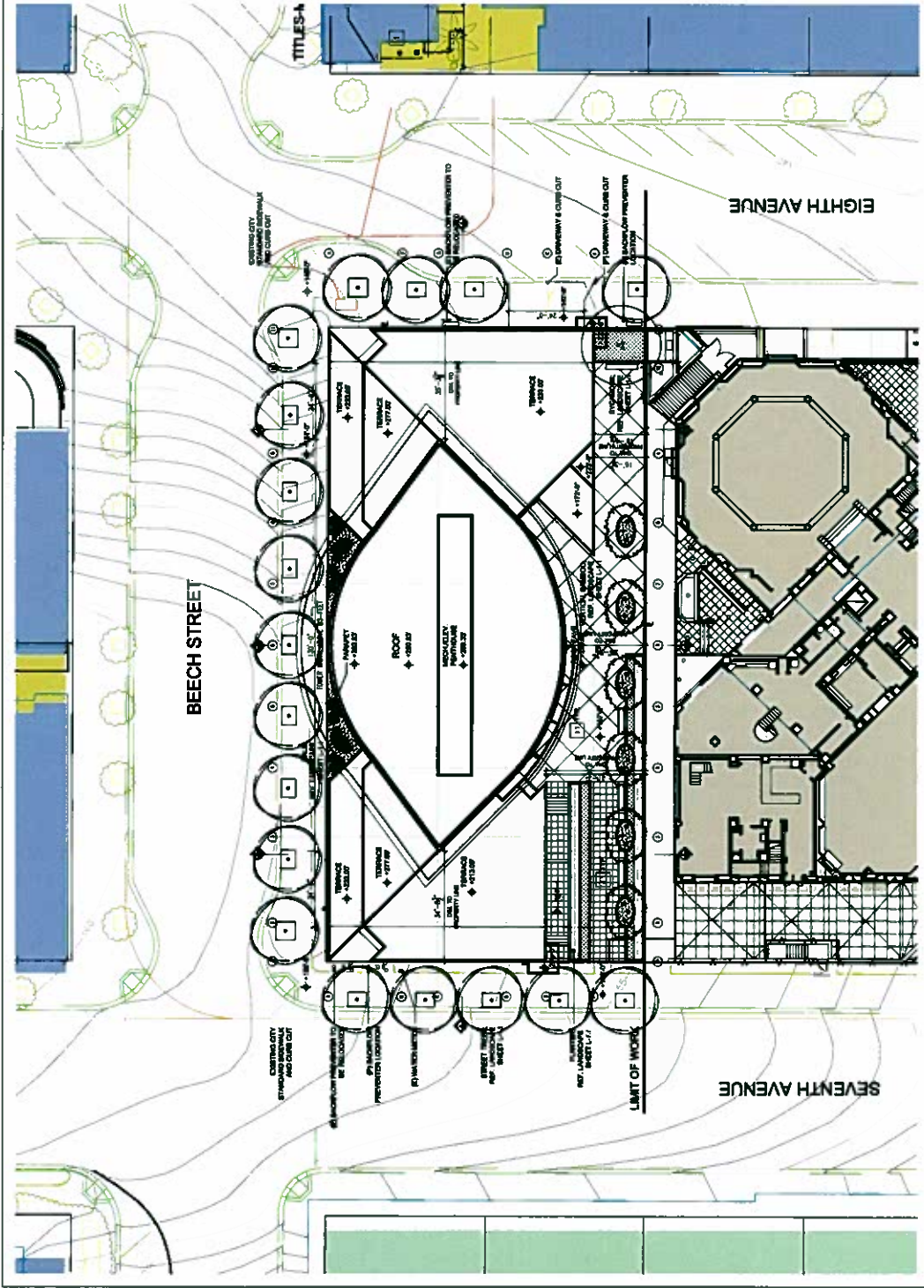


**KEY NOTES**

1	CONCRETE; PAINTED, COLOR 1
2	CONCRETE; PAINTED, COLOR 2
3	GLAZING; CLEAR
4	GLAZING; TRANSLUCENT
5	GLASS GUARDRAIL
6	METAL WINDOW SYSTEM
7	METAL FIN
8	METAL PANEL
9	METAL TRELLIS
10	CABLE RAIL
11	CONCRETE/IMESTONE PAVERS

**LEGEND**

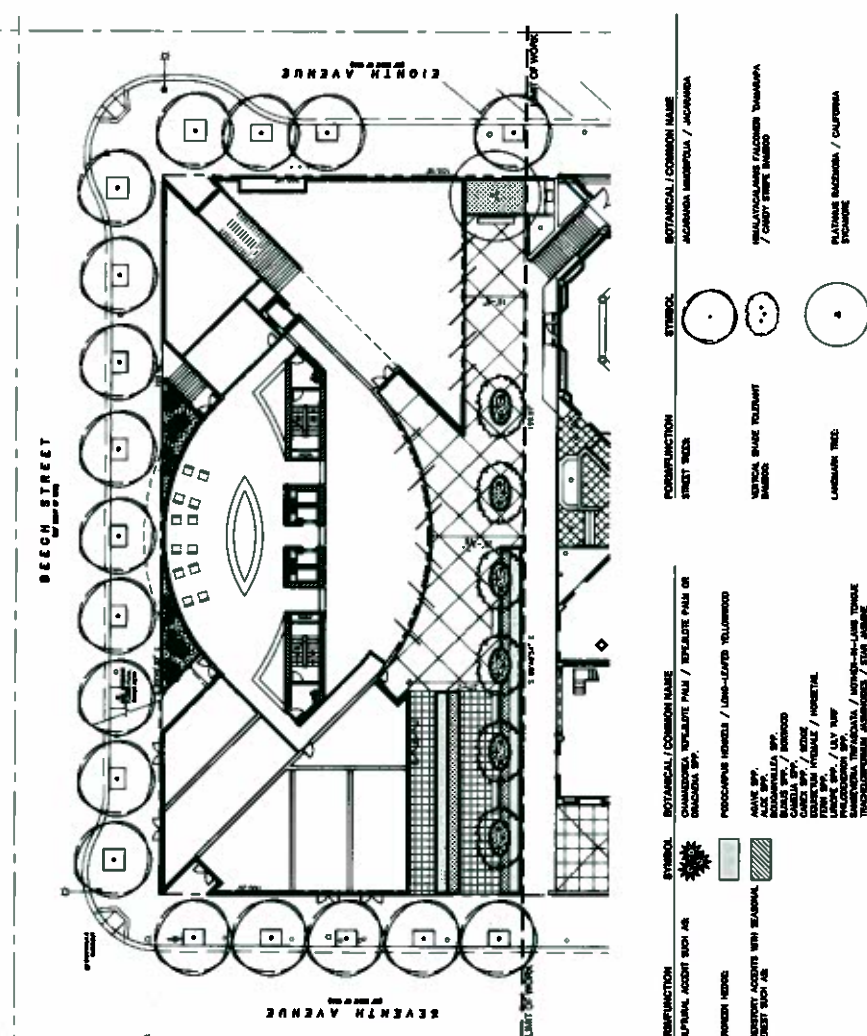
[Blue Box]	RESIDENTIAL
[Light Blue Box]	COMMERCIAL/MIXED USE
[Green Box]	HOTEL/MOTEL
[Yellow Box]	PARKING/SERVICE



**SAFDIE RABINES ARCHITECTS**  
 1101 Washington Place, San Diego, California 92103-1728  
 (619) 297-4123 Fax: (619) 299-8772 [info@safdie.com](mailto:info@safdie.com)

**777 Beech**  
 JSD1, LLC  
 702 Ash Street, San Diego, CA 92101  
 314-238-3333 1/11/2008

**PROPOSED SITE PLAN**  
 SHEET  
 1/2" = 1'-0"  
 A1.00  
 DATE: 5.02.08 10:03 AM



1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE REQUIREMENTS OF THE CITY-OF SAN DIEGO REGULATIONS AND ORDINANCES, THE SAN DIEGO WATER REUSE AND RECYCLING ACT, THE CALIFORNIA WATER REUSE AND RECYCLING ACT, AND THE CENTRAL CITY TRUSTEE'S MANUAL.
2. IRRIGATION SYSTEMS SHALL BE DESIGNED BY A QUALIFIED PERSON AND SHALL BE SUBJECT TO REVIEW BY THE CITY OF SAN DIEGO.
3. IRRIGATION SYSTEMS SHALL MEET THE FOLLOWING DESIGN REQUIREMENTS:
  - A. IRRIGATION SHALL BE DESIGNED FOR ALL PLANTS TO BE PLANTED.
  - B. IRRIGATION SHALL BE DESIGNED TO PROVIDE WATER TO ALL PLANTS TO BE PLANTED.
  - C. IRRIGATION SYSTEMS SHALL BE DESIGNED TO PROVIDE WATER TO ALL PLANTS TO BE PLANTED.
  - D. IRRIGATION SYSTEMS SHALL BE DESIGNED TO PROVIDE WATER TO ALL PLANTS TO BE PLANTED.
  - E. IRRIGATION SYSTEMS SHALL BE DESIGNED TO PROVIDE WATER TO ALL PLANTS TO BE PLANTED.
4. ALL PLANTS TO BE PLANTED SHALL BE SUBJECT TO REVIEW BY THE CITY OF SAN DIEGO.
5. ALL PLANTS TO BE PLANTED SHALL BE SUBJECT TO REVIEW BY THE CITY OF SAN DIEGO.
6. ALL PLANTS TO BE PLANTED SHALL BE SUBJECT TO REVIEW BY THE CITY OF SAN DIEGO.
7. PLANTINGS SHALL BE DESIGNED TO PROVIDE VISUAL SCREENING AND IRRIGATION SHALL BE DESIGNED TO PROVIDE WATER TO ALL PLANTS TO BE PLANTED.
8. ALL PLANTS TO BE PLANTED SHALL BE SUBJECT TO REVIEW BY THE CITY OF SAN DIEGO.
9. ALL PLANTS TO BE PLANTED SHALL BE SUBJECT TO REVIEW BY THE CITY OF SAN DIEGO.
10. ALL PLANTS TO BE PLANTED SHALL BE SUBJECT TO REVIEW BY THE CITY OF SAN DIEGO.

- PLANTING LEGEND:**
- STRUCK: BOTANICAL / COMMON NAME: AGAVE SP. / MONDOPAN HAWAIIAN
  - FORM/FUNCTION: STREET TREE
  - STRUCK: BOTANICAL / COMMON NAME: PALAU, HAWAIIAN
  - FORM/FUNCTION: PALAU, HAWAIIAN
  - STRUCK: BOTANICAL / COMMON NAME: PLANTER BACCHANA / CALIFORNIA
  - FORM/FUNCTION: PALAU, HAWAIIAN

**PLANTING LEGEND:**

- STRUCK: BOTANICAL / COMMON NAME: AGAVE SP. / MONDOPAN HAWAIIAN
- FORM/FUNCTION: STREET TREE
- STRUCK: BOTANICAL / COMMON NAME: PALAU, HAWAIIAN
- FORM/FUNCTION: PALAU, HAWAIIAN
- STRUCK: BOTANICAL / COMMON NAME: PLANTER BACCHANA / CALIFORNIA
- FORM/FUNCTION: PALAU, HAWAIIAN

**PROJECT INFORMATION:**

**777 Beech**

702 Ash Street, San Diego, CA, 92101

DATE: 10/10/10

SCALE: 1/8" = 1'-0"

SHEET: L-1.1

**DESIGNER:** MARCIE HARRIS LANDSCAPE ARCHITECTURE

4444 Peak Blvd.

San Diego, CA 92116

(619) 594-0837

mh@mhlandscapes.com

1300 Woodside Drive, San Diego, California 92103-1708

(619) 397-6888 Fax: (619) 397-9072 mh@rabinarc.com

**CLIENT:** RABINARC

1300 Woodside Drive, San Diego, California 92103-1708

(619) 397-6888 Fax: (619) 397-9072

**ARCHITECT:** SAFDIE RABINARC ARCHITECTS

1300 Woodside Drive, San Diego, California 92103-1708

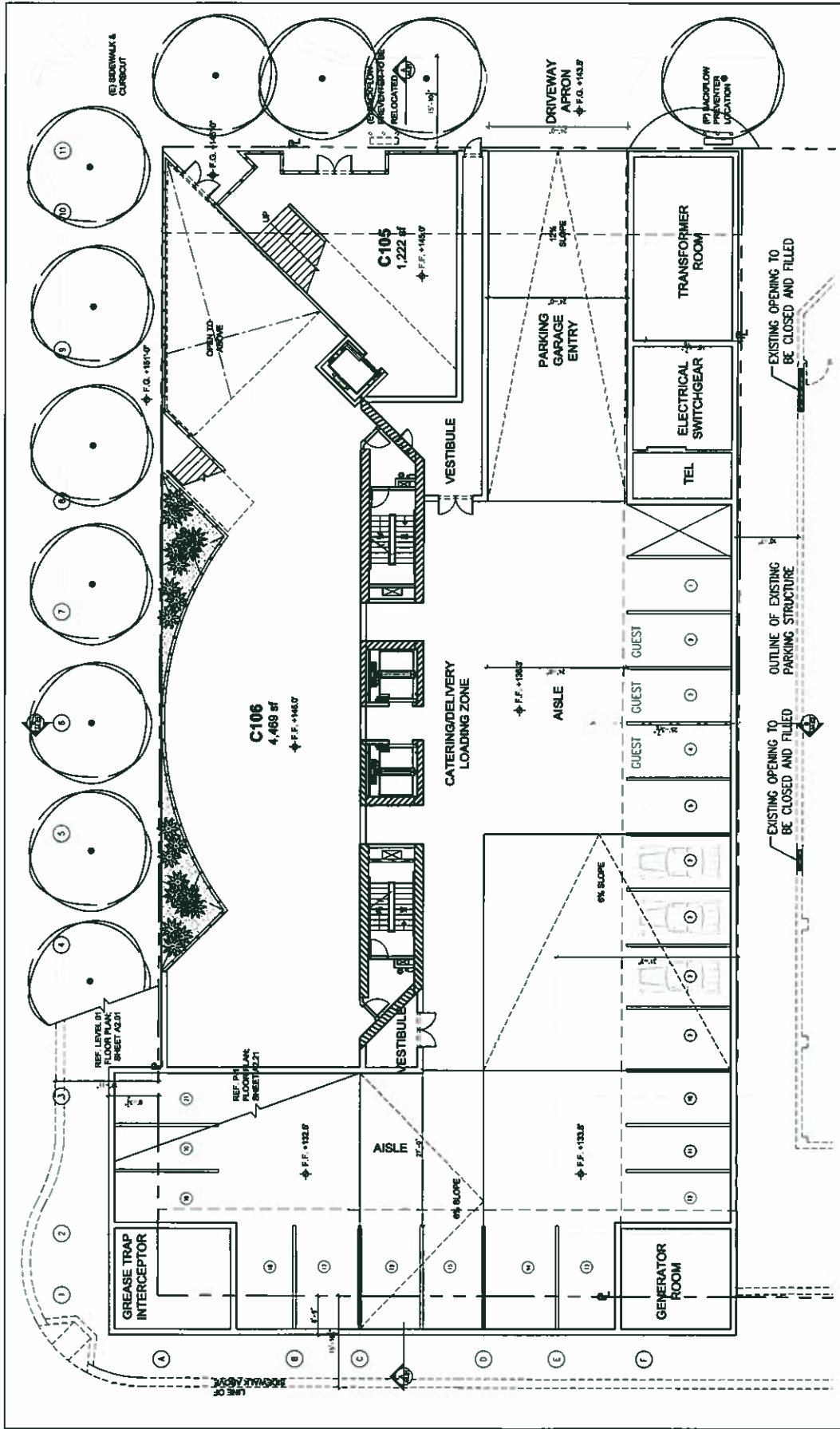
(619) 397-6888 Fax: (619) 397-9072

**DATE:** 10/10/10

**SCALE:** 1/8" = 1'-0"

**SHEET:** L-1.1





**777 Beech**

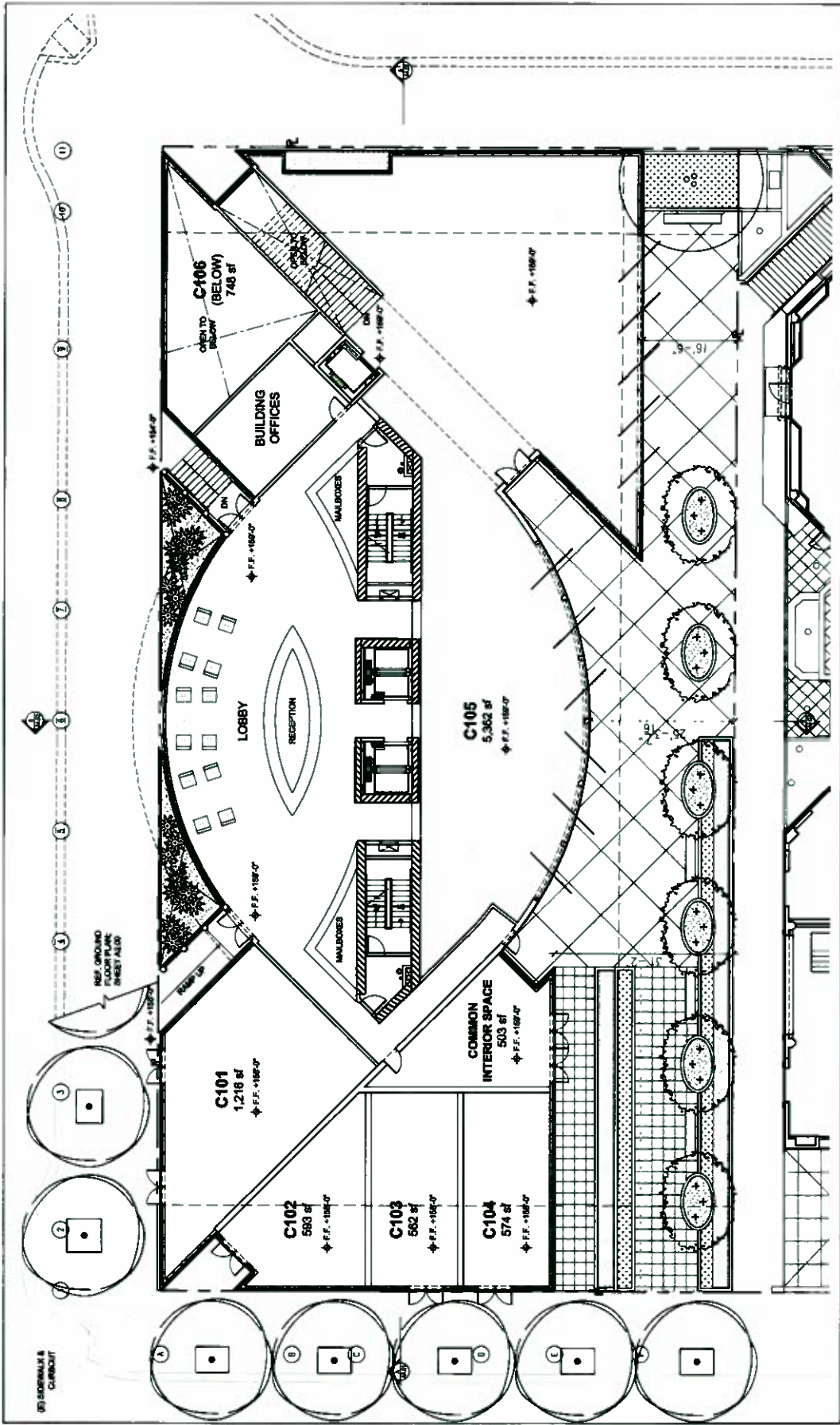
JSD1, LLC  
702 Ash Street, San Diego, CA, 92101  
P: 619.238.6538 F: 619.238.6538

SAFDIE RABINES  
ARCHITECTS  
1101 Washington Place, San Diego, California 92103-1728  
(619) 597-4183 Fax: (619) 238-0072 www.safdie.com

FLOOR PLAN - GROUND  
SCALE: 1/8" = 1'-0"  
DATE: \_\_\_\_\_

A2.00

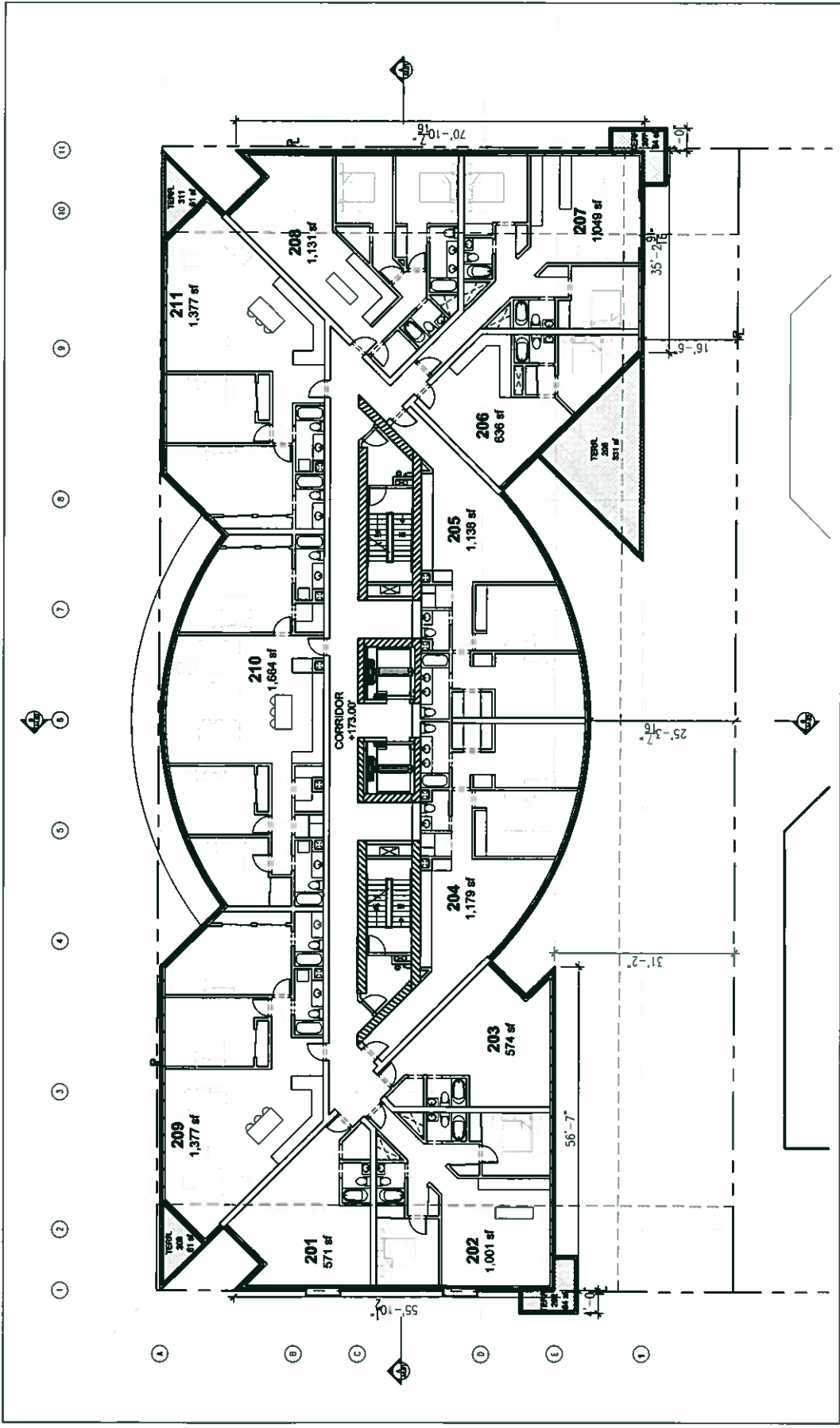
© SAFDIE RABINES ARCHITECTS



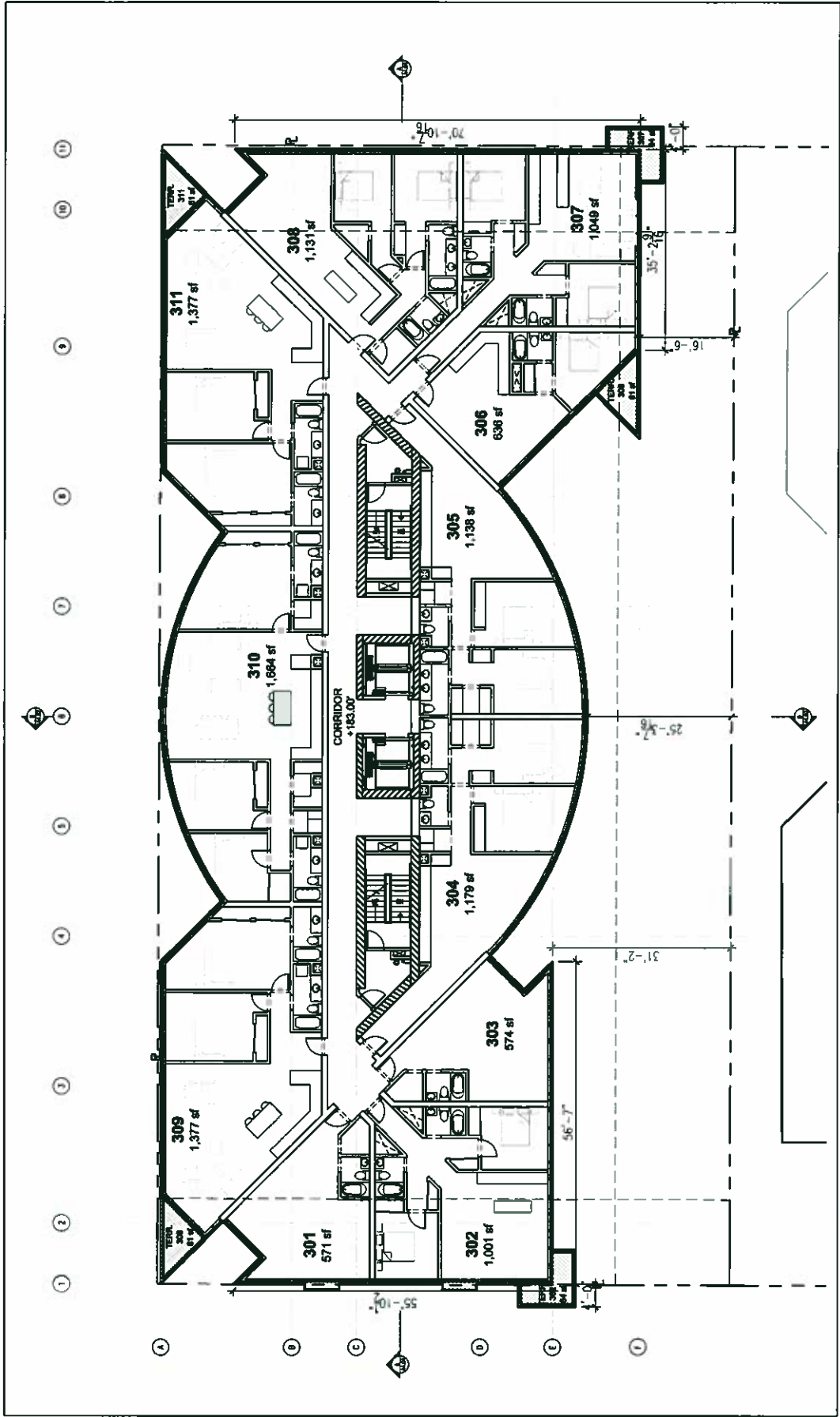
**SAFDIE RABINES ARCHITECTS**  
 1501 Massachusetts Plaza, San Diego, California 92103-1728  
 (619) 592-8132 Fax: (619) 528-8072 [www@safdie.com](mailto:info@safdie.com)

**777 Beech**  
 JS01, LLC  
 702 Ash Street, San Diego, CA, 92101  
 P: 619.528.8228 F: 619.528.8228

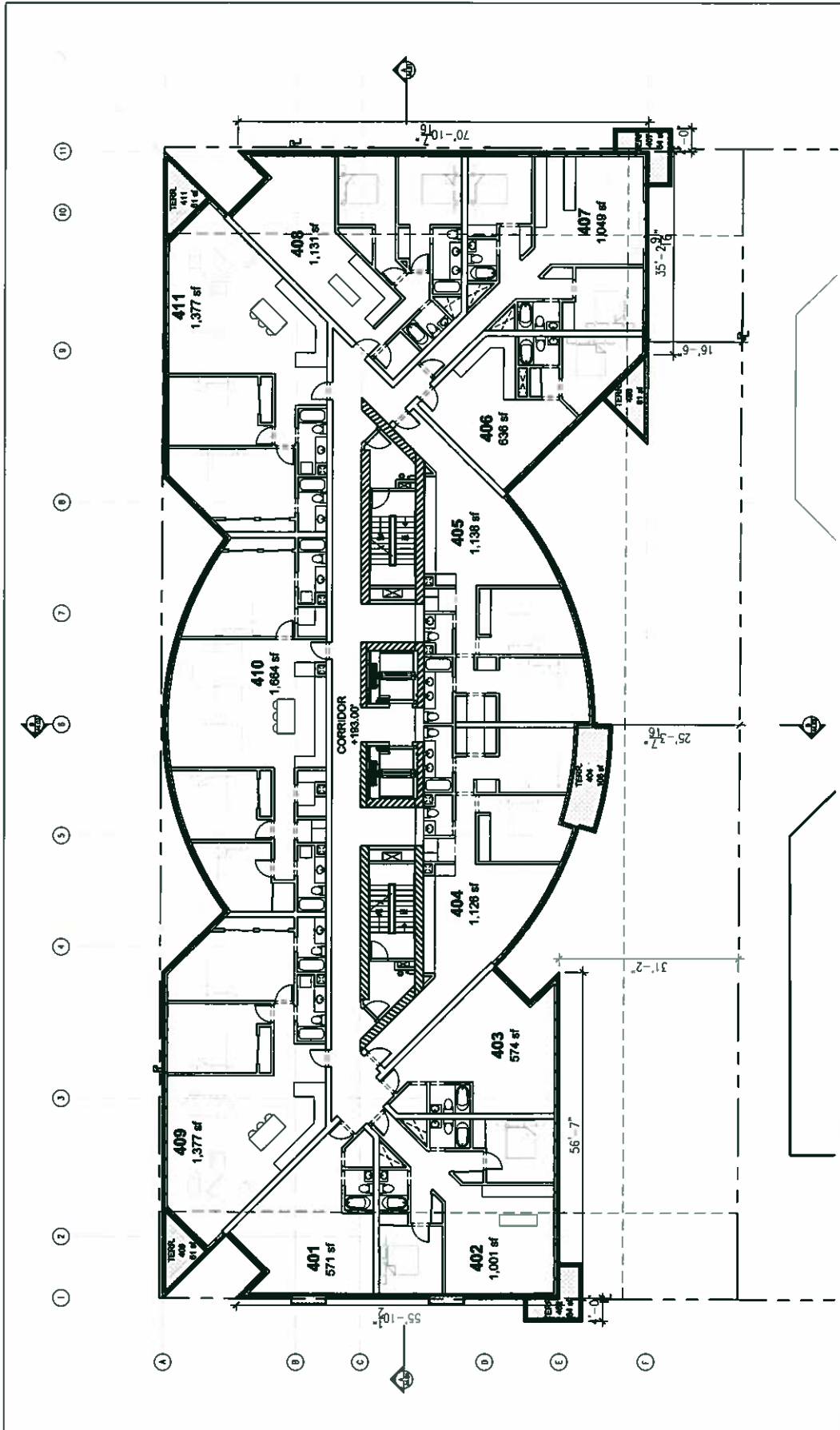
**FLOOR PLAN - LEVEL 01**  
 SCALE: 1/8" = 1'-0"  
 SHEET: **A2.01**



<b>SAFDIE RABINES</b> <b>ARCHITECTS</b> 1101 Washington Plaza, San Diego, California 92103-1726 (619) 237-6118 Fax: (619) 236-8072 www.safdie.com	<b>777 Beech</b> 702 Ash Street, San Diego, CA, 92101 P: 619-236-8338 F: 619-236-8338		<b>FLOOR PLAN - LEVEL 02</b> SCALE: 1/8" = 1'-0" DATE:
			<b>A2.02</b> <small>© 2002 SAFDIE RABINES</small>

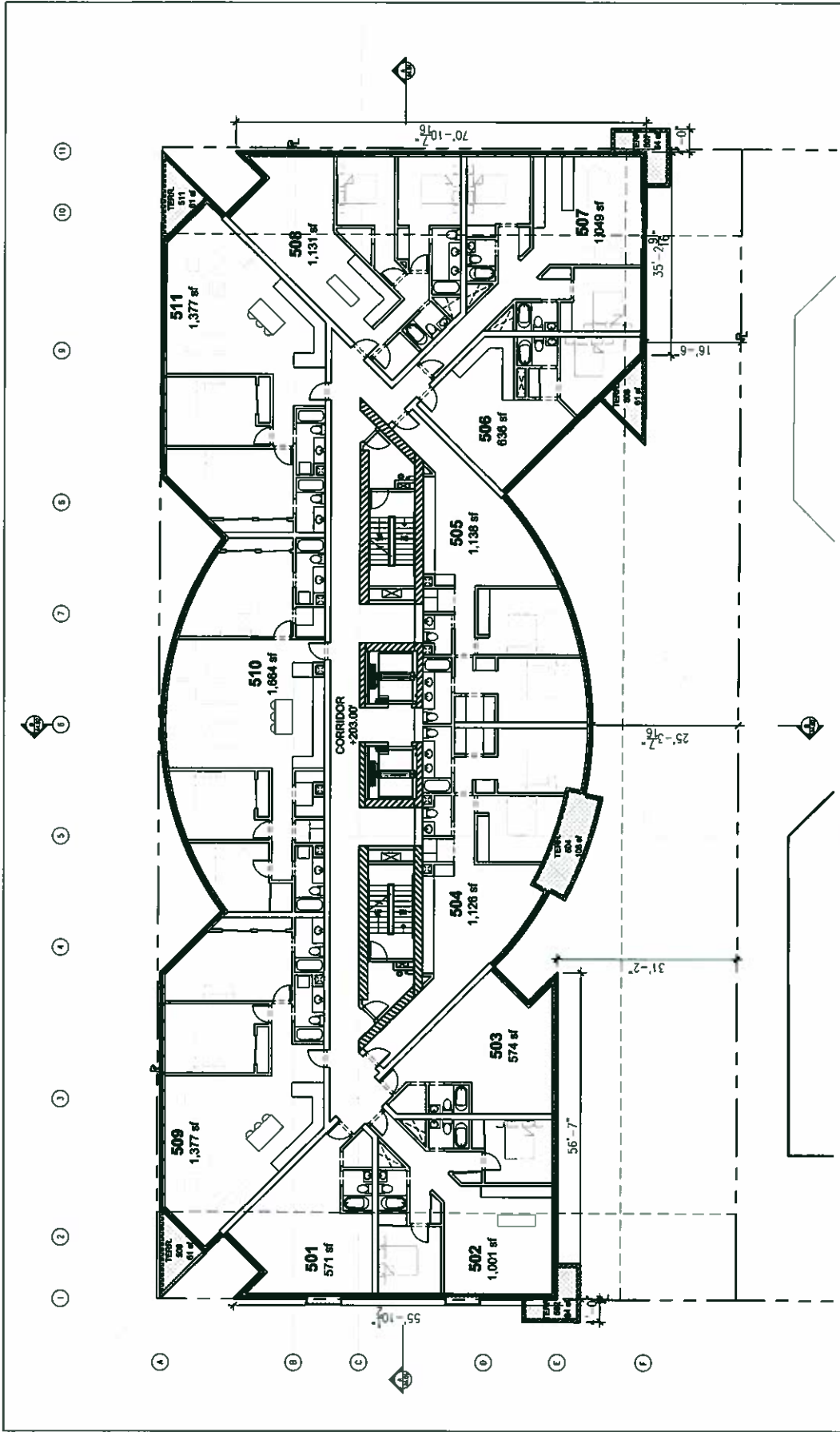


<b>S A F D I E R A B I N E S</b> <b>A R C H I T E C T S</b> 1101 Washington Place, San Diego, California 92103-1728 (619) 297-4183 Fax: (619) 298-0072 <a href="mailto:info@safdie.com">info@safdie.com</a>	<b>FLOOR PLAN - LEVEL 03</b>	
	777 Beech	SHEET: 1/11 OF 11 OF
1101 Washington Place, San Diego, CA, 92101 P: 619.298.0238 F: 619.298.0238	TITLE:	DATE:
SAFDIE ARCHITECTS	777 Beech	<b>A2.03</b>

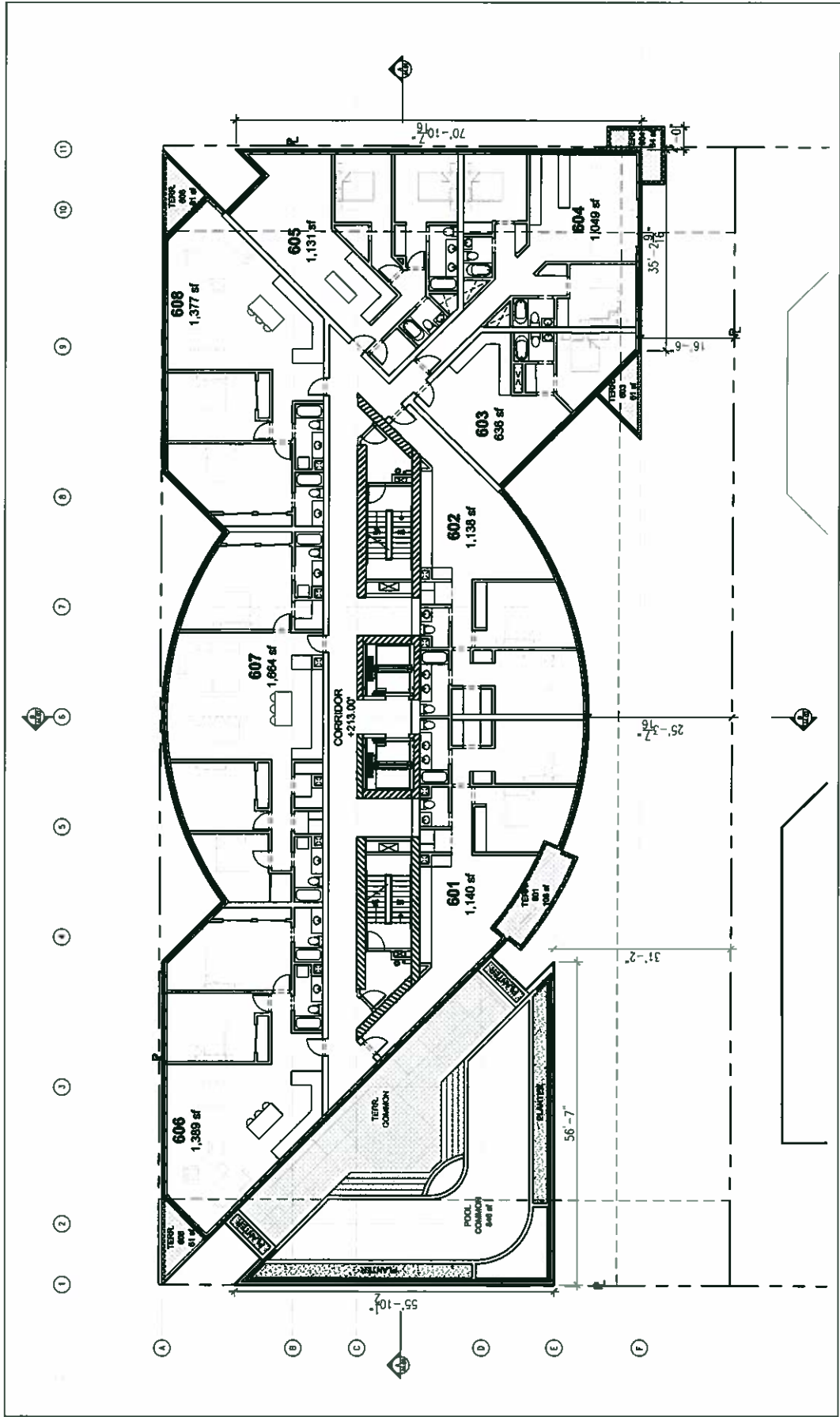


<b>SAFDIE RABINES ARCHITECTS</b>		<b>777 Beech</b>		<b>FLOOR PLAN - LEVEL 04</b>	
1101 Washington Place, San Diego, California 92103-1726 (619) 597-6183 Fax: (619) 596-4072 www.safdie.com		702 Ash Street, San Diego, CA, 92101 P: 619-591-8300 F: 619-591-8300		SCALE: 1/8" = 1'-0"	SHEET: A2.04

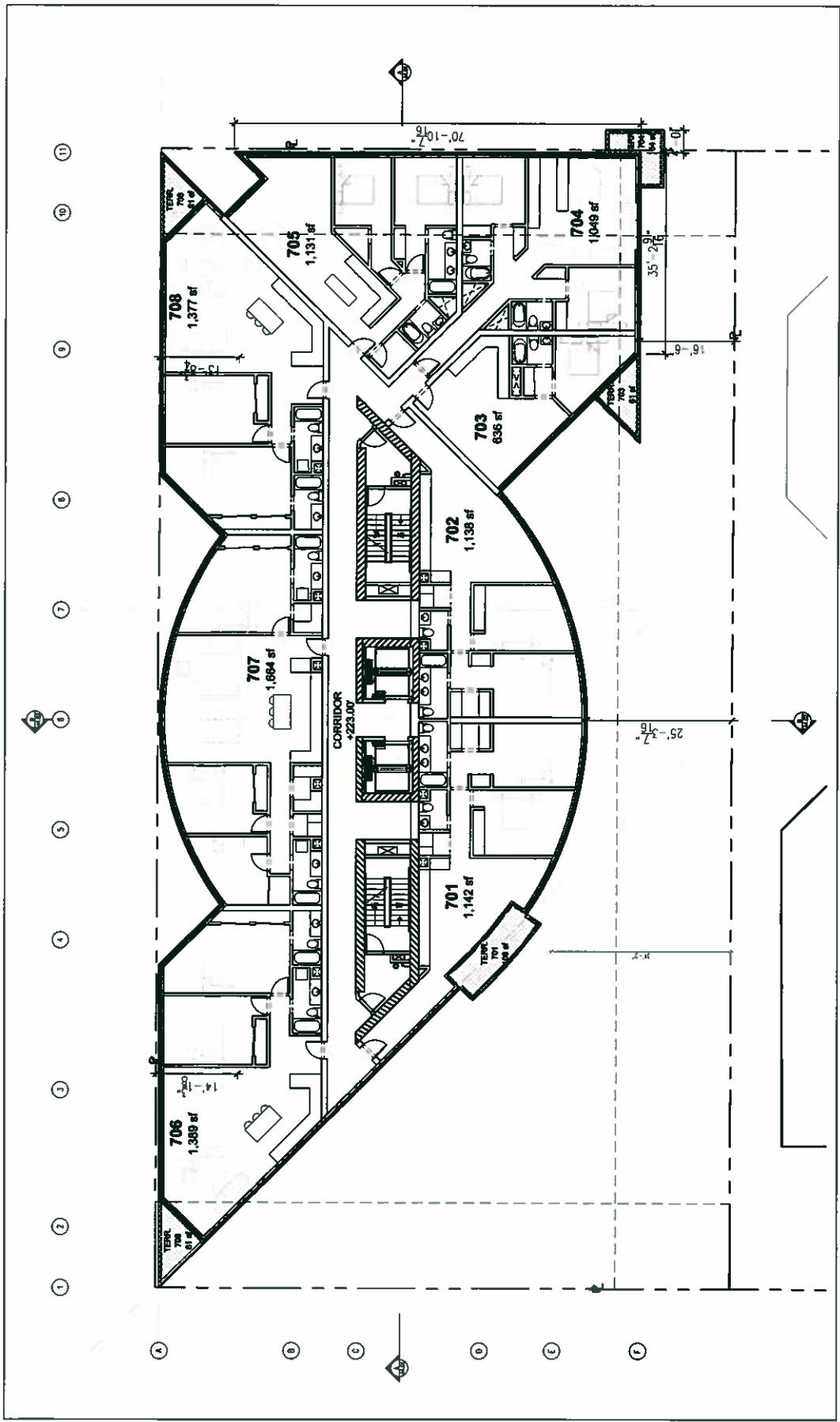




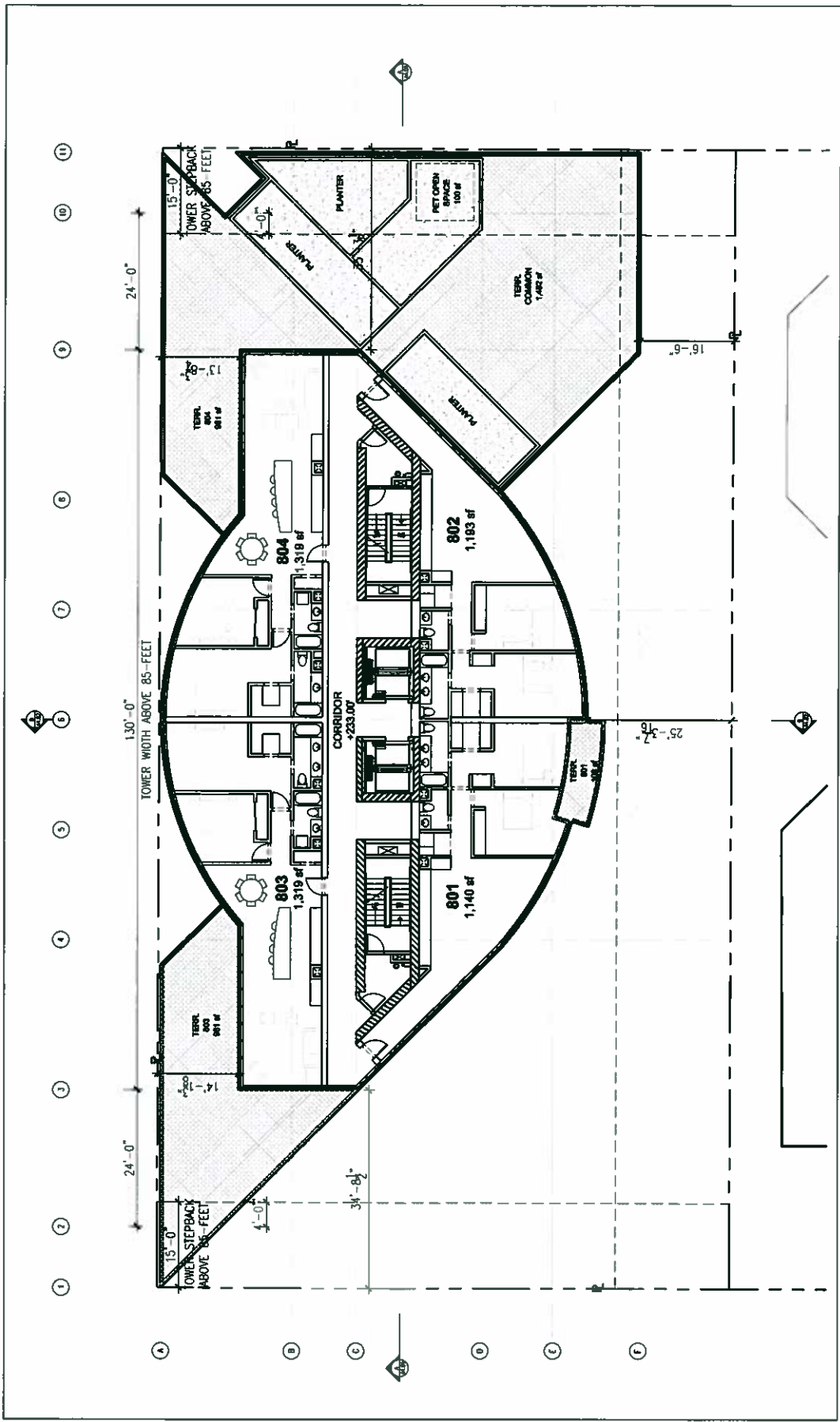
<b>SAFDIE RABINES</b> <b>ARCHITECTS</b> 1101 Washington Place, San Diego, California 92103-1728 (619) 597-4183 Fax: (619) 598-9072 <a href="mailto:info@safdie.com">info@safdie.com</a>	<b>FLOOR PLAN - LEVEL 06</b>	
	SCALE: 1/8" = 1'-0"	SHEET:
777 Beech JSD1, LLC 702 Ash Street, San Diego, CA 92101 P: 619.238.5533 F: 619.238.5538	<b>A2.05</b>	



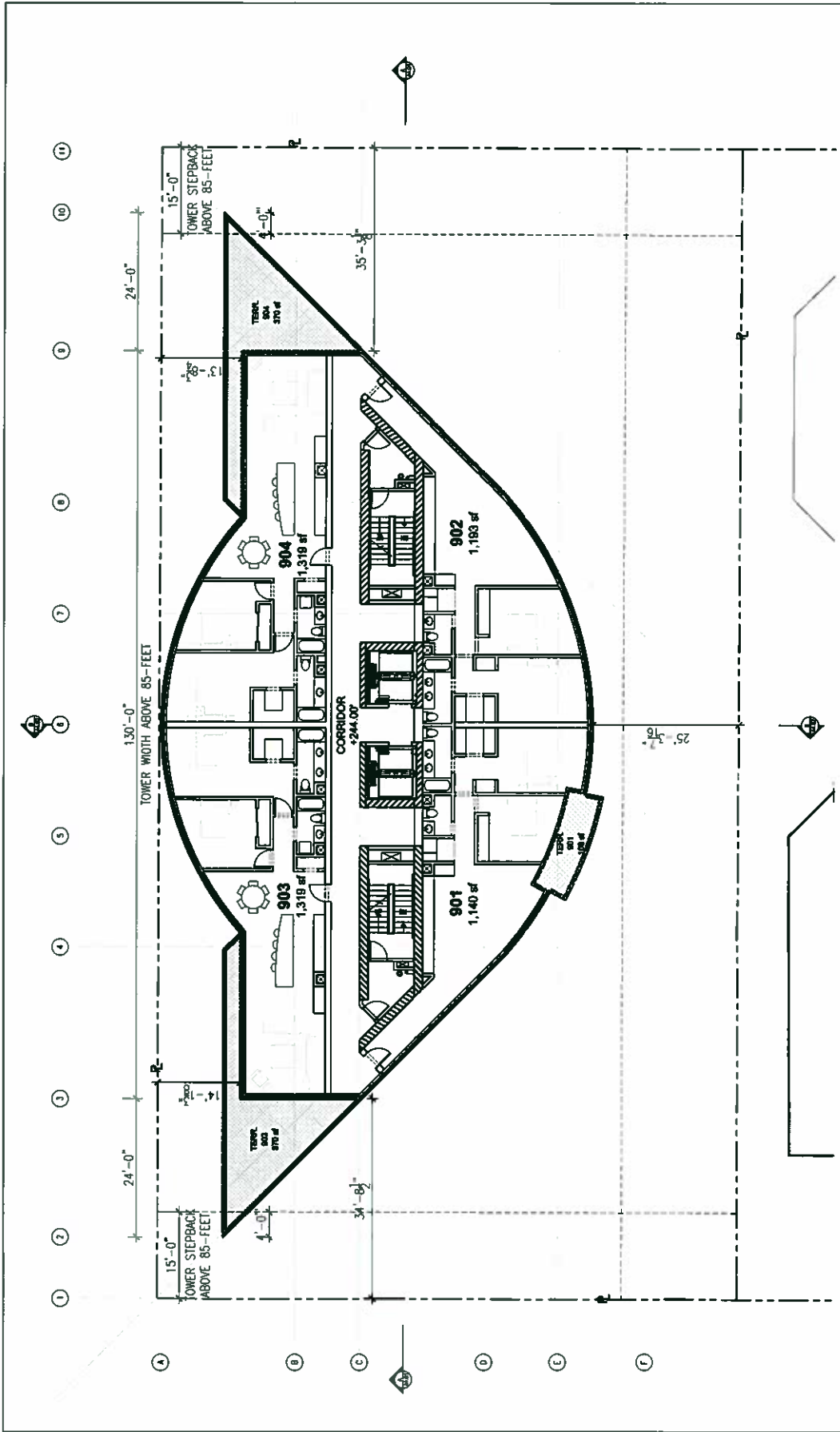
<b>SARDIE RABINETS</b> <b>ARCHITECTS</b> 191 Washington Place, San Diego, California 92103-1720 (619) 237-2125 Fax: (619) 238-8072 www.sardierabincts.com	<b>777 Beech</b> JSD1, LLC 702 Ash Street, San Diego, CA 92101 # 619.538.5233 1/8"-3/32"		<b>FLOOR PLAN - LEVEL 06</b> SCALE: 1/8" = 1'-0" DATE:
			<b>A2.06</b> <small>© 2006 SARDIE RABINETS</small>



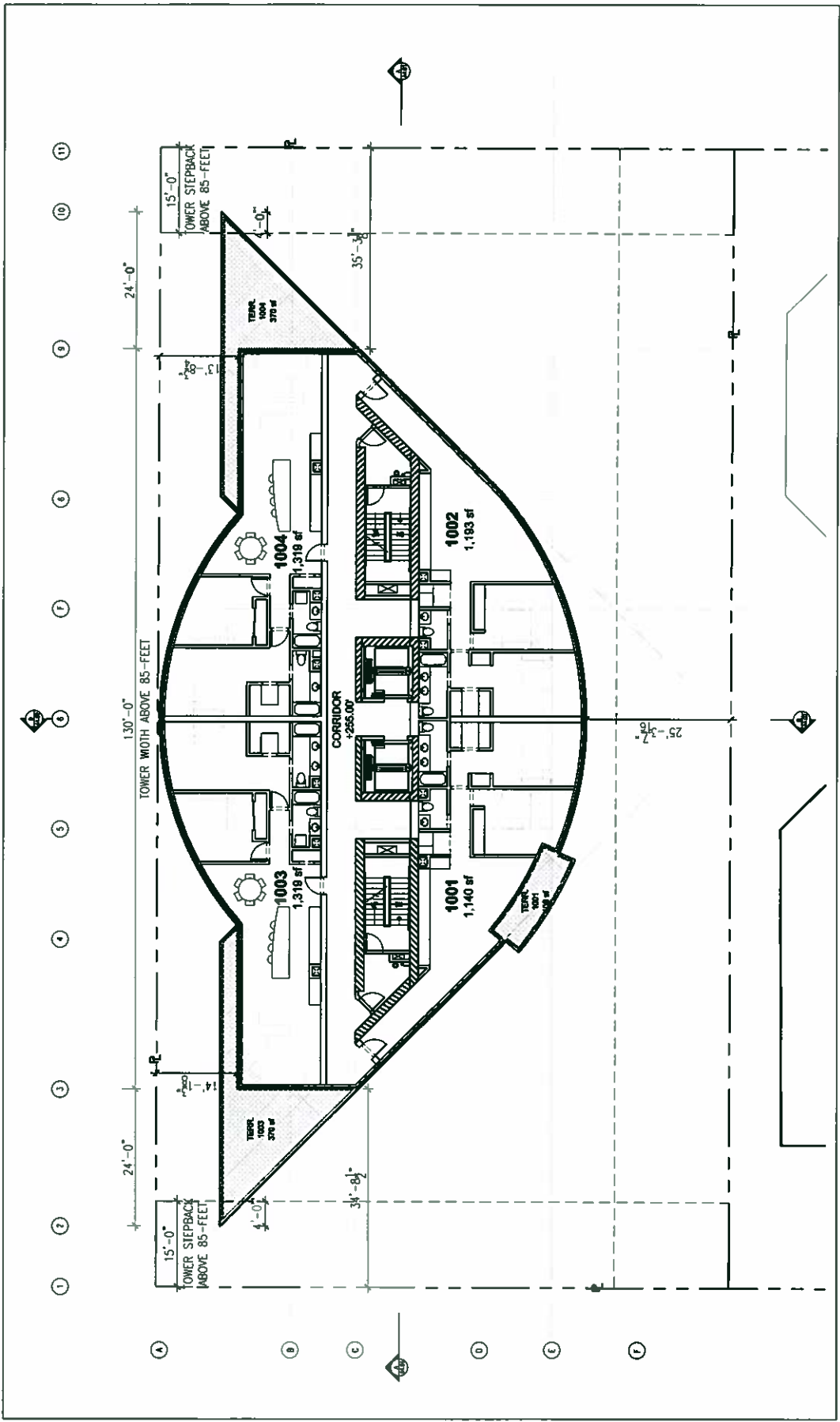
<b>SAFDIE RABINES</b> <b>ARCHITECTS</b> 1101 Washington Place, San Diego, California 92103-1728 (619) 597-4183 Fax: (619) 595-0072 <a href="mailto:info@safdierabines.com">info@safdierabines.com</a>	<b>FLOOR PLAN - LEVEL 07</b>	
	SCALE: 1/16" = 1'-0"	SHEET:
777 Beech JSD1, LLC 702 Ash Street, San Diego, CA. 92101 P: 619.538.8208 F: 619.538.8208	DATE:	<b>A2.07</b>



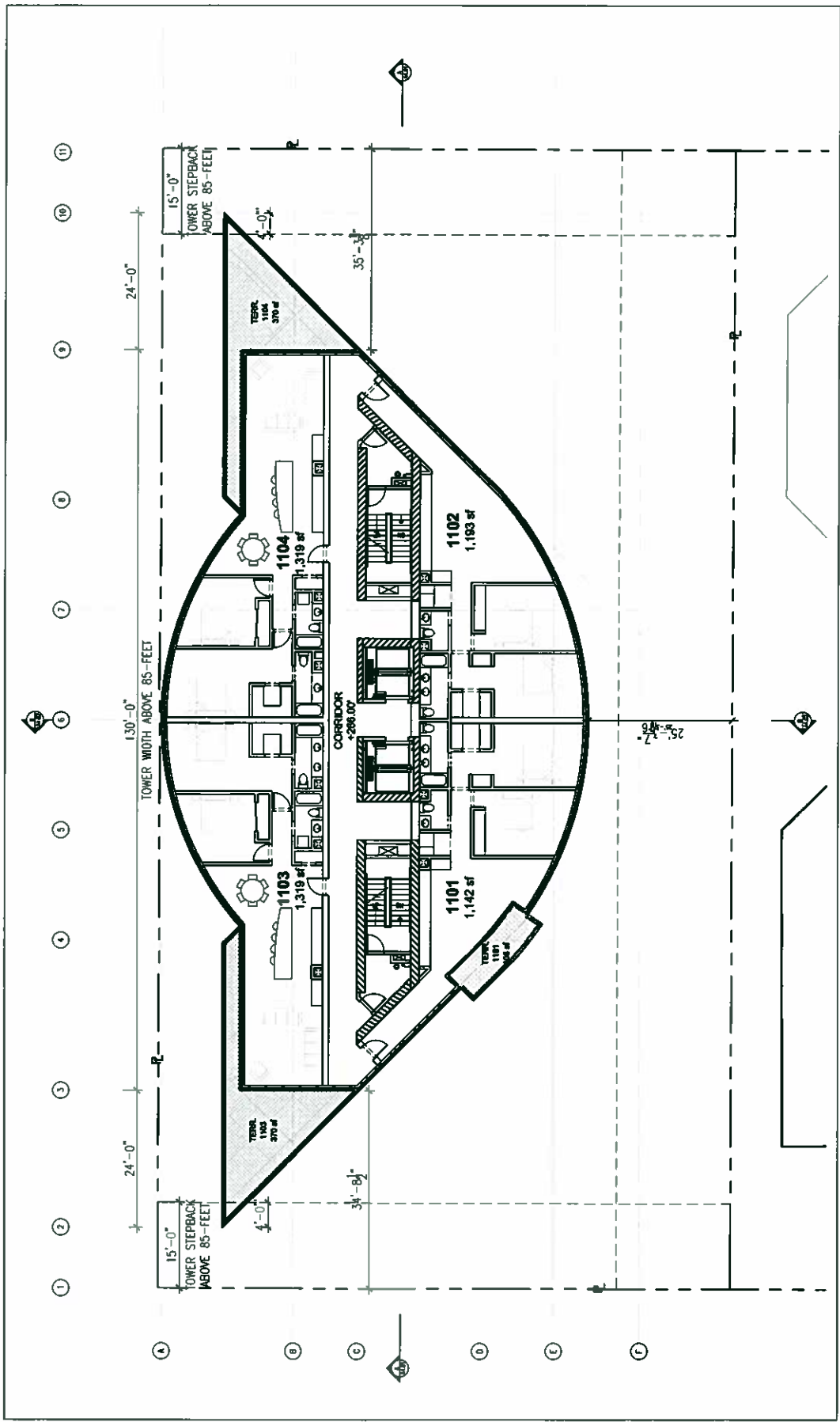
<b>SAFDIE RABINES ARCHITECTS</b>		<b>777 Beech</b>		<b>FLOOR PLAN - LEVEL 08</b>	
1101 Washington Place, San Diego, California 92103-1729 (619) 297-9183 Fax: (619) 298-8872 <a href="mailto:info@safdie.com">www@safdie.com</a>		JSD1, LLC 702 Ash Street, San Diego, CA 92101 P: 619.338.3333 F: 619.338.8208		SCALE: 1/8" = 1'-0"	SHEET: A2.08



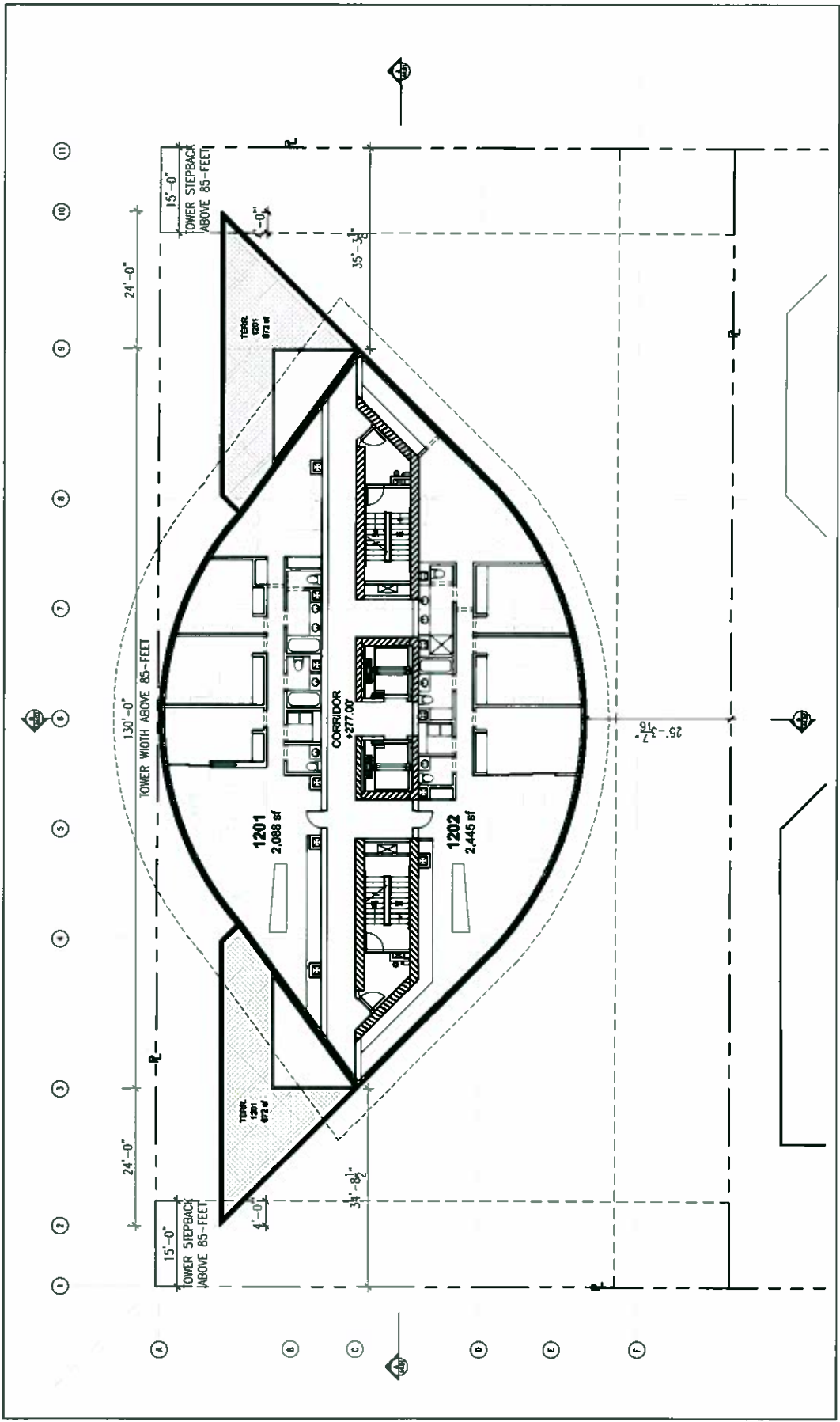
<b>SAFDIE RABINES</b> <b>ARCHITECTS</b> 1101 Washington Place, San Diego, California 92103-1726 (619) 237-9115 Fax: (619) 238-8772 <a href="http://www.safdierabines.com">www.safdierabines.com</a>		<b>FLOOR PLAN - LEVEL 09</b>	
		SCALE: 1/16" = 1'-0"	SHEET:
<b>777 Beech</b> JSD1, LLC 702 Ash Street, San Diego, CA 92101 P: 619.238.8238 F: 619.238.8239		<b>A2.09</b> <small>© 2008 SAFDIE RABINES</small>	



<b>SAFDIE RABINES ARCHITECTS</b>		<b>777 Beech</b>		<b>FLOOR PLAN - LEVEL 10</b>	
1101 Washington Place, San Diego, California 92103-1729 (619) 597-6133 Fax: (619) 596-0772 <a href="http://www.safdie.com">www.safdie.com</a>		JSD1, LLC 702 Ash Street, San Diego, CA, 92101 P 619.336.8238 F 619.336.8239		DATE: _____ BY: _____	
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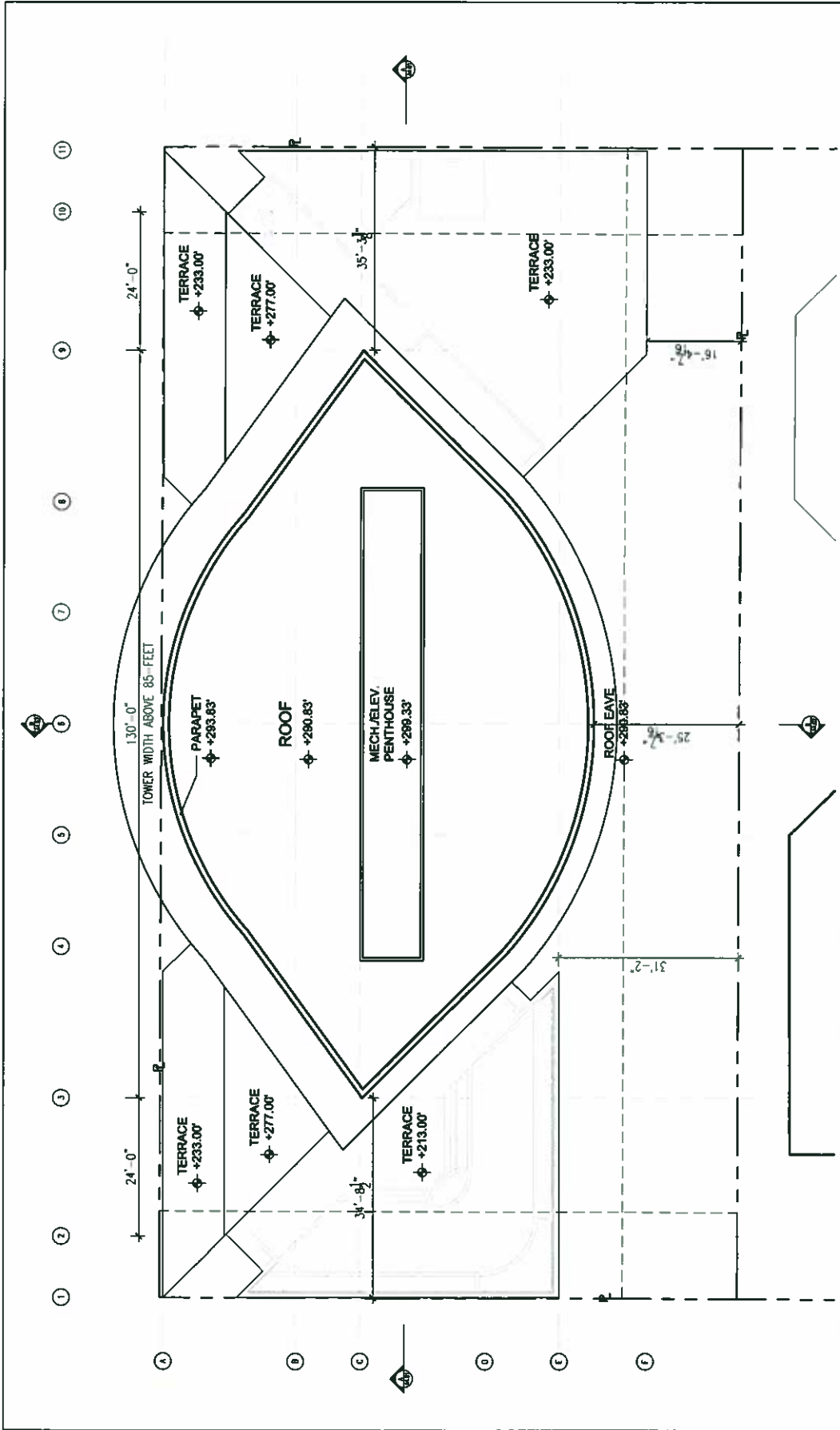


<b>SAFDIE RABINES</b>		<b>FLOOR PLAN - LEVEL 11</b>	
<b>A R C H I T E C T S</b>		SCALE: 1/8" = 1'-0"	
1101 Washington Place, San Diego, California 92103-1728 (619) 237-6193 Fax: (619) 238-6072 <a href="mailto:info@safdie.com">info@safdie.com</a>		DATE: _____	
		777 Beech	
		JSD1, LLC	
		7102 Ash Street, San Diego, CA 92101	
		p: 619.238.6328 f: 619.238.6299	
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		© 2008 SAFDIE RABINES	

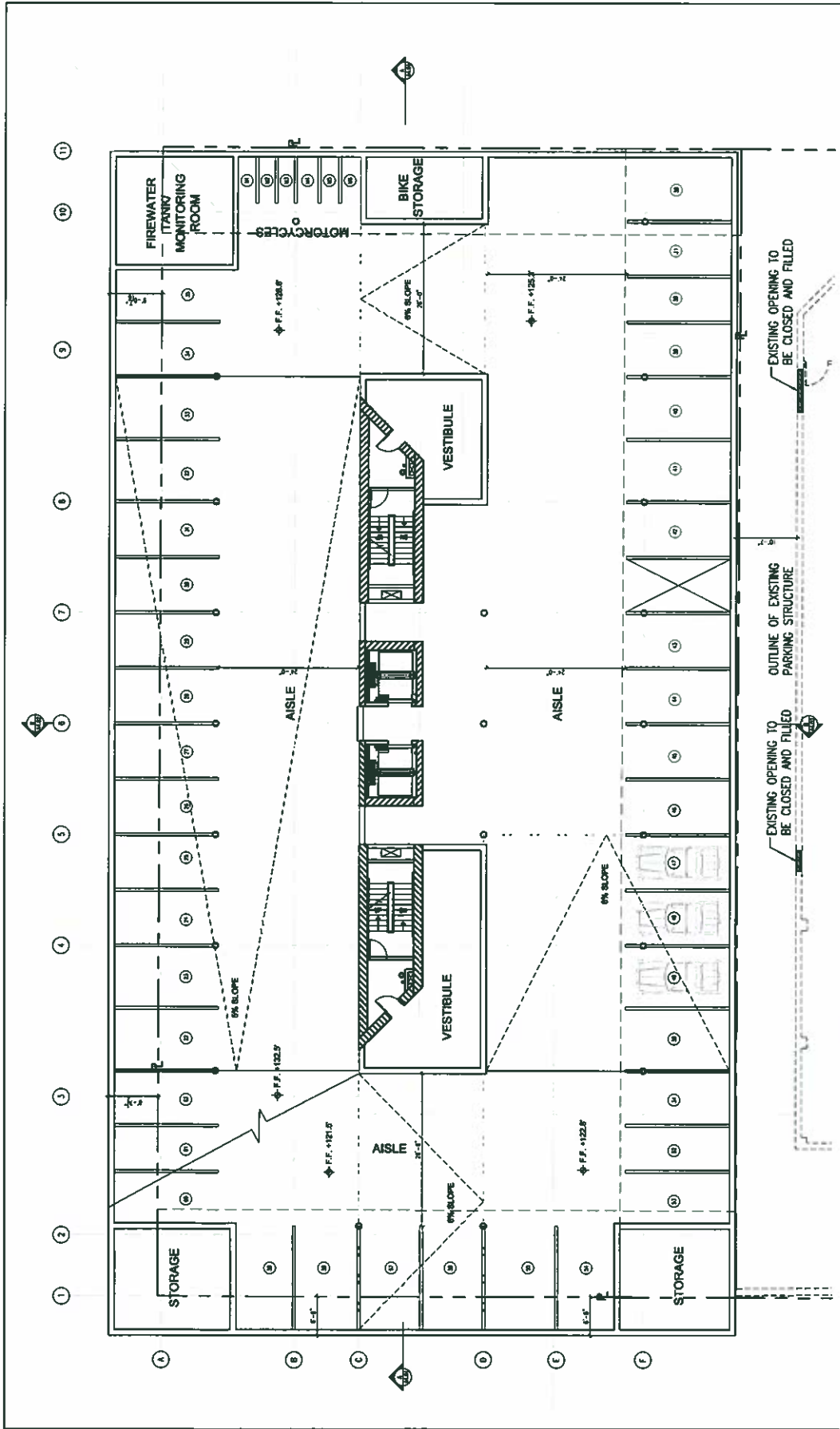


<b>SAFDIE RABINES ARCHITECTS</b>		<b>FLOOR PLAN - LEVEL 12</b>	
1101 Washington Plaza, San Diego, California 92103-1726 (619) 291-6133 Fax: (619) 294-8972 <a href="http://www.safdie.com">www.safdie.com</a>		JSD1, LLC 702 Ash Street, San Diego, CA, 92101 P: 619.328.3238 F: 619.328.0209	
SCALE: 1/8" = 1'-0"		DATE:	
		<b>A2.12</b>	

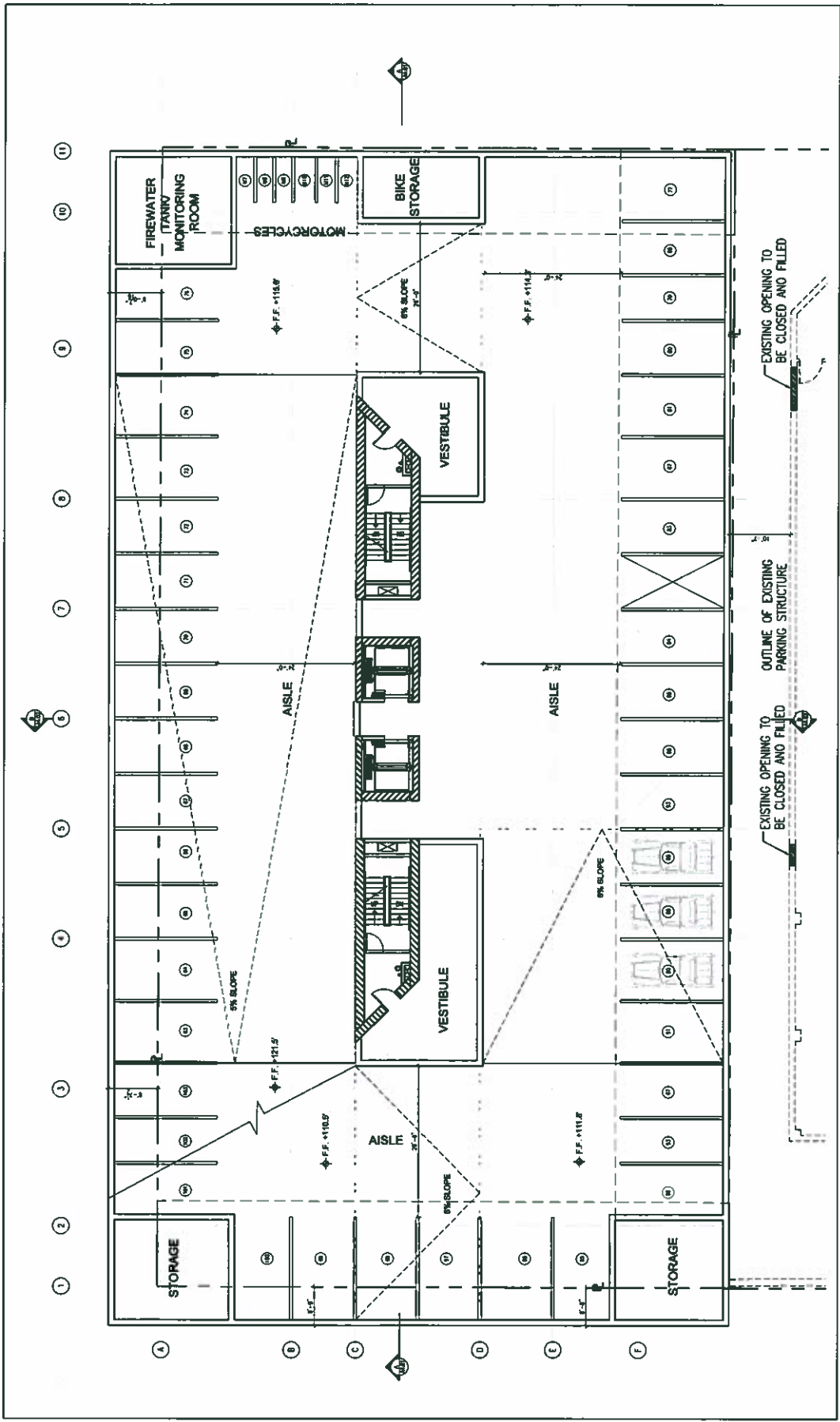




<b>SAFDIE RABINES ARCHITECTS</b>		<b>777 Beech</b>		<b>ROOF PLAN</b>	
1101 Washington Place, San Diego, California 92103-1728 (619) 297-6133 Fax: (619) 298-8872 <a href="mailto:safdier@safrab.com">safdier@safrab.com</a>		JSD1, LLC 702 Ash Street, San Diego, CA 92101 P: 619-525-5253 F: 619-525-5252		SCALE: 1/8" = 1'-0" DATE: _____	
				SHEET: <b>A2.13</b>	
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	A2.21 <small>© 2017 SAFDIE RABINES ARCHITECTS</small>		



**777 Beech**

FLOOR PLAN - LEVEL P2

SCALE: 1/16" = 1'-0" SHEET: **A2.22**

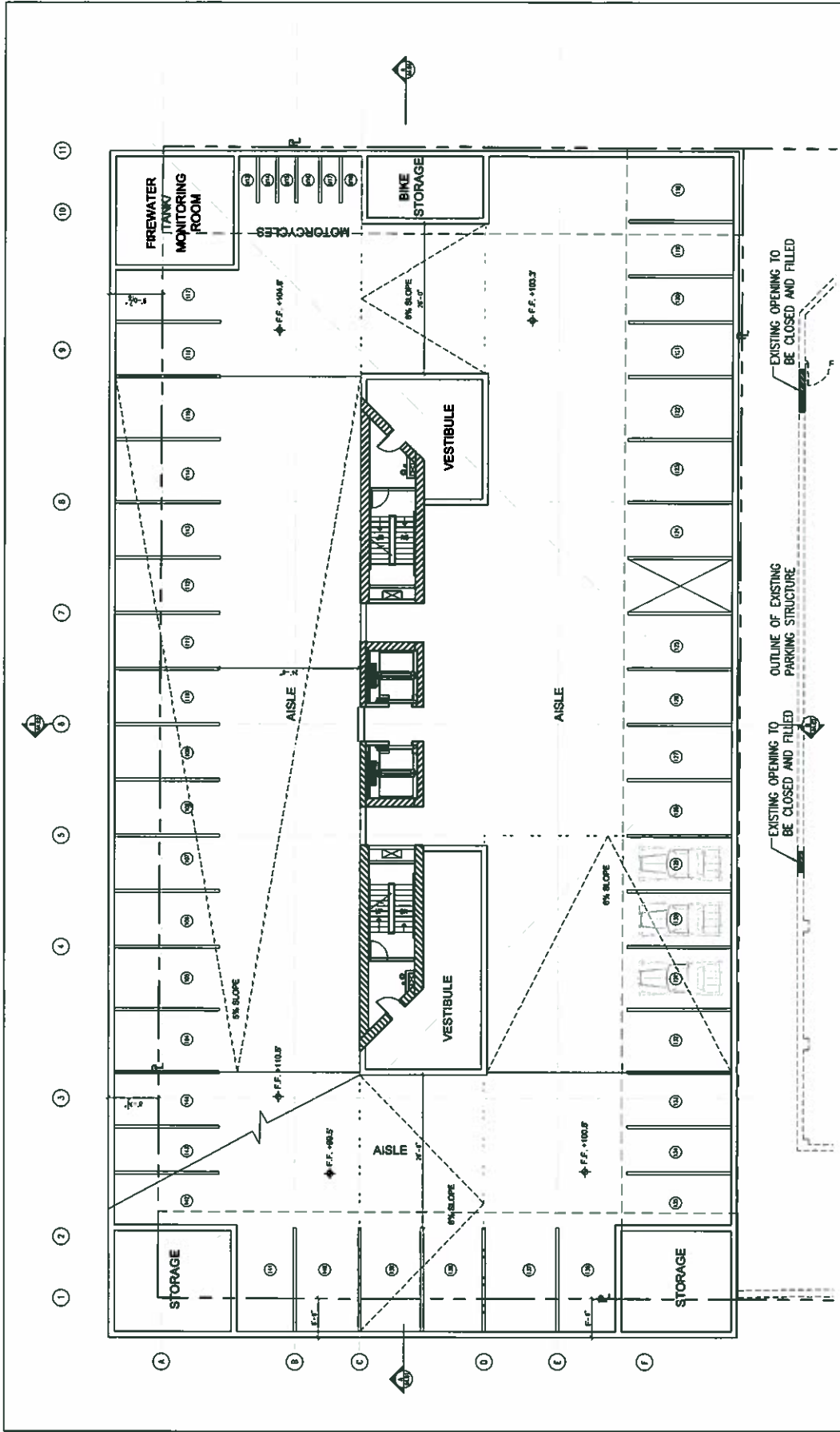
DATE: \_\_\_\_\_

JSD1, LLC  
702 Ash Street, San Diego, CA, 92101  
P: 619.239.8238 F: 619.239.8239

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**SAFDIE RABINES**  
**ARCHITECTS**

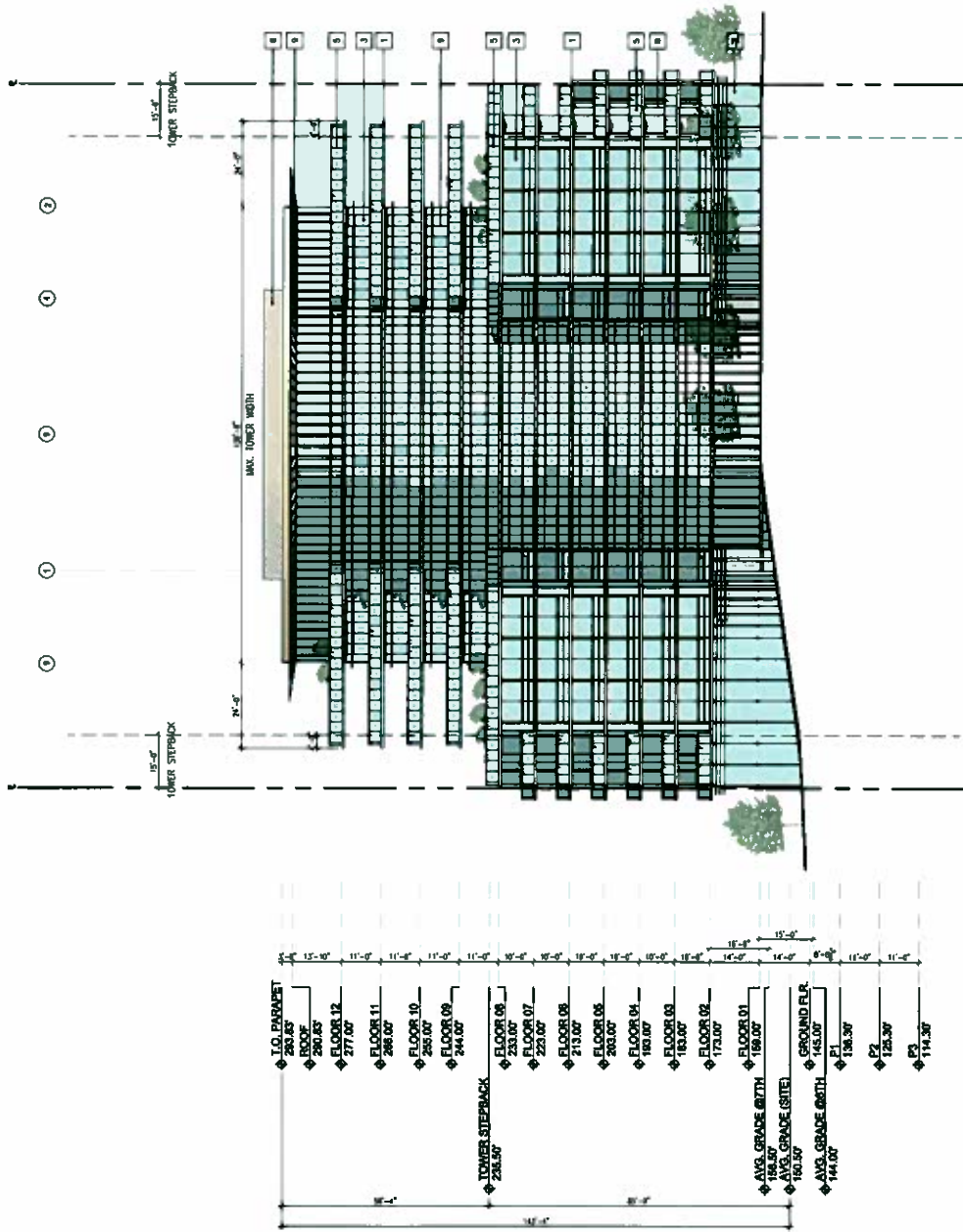
1101 Washington Plaza, San Diego, California 92103-1726  
(619) 297-6137 Fax: (619) 298-0072 [info@safrab.com](mailto:info@safrab.com)



<b>SARDIE RABINES</b> <b>ARCHITECTS</b> 191 Washington Plaza, San Diego, California 92103-1720 (619) 592-6163 Fax (619) 598-0072 www.sardierabines.com	<b>FLOOR PLAN - LEVEL P3</b>	
	SCALE: 1/8" = 1'-0"	SHEET:
<b>777 Beech</b> USD1, LLC 702 Ash Street, San Diego, CA 92101 P 619.538.8338 F 619.538.8329	<b>A2.23</b>	

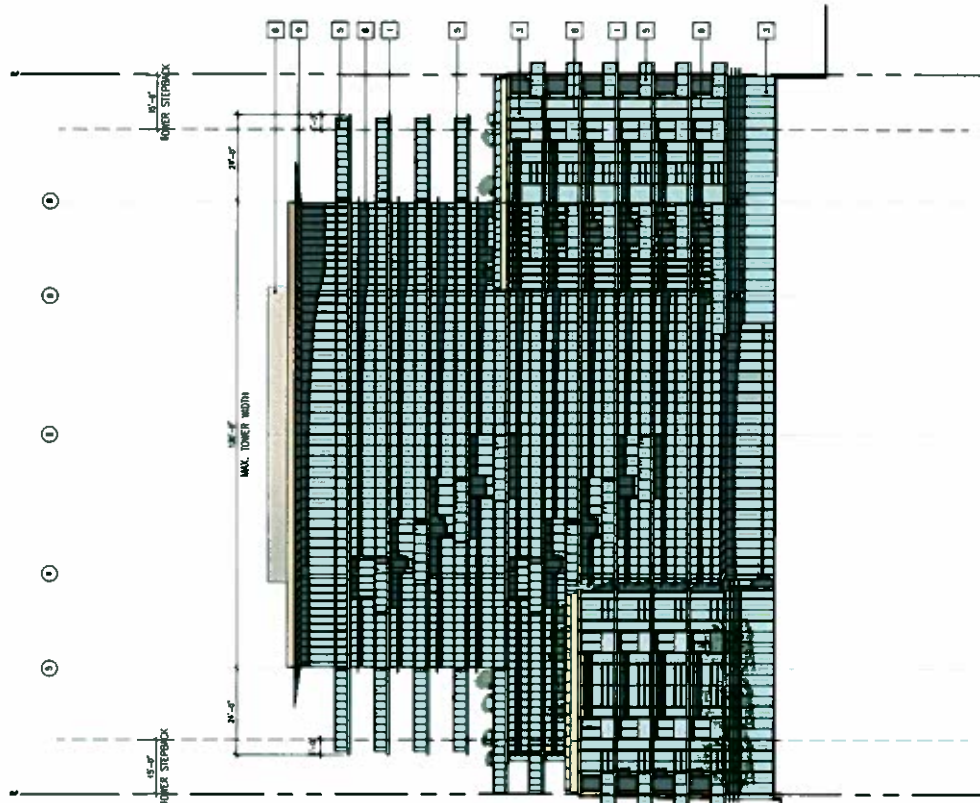
KEY NOTES

- 1 CONCRETE; PAINTED, COLOR 1
- 2 CONCRETE; PAINTED, COLOR 2
- 3 GLAZING; CLEAR
- 4 GLAZING; TRANSLUCENT
- 5 GLASS GUARDRAIL
- 6 METAL WINDOW SYSTEM
- 7 METAL FIN
- 8 METAL PANEL
- 9 METAL TRELLIS
- 10 CABLE RAIL
- 11 CONCRETE/LIMESTONE PAVERS



KEY NOTES

- 1 CONCRETE; PAINTED, COLOR 1
- 2 CONCRETE; PAINTED, COLOR 2
- 3 GLAZING; CLEAR
- 4 GLAZING; TRANSLUCENT
- 5 GLASS GUARDRAIL
- 6 METAL WINDOW SYSTEM
- 7 METAL FIN
- 8 METAL PANEL
- 9 METAL TRELLIS
- 10 CABLE RAIL
- 11 CONCRETE/LIMESTONE PAVERS



10. PARAPET	284.85
ROOF	280.87
FLOOR 12	277.00
FLOOR 11	268.00
FLOOR 10	265.00
FLOOR 09	244.00
TOWER STAIRWELL	234.00
FLOOR 08	233.00
FLOOR 07	223.00
FLOOR 06	213.00
FLOOR 05	203.00
FLOOR 04	193.00
FLOOR 03	183.00
FLOOR 02	173.00
FLOOR 01	159.00
AVG. GRADE (WITH)	156.50
AVG. GRADE (SITE)	160.50
GROUND EL.	144.00
F1	130.30
F2	125.30
F3	114.30

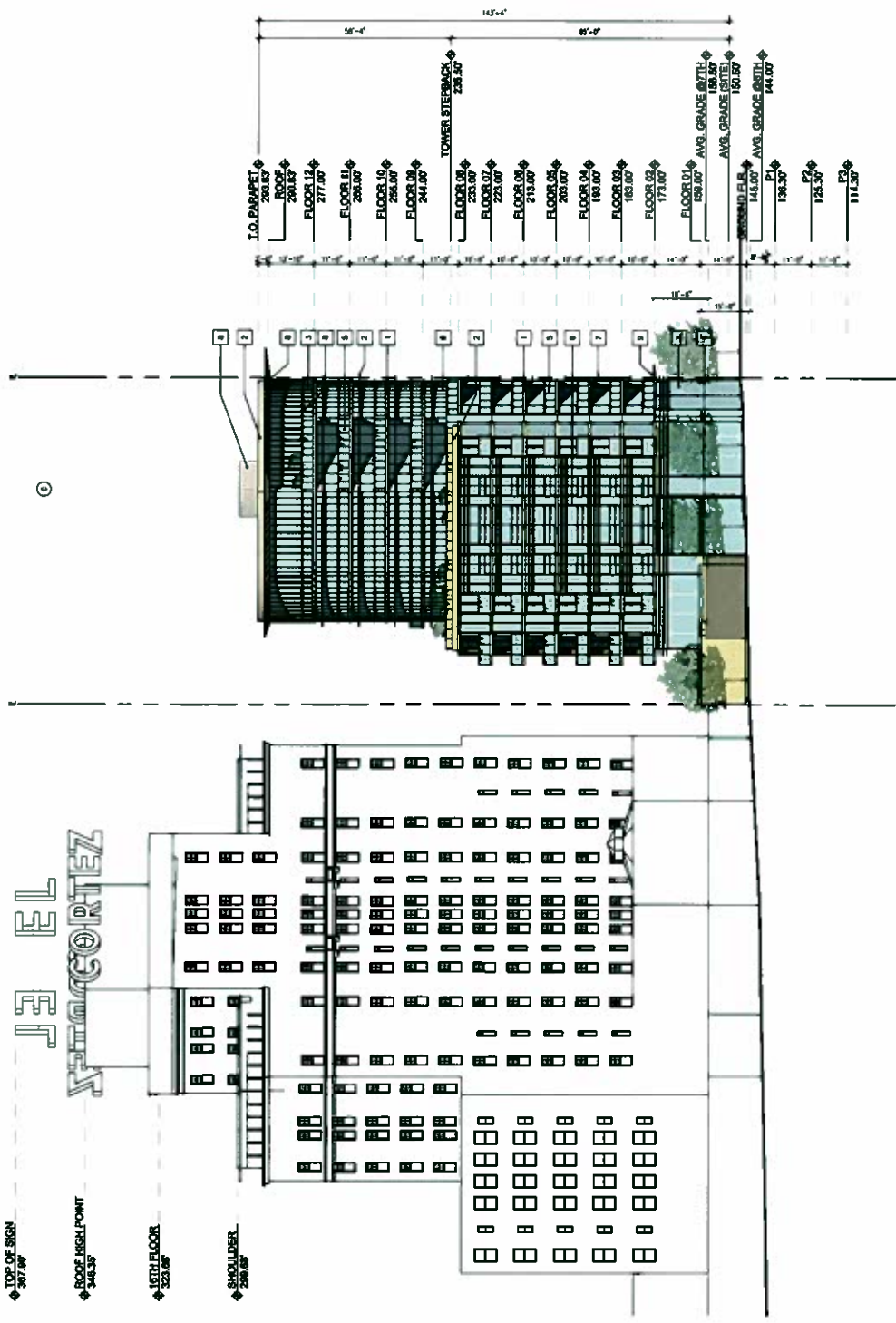
**SAFADIE RABINES**  
**ARCHITECTS**  
 1901 Washington Plaza, San Diego, California 92103-1720  
 (619) 527-2125 Fax (619) 528-8072 www.safadierabines.com

**777 Beech**  
 JSD1, LLC  
 702 Ash Street, San Diego, CA 92101  
 P 619.538.3333 F 619.238.8228

**SOUTH ELEVATION**  
 SCALE: 1/32" = 1'-0"  
 SHEET: **A3.02**  
 DATE:

**KEY NOTES**

- 1 CONCRETE; PAINTED, COLOR 1
- 2 CONCRETE; PAINTED, COLOR 2
- 3 GLAZING; CLEAR
- 4 GLAZING; TRANSLUCENT
- 5 GLASS GUARDRAIL
- 6 METAL WINDOW SYSTEM
- 7 METAL FIN
- 8 METAL PANEL
- 9 METAL TRELLIS
- 10 CABLE RAIL
- 11 CONCRETE/IMESTONE PAVERS



**777 Beech**  
 JSDI, LLC  
 702 Ash Street, San Diego, CA, 92101  
 P 619.338.8238 F 619.338.8238

**EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"  
 DATE:

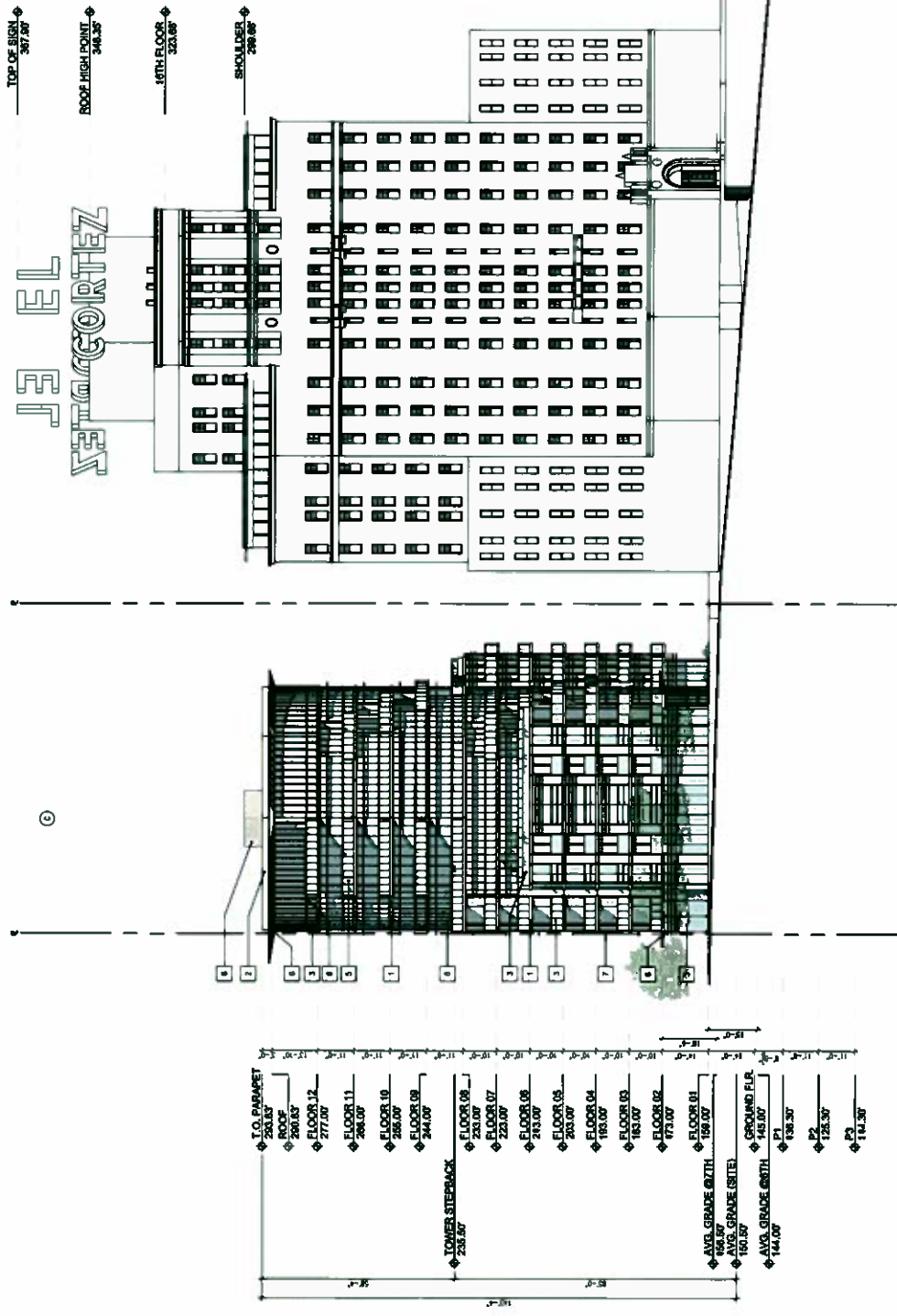
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 (619) 297-4183 Fax: (619) 298-0072 www.safdie.com

**A3.03**



KEY NOTES

- 1 CONCRETE; PAINTED, COLOR 1
- 2 CONCRETE; PAINTED, COLOR 2
- 3 GLAZING; CLEAR
- 4 GLAZING; TRANSLUCENT
- 5 GLASS GUARDRAIL
- 6 METAL WINDOW SYSTEM
- 7 METAL FIN
- 8 METAL PANEL
- 9 METAL TRELIS
- 10 CABLE RAIL
- 11 CONCRETE/ LIMESTONE PAVERS



↑ I.O. PARAPET	233.87
↑ ROOF	230.83
↑ FLOOR 12	277.00
↑ FLOOR 11	266.30
↑ FLOOR 10	256.00
↑ FLOOR 09	244.00
↑ TOWER STEPS	233.87
↑ FLOOR 08	233.00
↑ FLOOR 07	223.00
↑ FLOOR 06	213.00
↑ FLOOR 05	203.00
↑ FLOOR 04	193.00
↑ FLOOR 03	183.00
↑ FLOOR 02	173.00
↑ FLOOR 01	159.00
↑ AVG. GRADE (WTH)	156.57
↑ AVG. GRADE (SITE)	150.50
↑ GROUND FLR	145.00
↑ AVG. GRADE (WTH)	144.00
↑ P1	136.30
↑ P2	128.30
↑ P3	114.30

**SARDIE RABINES**  
**ARCHITECTS**  
 1101 Washington Plaza, San Diego, California 92103-1726  
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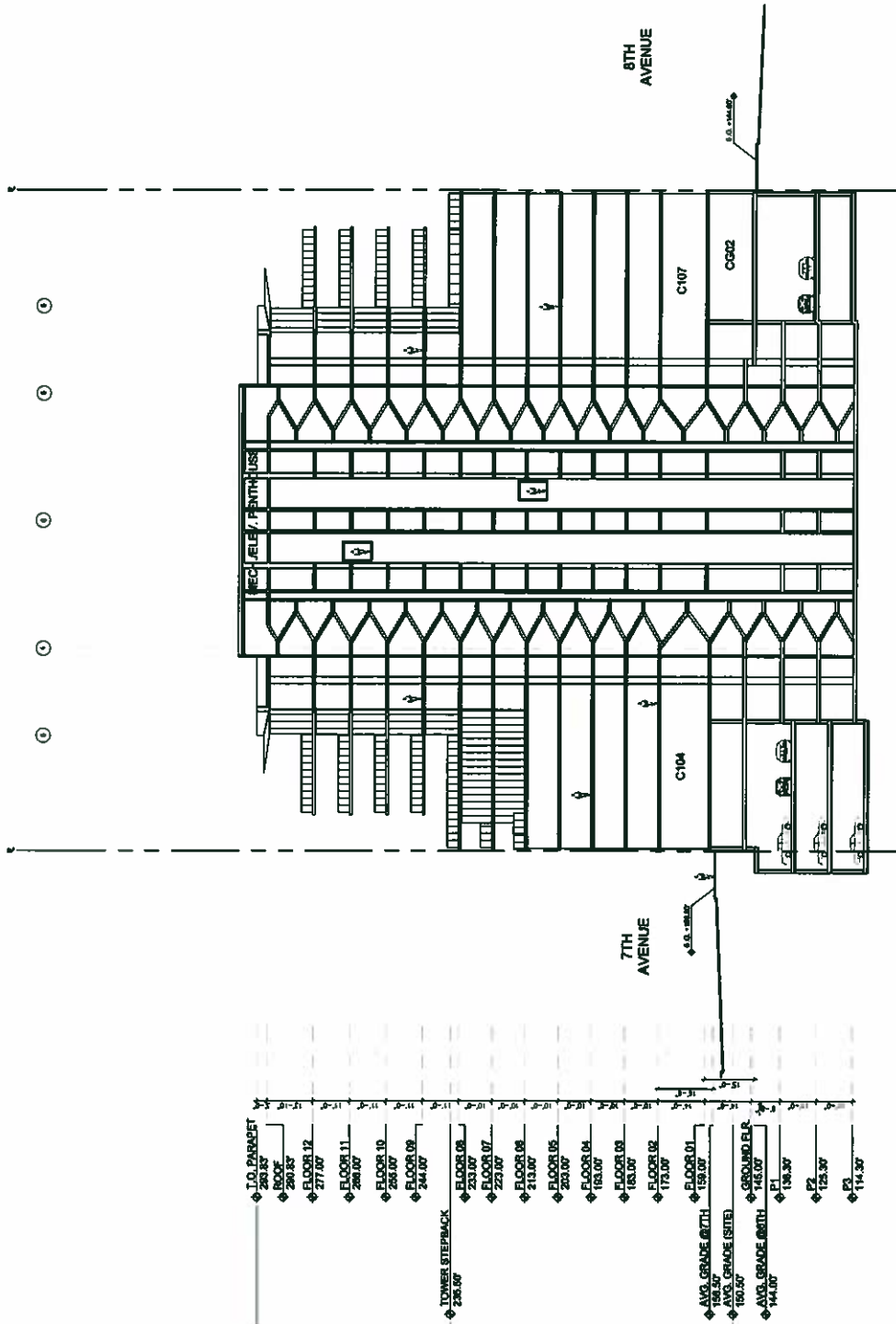
**777 Beech**  
 JSD1, LLC  
 702 Ash Street, San Diego, CA 92101  
 P: 619.235.2529 F: 619.235.2525

WEST ELEVATION  
 SCALE 1/8" = 1'-0"  
 DATE  
**A3.04**  
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KEY NOTES

- 1 CONCRETE; PAINTED, COLOR 1
- 2 CONCRETE; PAINTED, COLOR 2
- 3 GLAZING; CLEAR
- 4 GLAZING; TRANSLUCENT
- 5 GLASS GUARDRAIL
- 6 METAL WINDOW SYSTEM
- 7 METAL FIN
- 8 METAL PANEL
- 9 METAL TRELLIS
- 10 CABLE RAIL
- 11 CONCRETE/LIMESTONE PAVERS



◆ I.O. PARADET	283.87
◆ ROOF	280.87
◆ FLOOR 12	277.87
◆ FLOOR 11	264.87
◆ FLOOR 10	265.87
◆ FLOOR 09	244.87
◆ TOWER STEPPACK	236.87
◆ FLOOR 08	233.87
◆ FLOOR 07	223.87
◆ FLOOR 06	213.87
◆ FLOOR 05	203.87
◆ FLOOR 04	193.87
◆ FLOOR 03	183.87
◆ FLOOR 02	173.87
◆ FLOOR 01	153.87
◆ AVG. GRADE @ 7TH	158.57
◆ AVG. GRADE (SITE)	150.57
◆ GROUND EL. #1	145.07
◆ AVG. GRADE @ 8TH	141.07
◆ P1	138.37
◆ P2	123.37
◆ P3	114.37

**777 Beech**

JSD1, LLC  
702 Ash Street, San Diego, CA, 92101  
0 619.338.0338 1 619.338.0338

SECTION 'A'

SCALE: 1/2" = 1'-0" SHEET

DATE:

**A4.01**

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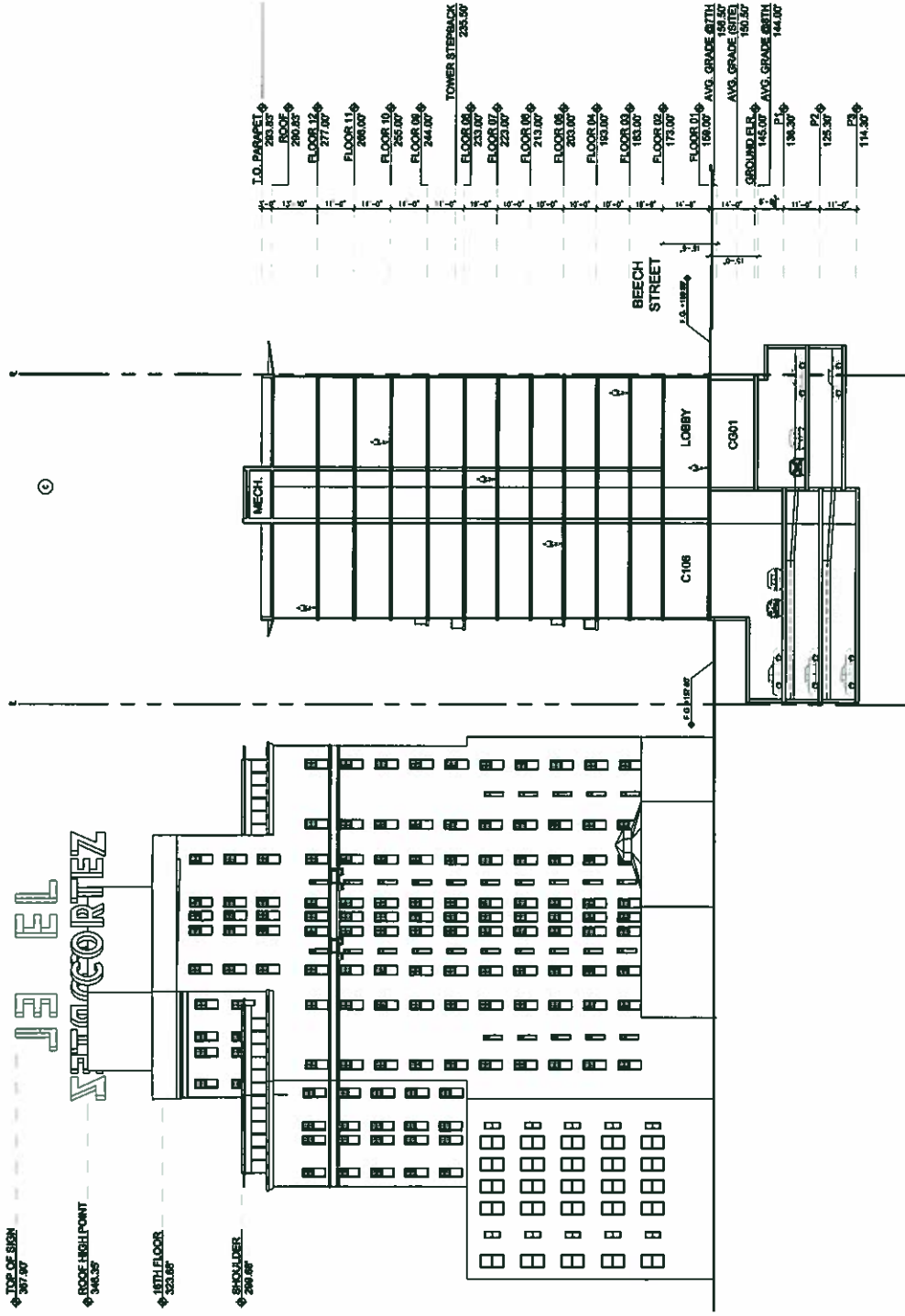
---

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1101 Washington Plaza, San Diego, California 92103-1728  
(619) 297-4337 Fax: (619) 295-0072 [info@safdie.com](mailto:info@safdie.com)

KEY NOTES

- 1 CONCRETE; PAINTED, COLOR 1
- 2 CONCRETE; PAINTED, COLOR 2
- 3 GLAZING; CLEAR
- 4 GLAZING; TRANSLUCENT
- 5 GLASS GUARDRAIL
- 6 METAL WINDOW SYSTEM
- 7 METAL FIN
- 8 METAL PANEL
- 9 METAL TRELLIS
- 10 CABLE RAIL
- 11 CONCRETE/LIMESTONE PAVERS



**777 Beech**

JSD1, LLC  
702 Ash Street, San Diego, CA 92101  
P 619.238.5323 F 619.238.5326

SECTION 'B'

SCALE: 1/2" = 1'-0" SHEET: A4.02

DATE:

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(619) 297-4183 Fax: (619) 298-8072 www.safdie.com



11 CABLE RAIL



12 GLASS GUARDRAIL



13 METAL TRELLIS



14 METAL FIN



15 METAL WINDOW  
16 METAL PANEL



17 GLAZING; TRANSLUCENT



18 GLAZING; CLEAR



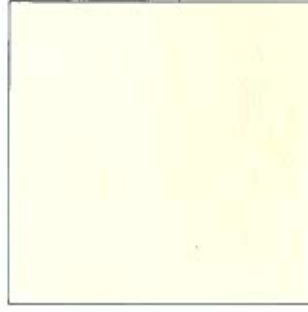
19 CONCRETE PAVERS



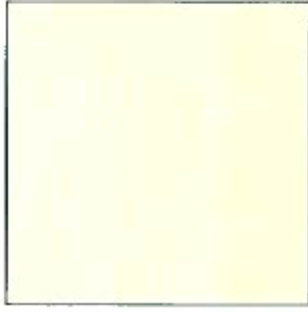
20 LIMESTONE PAVERS



21 CONCRETE PAVERS



22 CONCRETE; PAINTED, COLOR 2



23 CONCRETE; PAINTED, COLOR 1



COLOR PALETTE OF EL CORTEZ

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COLOR & MATERIAL BOARD  
SCALE NO SCALE UNIT

**A5.00**

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**777 Beach**  
 JSD1, LLC  
 702 Ash Street, San Diego, CA 92101  
 P: 619.526.8208 F: 619.526.8209

PERSPECTIVE VIEWS

SCALE	SHEET
DATE	<b>A5.01</b>

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**ET**  
**COMET**

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JSD1 LLC  
702 Ash Street, San Diego, CA 92101  
P: 619.538.8238 F: 619.538.8238

**PERSPECTIVE VIEWS**  
SCALE: \_\_\_\_\_  
DATE: \_\_\_\_\_  
PROJECT: **A5.02**  
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**777 Beech**  
 JSD1, LLC  
 702 Ash Street, San Diego, CA, 92101  
 p 619.538.8338 f 619.538.8308

**PERSPECTIVE VIEWS**

SCALE \_\_\_\_\_  
 DATE \_\_\_\_\_  
 SHEET **A5.03**  
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 JSD1, LLC  
 702 Ash Street, San Diego, CA, 92101  
 # 118.338.8338 1.818.338.8338

**PERSPECTIVE VIEWS**  
 SCALE: \_\_\_\_\_ SHEET: \_\_\_\_\_  
 DATE: \_\_\_\_\_ **A5.04**  
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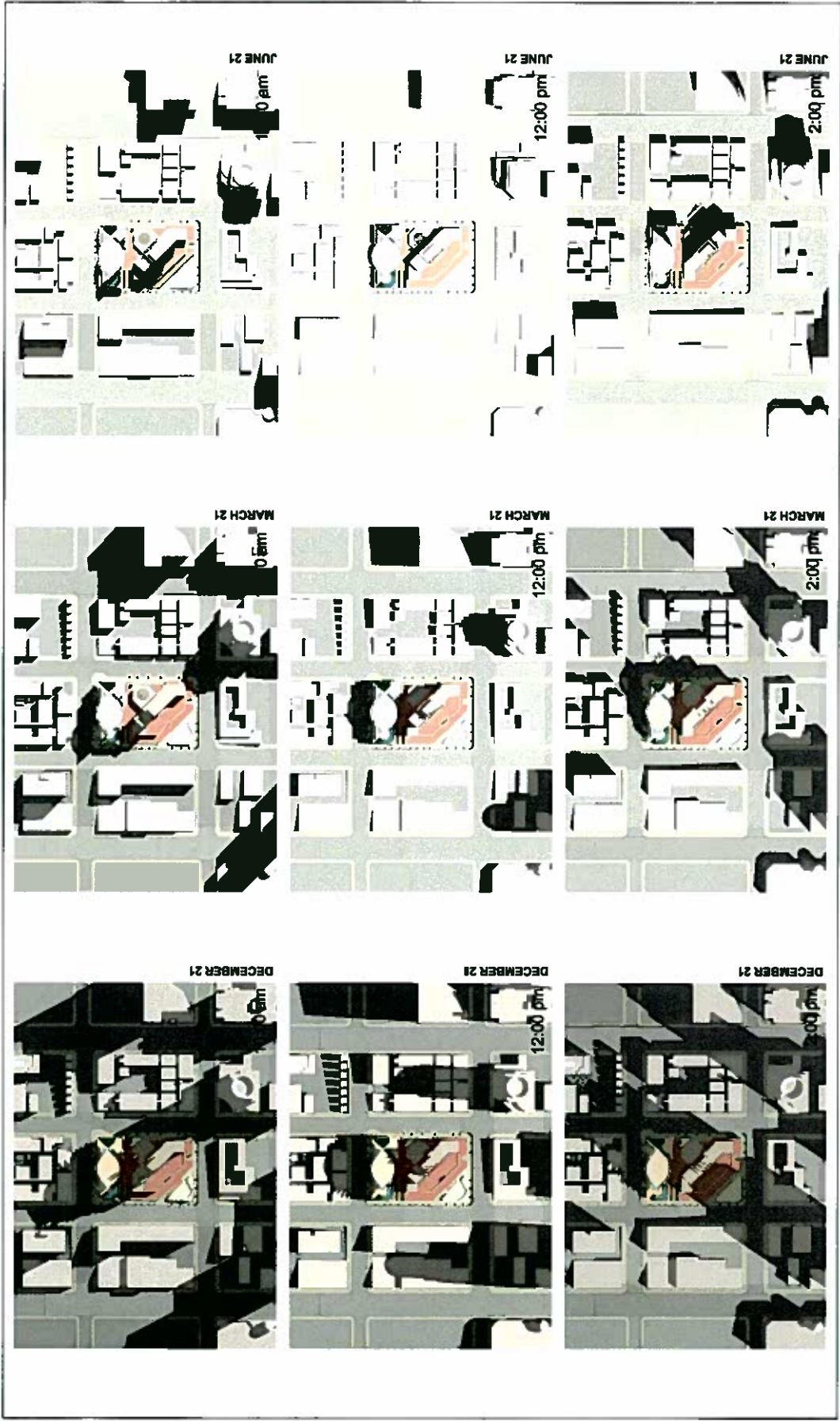


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 (619) 297-4185 Fax: (619) 298-8072 [info@safdie.com](mailto:info@safdie.com)

**777 Bech**  
 JSD1, LLC  
 702 Ash Street, San Diego, CA 92101  
 P 619.534.3333 F 619.534.3338

**PERSPECTIVE VIEWS**  
 SCALE \_\_\_\_\_ DATE \_\_\_\_\_  
 SHEET: **A5.05**  
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**777 Beech**  
 702 Ash Street, San Diego, CA 92101  
 P 619.335.0322 O 619.335.0323

**SOLAR SHADOW STUDIES**  
 SCALE: NO SCALE SHEET: A6.00

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View from Cabrillo Bridge south towards project site

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**A R C H I T E C T S**  
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**777 Beech**  
JSD1, LLC  
702 Ash Street, San Diego, CA, 92101  
P 619.238.8208 F 619.238.8208

CABRILLO BRIDGE VIEW  
SCALE: NO SCALE SHEET:

**A6.01**

DATE: 02/04/2014

**ATTACHMENT G**

**CORRESPONDENCE RECEIVED FROM THE PUBLIC**

LOCAL PERSPECTIVE

# Don't sacrifice El Cortez's history to housing density goals



The views of and from the iconic El Cortez, built in 1927, are threatened by a high-rise condo project on the same block. City Council will make the final decision. *Union-Tribune file photo*

By Rita Collier

Great cities protect their iconic buildings and honor their civic and social history. Our civic leaders aspire to see San Diego achieve a position of prominence among cities but sometimes seem not to grasp the importance of our landmark buildings in achieving that greatness.

Fortunately, downtown San Diego has a few 20th-century iconic buildings reflective of our civic and social history. The New Children's Museum will be a landmark building of the future, and many San Diegans are rightly asking that any new buildings near our waterfront be worthy of respect by future generations.

Sadly, a downtown building of great historical and architectural significance and civic affection is now threatened; not by demolition as it once was, but by the construction of a new condominium tower on its terrace and only 25-40 feet away from it.

The historicity of the El Cortez is about to be sacrificed to satisfy CCDC's housing density goals of eventually having 90,000 people live downtown, a goal not likely to be reached for decades.

The El Cortez was purposely placed diagonally on the downtown block with the highest elevation to offer views, and be viewed, for miles around. On its 1927 opening day 50,000 fascinated San Diegans toured it. Its iconic neon sign is still a welcome sight as one walks across Balboa Park's historic Cabrillo Bridge or flies into Lindbergh Field. And its diagonal orientation permits all sides of the building to benefit from San Diego's sunlight and enhances the public's enjoyment of its multifaceted exterior.

We enjoy the El Cortez today because San Diegans cared about it even when it became derelict and was in danger of being demolished by a foreign owner who did not appreciate the depth of

civic affection for the old building. Thankfully, it was not demolished, is now restored — however imperfectly — and has taken its rightful place on local, state and national Registers of Historic Places.

The El Cortez's rehabilitation, aided by public funds, helped rejuvenate the historically residential neighborhood around it into the redevelopment success story it is today. Cortez Hill, with five designated historic buildings within its 12-block area, still offers a diversity of family-friendly housing opportunities in well-maintained older buildings and appropriately scaled newer homes to longtime residents as well as newcomers. The proposed 12- to 13-story 777 Beech condominium project walls off the El Cortez from view from the very neighborhood over which the El Cortez has presided so majestically for more than 80 years. It will prevent its being seen from the Cabrillo Bridge as well.

Ironically, it is the same developer who acquired the derelict El Cortez, who rehabilitated it into rental apartments and who is applying for National Register status during the process, who now wants the city to approve a high-rise condo immediately next to the historic building that he no longer owns. He persists with plans for 777 Beech in spite of the dangers it poses to a San Diego iconic site and the injury it causes to the buyers of his El Cortez condo conversion.

Fortunately, the El Cortez block had a covenant placed on it at the time public funds were invested in its rehabilitation: It gives the City Council the discretion to decide if there should be any additional development at all on that block at this time.

After the Planning Commission makes its recommendation, expected June 5, the City Council will consider this matter. The council should not sacrifice the El Cortez to an ill-conceived and unneeded condo proposal. On the contrary, it should continue to protect the El Cortez in every way possible.

Collier is coordinator of the Cortez Neighbors Group.



## Brad Richter

---

**From:** Faucher, Heather [heather.faucher@invitrogen.com]  
**Sent:** Thursday, May 08, 2008 3:07 PM  
**To:** richter@ccds.com  
**Subject:** re: 777 Beech project

Hi Brad,

I just received notification about the Public Hearing over the 777 Beech project and unfortunately I will be out of the country during the meeting. I would however like to express my views on the project.

To start I am a current owner of a unit at the El Cortez and a San Diego native. As a third generation san diegan this building has meant a lot to me over the years.

Growing up I would marvel at the grandeur of the building and hear stories from my Grandfather and father about the building's history. In fact, my Dad had his high school prom at the El Cortez. When I was old enough I made the decision to buy my first condo at the El Cortez - which was both a huge investment but also a great joy in my life. This building was not only part of the city's history but a part of my family's history and to me something worth protecting and fighting for.

As I'm sure you know the El Cortez HOA is currently suing the Developers over false representations and use of the building's resources. It's appalling to me that someone would care so little about the building as well as their owners. This proposed project is just another way to destroy the value and grandeur the building deserves.

Over the years I've watched the city grow and watch downtown explode into a great place to live. Although growth can be good, a city should also ensure they protect the land and value of their greatest assets and character. I would hate to see the greed of one developer change all that. I'm asking you and the planning commission to block this development and any future developments that would impact the preservation of the El Cortez. As my representative I hope you take my thoughts into serious consideration.

Thank you,  
Heather Faucher, CPA  
[hfaucher@yahoo.com](mailto:hfaucher@yahoo.com)  
(619)241-6925

**Brad Richter**

---

**From:** Eva Weems [weemsej@yahoo.com]  
**Sent:** Wednesday, January 16, 2008 3:05 PM  
**To:** Brad Richter  
**Subject:** PLEASE DON'T APPROVE THE 777 BEECH PROJECT!

I am very concerned about the plans for the proposed 777 Beech Street project for many reasons. Adding any building to the historic El Cortez property would provide nothing but a negative impact for the entire Cortez Hill neighborhood, not to mention the fact that the current property owners' units would be rendered worthless with even their swimming pool taken away and any views from their units completely eliminated by a big, ugly box. The builder for this proposed project has a history of shoddy workmanship on the El Cortez development (plumbing that constantly backs up and severe difficulties with windows), and is known for being sued for his continuing failure to resolve any of the difficulties created by his poor workmanship.

The plans as proposed would completely destroy the aesthetics of the entire neighborhood with the existing views of the most historic property in the City being completely obliterated behind what is essentially an ugly box. Additionally, the stress caused on that historic building during construction would most likely cause irreparable damage to the El Cortez.

Finally, a mixed usage complex would place an additional major strain on the already impossible parking and traffic situation on Cortez Hill. The numerous trips added to the traffic pattern by adding a large number of retail outlets and/or other businesses to a primarily residential neighborhood would make parking even more difficult than it already is.

The CCDC has almost always approved projects that add to the beauty of San Diego, or at least don't denigrate their neighborhoods. Please do not grant a permit for construction of this totally unnecessary and unsightly structure! There are no positives to either this beautiful City or to its highly taxed citizens if another building, and an unattractive one, is added to the large number of buildings that are already having severe difficulties in selling existing units. It is not good policy for any city to have so much excess inventory and yet continue approving more and more new projects. Not every project needs to be approved, to the detriment of its neighbors, just because a developer won't give up. The timing is wrong, the building is wrong, and the developer is wrong. Please Just Say NO!!

Eva J. Weems  
Owner Unit #516  
Discovery Condominium  
850 Beech St.  
San Diego, CA 92101

## Brad Richter

---

**From:** Carroll, Dennis J - Washington, DC [dennis.j.carroll@usps.gov]  
**Sent:** Tuesday, January 15, 2008 8:57 AM  
**To:** Brad Richter  
**Subject:** 777 Beech Hearing

Although I live on the East Coast, I currently own property in the Discovery Building on Beech Street in San Diego.

I have seen the plans for the proposed 77 Beech Street project and, frankly, this building as proposed would provide nothing but a negative impact for the Cortez Hill neighborhood. The builder for this project has a history of shoddy workmanship on the El Cortez development (plumbing that constantly backs up and severe difficulties with windows), and is known for being sued for his continuing failure to resolve any of the difficulties created by his improper workmanship.

The plans as proposed would completely destroy the aesthetics of the neighborhood with the existing views from Discovery of the most historic property in the City being completely obliterated by what is essentially an ugly box. Concerning views, the views from the East half of the El Cortez would be totally eliminated. Additionally, the stress caused on that historic building during construction would most likely cause irreparable damage to the El Cortez.

Finally, a mixed usage complex would place an additional major strain on the already difficult parking situation on Cortez Hill. The numerous trips added to the traffic pattern by adding a large number of retail outlets and/or other businesses to a primarily residential neighborhood would make parking even more difficult than the current situation.

Please do not grant a permit for construction of this totally unnecessary structure. There are no positives to the City if an unattractive building is added to the large number that are already having severe difficulties in selling existing units.

Dennis J. Carroll  
Owner Unit #516  
Discovery Condominium  
San Diego, Ca

**Brad Richter**

---

**From:** Curtin, Sabrina [SCurtin@sandiego.gov] on behalf of PlanningCommission [PlanningCommission@sandiego.gov]  
**Sent:** Thursday, January 10, 2008 4:11 PM  
**To:** Brad Richter  
**Subject:** FW: El Cortez/Beech project

---

**From:** gsbolotin@pol.net [mailto:gsbolotin@pol.net]  
**Sent:** Thursday, January 10, 2008 1:29 PM  
**To:** PlanningCommission  
**Subject:** El Cortez/Beech project

As a Cortez Hill resident and El Cortez owner I feel your commission should hear my opinion/voice on this matter. I have attended 3 of the architectural/CCDC meetings. I have heard the standards and criteria which this project is supposed to meet. I feel when a signature building of your city skyline is involved there should be an air of confidence that the right thing is being done. Well there is not; from a structural,architectural,legal and national park definition standpoint this project has been controversial from the start. The owners feel from a legal standpoint there was unscrupulous behavior by the sales team contracted and supervised by Mr Janapoul. The representation of the possible use of Parcel B by Janapoul et al was shady, misleading and preyed upon prospective homeowners who wanted to buy at a 'landmark' setting. The prices of the units were commensurate with the El Cortez remaining a landmark, not an architectural onion and stain on the cities political process. The disclosures regarding Parcel B were quick with limited information and what information that was presented quoted facts about 25 year leases to prevent developing 'B' etc. and clearly meant to get signatures without a lot of questions. Structurally, a knowledgeable appearing engineer spoke in opposition of the project at one of the CCDC meetings, his feelings were not directly answered. Finally, the National Park criteria for changes to be made to a landmark parcel appears to be sliding through the committees even though no one from the Cortez Hill neighborhood seems to agree with the committees final decision. Some of the experts from the architectural committee were very much against the project,yet in the end the committees (CCDC/Architctural Review Board) made their final decision. I think it is problematic when the chair of one of the committes announced that he had worked with Mr Janapoul in the past and since their decision seems so controversial, there is an air of 'back room agreements' hanging over the committees actions. As well, the need for Mr Janapoul to hire on a special VP of 'lobbying' to help along the political process ( Mr Zuchette ) again conjures up an air of non objective decision making which seems out of place in such an important project . If someone wanted to build a siteline ruining eyesore next to the Empire State Building, Brooklyn Bridge, Wrigley Building in Chicago etc. there would be a slightly different process, basically it would be a process of ...ABSOLUTELY NOT....unless there was some back room agreements being made or money changing hands. So why here in San Diego with our signature El Cortez building are we allowing this architectural onion with pending lawsuits to get all the way through to the city council. I feel it is time to make a stand and do the right thing for the San Diego residents,center city residents,El Cortez homeowners and Cortez Hill neighbors, even if the development company stands to lose out on a little profit. After all Mr Janapouls company was given favorable incentives by the city/government to undertake the original refurbishment of the El Cortez, the units were sold and he did well for himself, and the city was I'm sure happy the landmark building regained its past form. So why go further ?? It appears to be because of " I can " , " I can make some money off of



this" ....but now with a terrible condo market Mr Janapoul probably just wants to do it because it would be ego shattering to not 'win'. Please save our building,our neighborhood and the cities' integrity and come up with some way for Mr Janapoul to save face but not pursue this project.

Thankyou.

**RICHARD E. CRAWFORD 6550 NO. SAINT ANDREWS DRIVE  
TUCSON, AZ 85718-2616**

January 6, 2008 enclosure re: 777 Beech St.

My name is Richard Crawford . Since the year 2002 I have owned a dwelling unit # 810, 850 Beech Street, San Diego, CA . This memorandum is in opposition to the proposed further development on Cortez Hill at 777 Beech Street.

The only plausible reason that I have heard for even considering this addition to the already crowded Cortez Hill area is the temporary benefit of a one time addition of " tax increment funds". The public interest is better served by opposing the 777 Beech Street addition to clarify the following matters :

1. The neighborhood area is already overbuilt with residential units. In the Discovery complex where my condominium is located when I last checked there were at least six dwelling units in bankruptcy. The planning commission as part of their due diligence efforts should ascertain the number and the extent to which other neighborhood projects are also undergoing bankruptcy proceedings.
2. The adequacy of automobile parking facilities is a further concern that would result from the addition of the 777 and related projects.
3. How about essential services such as emergency and urgent health care facilities and nearby pharmaceutical services for the growing number of residential units in the Cortez Hill area? Has the planning commission done due diligence as to the extent of this need?
4. Finally, in view of the fact that the proposed 777 structure is in conflict with a previously recorded covenant pertaining to development prior to 2025 in the immediate Cortez Hill area it is not responsible for the planning commission and the city to authorize the new construction which is proposed for 777 Cortez Hill?

By: Richard Crawford

By,

## RICHARD E. CRAWFORD, JR.

6550 St. Andrews Drive  
Tucson, AZ 85718

Richard E. Crawford is a charter member of the Catalina Foothills Presbyterian Church in Tucson, AZ. Richard and his wife Debbie live in Tucson. Debbie is a graduate of the University of Arizona. In 1993-1994, she was a second team Division 2 All American Junior College tennis player while taking some refresher courses at Pima Jr. College in Tucson. Since then Debbie has been active as a realtor in the Tucson area and is a CRS (Certified Residential Specialist).



Besides being co-author of this family history, Mr. Crawford is a private investor overseeing several family investment programs. In this role, he is a director of the Crawford Memorial Cemetery in Emlenton, PA founded by his Great Uncle George W. Crawford in the early 1900s.

Prior to his retirement, Mr. Crawford was a Registered Investment Advisor. Before then, during a twenty-year business career, he was both Chief Executive and President of the Minnesota Natural Gas Company, which served industrial, commercial and residential users in 80 Minnesota communities. As a utility executive, he was an advocate for the eventual successful de-regulation of the production segment of the natural gas industry.

In the process of obtaining his MBA degree from the Wharton School of Business at the University of Pennsylvania, he wrote a thesis on the subject, "Federal Regulation of Natural Gas Production." Mr. Crawford received his undergraduate Bachelor of Arts degree from Trinity College, Hartford, CT, where he majored in Economics.

During his Minnesota utility career, Mr. Crawford's financial responsibilities included negotiating commercial bank lines of credit as well as mortgage bond financing. He was also the chief company due diligence officer for the company's initial equity public offering on the NASDAQ national market. He moved to Arizona from the Minneapolis, MN-area in 1980 after the merger of the Minnesota family utility company with another mid-west utility.

In Tucson, Mr. Crawford has been active in community service. As a distinguished Toastmaster, the highest individual designation in Toastmasters International, he has both coordinated and initiated youth leadership programs at a number of Tucson high schools. He is a past chapter and state officer for the *Sons of the American Revolution* and a past member of *Rotary International*.

Richard's interests include family genealogy, computer financial market programs, and physical fitness activities including tennis. He is listed in past and current editions of *Marquis Who's Who in America*. His greatest interest, however, is his family of six children and seven grand children.

October 2003

**Brad Richter**

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**From:** Contreras, Elisa [ContrerasE@sandiego.gov]  
**Sent:** Tuesday, June 03, 2008 3:16 PM  
**To:** Brad Richter  
**Subject:** FW: Please confirm receipt of my letter re 777 Beech

For your files...

-----Original Message-----

**From:** Rita Collier [mailto:ritacollier@cox.net]  
**Sent:** Friday, May 30, 2008 9:20 AM  
**To:** PLN PlanningCommission  
**Subject:** Please confirm receipt of my letter re 777 Beech

Please confirm that my May 20, 2008 letter with its 4 attachments addressed to the Planning Commission re the 777 Beech project has been received and distributed to all commissioners in preparation for their June 5 meeting.

I mailed it a week ago to the address listed on your website:

c/o Planning Commission Recording Secretary  
1222 First Ave., 4th floor  
San Diego, CA 92101

Thank you,

Rita Collier  
(619) 231-9146

**Brad Richter**

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**From:** Contreras, Elisa [ContrerasE@sandiego.gov]  
**Sent:** Tuesday, June 03, 2008 3:15 PM  
**To:** Brad Richter  
**Subject:** FW: OPPOSITION to 777 Beech Project on Thursday, June 5, 2008 Agenda

For your files

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**From:** Lucy Kim [mailto:lucykimengineer@yahoo.com]  
**Sent:** Monday, June 02, 2008 11:16 AM  
**To:** PLN Planning Commission  
**Subject:** OPPOSITION to 777 Beech Project on Thursday, June 5, 2008 Agenda

1642 7th Avenue, Unit 125  
San Diego, California 92101  
June 2, 2008

City of San Diego  
Planning Commission  
1222 First Ave, 4th floor  
San Diego, California 92101

RE: 777 Beech Project - OPPOSITION

To Whom It May Concern:

My name is Lucy Kim and I am a resident of Cortez Hill. I write to you today in opposition of the proposed 777 Beech Project, and respectfully request that the City exercise its right to reject any proposal for this block at this time because of the covenant on the block.

Currently we have an excellent mix of available residences consisting of low/mid/high rises, rentals/condominiums, and transitional/supportive/affordable housing. There is no need for additional housing projects on Cortez Hill for many years to come, especially on the already crowded block proposed by the 777 Beech Project.

Cortez Hill is a great neighborhood, because of its proximity to Balboa Park, Tweet Street Park, the Harbor, and the rest of downtown. I intend to live in Cortez Hill for many years.

Please contact me at 619 857 7384 with questions or concerns. I thank you for all of your efforts.

Best regards,  
Lucy Kim, PE, PMP

6/3/2008

**Brad Richter**

---

**From:** Contreras, Elisa [ContrerasE@sandiego.gov]  
**Sent:** Tuesday, June 03, 2008 3:15 PM  
**To:** Brad Richter  
**Subject:** FW: 777 Beech project - The El Cortez Property

For your files...

-----Original Message-----

**From:** Nick Rinaldi [mailto:nick@occserv.com]  
**Sent:** Monday, June 02, 2008 7:47 AM  
**To:** PLN PlanningCommission  
**Subject:** 777 Beech project - The El Cortez Property

Dear Commissioners:

I've lived in San Diego about almost 26 years now and most of that time has been in the downtown area, the last nine years have been on Cortez Hill. There are few downtown places that define San Diego's unique character and history as well as the historic El Cortez building. It is a landmark, equivalent to the Coronado bridge and The Hotel Del Coronado. Therefore, the idea of squeezing-in a large and tall condominium building on the existing property, within a few feet of the landmark, is unacceptable. Aside from the lost of historical significance the proposed building site, this section of Beech Street, is already a congested and difficult place to navigate, to which the addition of a large building with many living units will only aggravate. My understanding is that there is a legal restriction on the subdivision of this land until the year 2025. This restriction certainly makes sense to me and as the Cortez Hill neighborhood evolves, the reasons for the restriction become more apparent.

I urge you not to approve the 777 Beech Street project.

Sincerely  
Nick Rinaldi  
750 Beech Street, #311  
San Diego, CA 92101

---

Nicola Rinaldi, President  
Occupational Services, Inc.  
6397 Nancy Ridge Drive  
San Diego, CA 92121  
Direct: 619.252.2211  
Fax: 858.558-8721

url: [www.occserv.com](http://www.occserv.com)

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## Brad Richter

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**From:** Contreras, Elisa [ContrerasE@sandiego.gov]  
**Sent:** Tuesday, June 03, 2008 3:15 PM  
**To:** Brad Richter  
**Subject:** FW: 777 Beech St.

For your files...

-----Original Message-----

**From:** BOB & TERI [mailto:tlraraa@cox.net]  
**Sent:** Sunday, June 01, 2008 1:18 PM  
**To:** PLN PlanningCommission  
**Cc:** Faulconer, Council Member Kevin  
**Subject:** 777 Beech St.

Planning Commission:

We recently sent an E-mail to the Planning Commission with a cc to Kevin Faulconer which apparently was not received. We will be attending the June 5th meeting but am hopeful the commission will also be attentive to E- mail responses to the 777 Beech Street project.

We recently moved to the Cortez Hill area - this area's primary distinction is the historic El Cortez building. Many new condominium projects are now completed or underway in this area which will certainly meet any density requirements mandated by the CCDC, I believe it will be years in the future before they will even be completely sold. As the article in the Sunday, June 1 San Diego Tribune notes parking is already a major issue in the downtown area and thousands of new residents in these new condos will certainly create a huge problem.

We are aware that the El Cortez is a historical building but the site has to also be included in this San Diego landmark. We are totally perplexed as to how the association in San Diego that designates historical sites could approve a condominium being built on this site. The El Cortez is now home to hundreds of owners who will be negatively impacted by a building 40 feet away. Any construction this close will certainly be a danger to the structural integrity of the El Cortez building. There will be many parking spaces lost for the original owners.

The El Cortez has been host to thousands of weddings in its outdoor facilities for many years. The new building would destroy that area now designated for such functions. However, the real loss to the San Diego community is an architectural gem which can never be replaced.

This site must be maintained in its entirety for today and tomorrow's SanDiegans. Please do not allow a developer to take this from us for political gain.

Thank you

Mr. & Mrs. Robert Amico  
850 Beech St. #812  
San Diego, California  
92101

**Brad Richter**

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**From:** Contreras, Elisa [ContrerasE@sandiego.gov]  
**Sent:** Tuesday, June 03, 2008 3:16 PM  
**To:** Brad Richter  
**Subject:** FW: 777 Beech Street and the El Cortez Building

For your files...

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**From:** Jerry [mailto:jerry@rsvpcruises.com]  
**Sent:** Friday, May 30, 2008 5:05 PM  
**To:** PLN PlanningCommission  
**Cc:** richter@ccdc.com  
**Subject:** 777 Beech Street and the El Cortez Building

Re: El Cortez Hill

Dear Planning Commission,

I live on 7<sup>th</sup> Avenue at Beach Tower on the top floor facing East. I have a clear view of the El Cortez Hotel from my windows. The first high rise I was ever inside of after moving here in the 1959, was my experience in the Lounge atop the El Cortez Hotel. What a beautiful view of San Diego and the Bay!

As a resident of Cortez Hill since 1999, I was never informed of the proposed condo conversion of the El Cortez, and was shocked when I learned that in the process, this property was split into two parcels. I never understand how this historic property could be divided like that.

If you are even considering that a high rise be built on this same property, I urgently request that you delay your decision and do one thing together as a committee. Please take the time and visit Cortez Hill and look at the beautiful restoration of the home on the SW corner of 9<sup>th</sup> Avenue and Cedar Street.

This home is a part of the wonderful history of this area. Then walk up to 8<sup>th</sup> Avenue, turn left and walk down this Avenue towards the El Cortez building.

Please bring a picture of the proposed condo building along with you, and after you reach the next corner on Beech Street, look at the El Cortez building, and try to visualize this proposed building on that small space between you and the El Cortez. You may also want to consider what it would be like for those people that own condos on that side of the building, and how they will be impacted!

Once you have a feel for this area, and what this additional condo project will do to the entire surrounding community, I doubt very much that you will be able to conclude that recommending this project is a sound idea that you can live with. The future of Cortez Hill is in the Planning Commission's hands. I trust you will do what is right for the city and right for our community.

Sincerely,

Jerome Peterson  
1514 Seventh Avenue, No 906  
San Diego, CA 92101  
619-233-5199

6/3/2008



## Brad Richter

---

**From:** Contreras, Elisa [ContrerasE@sandiego.gov]  
**Sent:** Tuesday, June 03, 2008 3:16 PM  
**To:** Brad Richter  
**Subject:** FW: 777 Beech Street Project

For your files...

-----Original Message-----

**From:** tlraraa@cox.net [mailto:tlraraa@cox.net]  
**Sent:** Tuesday, May 20, 2008 3:31 PM  
**To:** PLN PlanningCommission  
**Cc:** Faulconer, Council Member Kevin  
**Subject:** 777 Beech Street Project

I reside in the downtown area close to the El Cortez. I will be attending the the June 5th Planning commission meeting.. I am hopeful that your group will consider San Diego citizens total opposition to the proposed 777 Beech proposal. In the midst of huge condominium building projects in this downtown area, it seems ludicrous to believe that the destruction of the historic ElCortez site could be of any benefit to the city of San Diego and our downtown environment. I can only believe that some form of political influence has allowed the project to progress to this stage.

I have attended weddings at the El Cortez on their outdoor patio as have thousands of other SanDiegans. Not only the beauty of the building but all of these events will be lost forever for monetary reasons for this developer.

Please consider San Diego's best interest and prevent this project from coming to fruition.

Thank you

Teri Amico  
850 Beech St. #812  
San Diego, California  
92101

E-Mail - tlraraa@cox.net

**Brad Richter**

---

**From:** Contreras, Elisa [ContrerasE@san Diego.gov]  
**Sent:** Tuesday, June 03, 2008 3:16 PM  
**To:** Brad Richter  
**Subject:** FW: 777 Beech Street

**Attachments:** unknown.jpg; ATT00001.txt



unknown.jpg ATT00001.tx  
(4 KB) t (147 B)

For your files...

-----Original Message-----

**From:** Jan Borkum [mailto:jan@sdurbankitchen.com]  
**Sent:** Tuesday, May 20, 2008 11:10 AM  
**To:** PLN PlanningCommission  
**Subject:** 777 Beech Street

Please STOP this desecration of the El Cortez site!!  
The process has been flawed from the beginning and should not be enabled by CCDC and the City to proceed. The public needs to be heard and respected. Approval should not be equated to Janopaul's deep pockets.  
Do not forget the unsightly hole he has left behind the Beth Israel site. What happens if this happens on the El Cortez site? No decisions should be made until all court cases have been decided.

Thank you,  
Jan

Jan Borkum  
kensington grill | chive | laurel | urban kitchen catering  
505 laurel street | san diego | ca | 92101 P 619.239.2222 | f 619.239.6822  
jan@sdurbankitchen.com www.sdurbankitchen.com

**Brad Richter**

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**From:** Contreras, Elisa [ContrerasE@sandiego.gov]  
**Sent:** Tuesday, June 03, 2008 3:17 PM  
**To:** Brad Richter  
**Subject:** FW: El Cortez - encroachment of 777 Beach

For your files...

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**From:** SHARON NELSON [mailto:sharon\_nelson@hotmail.com]  
**Sent:** Monday, May 12, 2008 4:11 PM  
**To:** PLN PlanningCommission; Faulconer, Council Member Kevin  
**Subject:** RE: El Cortez - encroachment of 777 Beach

Aren't you guys tired of trying to overbuild downtown and allow the destruction of historic buildings? Haven't you noticed that 1--we have a water shortage problem and 2--condos aren't selling and 3--it's too crowded downtown!

I have another question for you--where are the senior condominiums in the transportation corridors? I don't know of any, do you? Senior condos I know of are in La Jolla, University City, Rancho Bernardo, etc. with not good transportation access and far from the city center.

Seniors have the money to buy but no one's building properties specifically for them. Do you want them all to move elsewhere? I'm a senior & I'd like a senior building in a transportation corridor!

---

From: j.m.odea@cox.net  
 Subject: El Cortez - encroachment of 777 Beach  
 Date: Sat, 3 May 2008 15:26:33 -0700

Hi

I know how busy you are and yet, the 777 Beach Street project is coming before the Planning Commission on Thursday. This is a building almost as tall as the El Cortez shoehorned in on the same lot where the swimming pool is now.

Here is the letter I wrote to oppose the current proposed project.

You may not feel the same about this project. It was approved by less than a super majority of the HRB as conforming to the Interior of Secretary Standards (and somehow that means that it can go ahead, even though saving a historic building would have required one more vote?) If you know anyone who might be interested in preserving the integrity of the El Cortez for something more appropriate then please ask him/her to write in to the Planning Commission.

Here is information sent out by neighbors with links and a lot more information and some renderings.

On Thursday May 15 the 777 Beech project advances to the Planning Commission for its recommendation to the City Council on this totally discretionary project on one of San Diego's premier historic sites, the El Cortez block.

The Planning Commission meeting will be held at City Hall, 202 C Street,

12th floor, and begins at 9:00 AM.

The Planning Commission will consider the CCDC Development Permit for the 12-13 story building proposed for the terrace behind the El Cortez as well as a Map Waiver to create 78 residential and 6 commercial condominiums (including additional "event space") in the new building. Background information and a summary of the Centre City Development Corporation (CCDC) and Historical Resources Board actions on the 777 Beech proposal are available at this link:

<http://www.elcortez.info/>

(see particularly the Future Events sub-page)

The 777 Beech proposal was originally scheduled for the January 17 Planning Commission meeting. However, it was withdrawn from that agenda at the last minute at the request of the City Attorney's office who asked for more time to review the proposal and/or the process being used. That review is apparently finished although no information on the City Attorney's findings has been made public.

If you want to have any influence on the outcome of the Planning Commission's recommendation, please **attend the meeting in person** and/or email the commissioners at [PlanningCommission@san Diego.gov](mailto:PlanningCommission@san Diego.gov) **well before the meeting.**

The City Council's hearing to make a **final decision on the project** is not yet scheduled, **but is expected to be soon** - so it would be appropriate to email Councilman Kevin Faulconer ([KevinFaulconer@san Diego.gov](mailto:KevinFaulconer@san Diego.gov)) and the other members of the City Council ASAP with your concerns.

thanks

J

Janet O'Dea  
Hazard Decorative Arts  
[www.HazArts.com](http://www.HazArts.com)  
[info@HazArts.com](mailto:info@HazArts.com)  
619.794.ART1 (2781)

Begin forwarded message:

**From:** Rita Collier <[ritacollier@cox.net](mailto:ritacollier@cox.net)>  
**Date:** May 3, 2008 7:43:51 AM PDT  
**To:** Janet O'Dea <[j.m.odea@cox.net](mailto:j.m.odea@cox.net)>  
**Subject:** Re: El Cortez - encroachment of 777 Beach

Thank you. Wonderful letter! RC

On May 3, 2008, at 12:20 AM, Janet O'Dea wrote:

Dear Planning Commissioners:

I am not a resident of the El Cortez building and have no financial stake in the outcome of your decision. I am concerned about it though because I believe that the restoration of the El Cortez was one of the best most remarkable comebacks (despite the concerns regarding some ongoing maintenance issues) of a beautiful building that had been neglected for years. I believe that the developer and the homeowners who live there now are passionate about it too, because they literally bought into the restoration. I implore you to make a decision that favors preserving the integrity of the El Cortez and ask that you do not approve the proposed project on 777 Beach as presented.

My concerns are simple. The building is associated to the lot and the site despite the more recent lot split. It was built on this lot and is situated on the hill and on the lot deliberately with a streetscape pattern that differs from most city blocks. The proposed building imposes and encroaches on the space needed to preserve the view of the building from the streets that surround the El Cortez.

Some may say that the back side of the El Cortez is what is obscured and it is not as important. Please consider that if that were the case, then the sign would only shine out towards the front of the building instead of in both directions. The way the building is facing on the lot allows the building to be enjoyed from all angles when on the surrounding streets.

The proposed design is not the root of the issue as much as the allowed zoning. The zoning is the problem here because it is not compatible to the current use of the historic building. When the area was zoned the unique nature of this building was probably not considered, and that is understandable especially as it was vacant for years. Since the building was restored and revived, common sense needs to prevail. The historic icon should be allowed to remain prominent on its site despite the other buildings that have grown up around it because it still holds a special sense of place when on the corner across from it. You may not be able to see it as well from all across the city any longer but when you are on Cortez Hill you should be able to see the El Cortez and not be distracted by a building sharing its lot.

Historically, the lots that are on the proposed 777 Beech Street had three story homes on them. This would be a compatible use and lower profile projects would not detract from the El Cortez. If an Environmental Impact Report was not done, it seems that this project would warrant it due to the impacts that the new project creates especially to this historic resource especially since the lot was

split after the property was historically designated.

Please keep the iconic El Cortez integrity intact and do not approve the 777 Beech Street project as proposed.

Thank you for your consideration of these comments.

Sincerely,

Janet O'Dea

1824 Sunset Blvd.

San Diego, CA 92103

Janet O'Dea  
Hazard Decorative Arts  
[www.HazArts.com](http://www.HazArts.com)  
[info@HazArts.com](mailto:info@HazArts.com)  
619.794.ART1 (2781)

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**Brad Richter**

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**From:** Contreras, Elisa [ContrerasE@sandiego.gov]  
**Sent:** Tuesday, June 03, 2008 3:17 PM  
**To:** Brad Richter  
**Subject:** FW: Save the El Cortez from financial ruin of current owners and our city site

For your files...

---

**From:** Jansjag@aol.com [mailto:Jansjag@aol.com]  
**Sent:** Monday, May 12, 2008 9:09 AM  
**To:** PLN PlanningCommission  
**Subject:** Save the El Cortez from financial ruin of current owners and our city site

Please support NOT APPROVING this encroachment hiding the view, air, light and property value for a beautiful OUT OF CHARACTER structure.

See you at the meeting.  
Janet Widmer Burton  
office  
4136 Ibis St.  
San Diego, CA 92118

On Thursday May 15 the 777 Beech project advances to the Planning Commission for its recommendation to the City Council on this totally discretionary project on one of San Diego's premier historic sites, the El Cortez block.

The Planning Commission will consider the CCDC Development Permit for the 12-13 story building proposed for the terrace behind the El Cortez as well as a Map Waiver to create 78 residential and 6 commercial condominiums (including additional "event space") in the new building.

Background information and a summary of the Centre City Development Corporation (CCDC) and Historical Resources Board actions on the 777 Beech proposal are available at this link:

| <http://www.elcortez.info/>

Residence  
8 Gingertree Lane  
Jamaica Village  
Coronado, CA 92118  
619.423.0123

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Wondering what's for Dinner Tonight? [Get new twists on family favorites at AOL Food.](#)

**Brad Richter**

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**From:** Contreras, Elisa [ContrerasE@sandiego.gov]  
**Sent:** Tuesday, June 03, 2008 3:18 PM  
**To:** Brad Richter  
**Subject:** FW: 777 Beech Street

For your files...

---

**From:** Jim Varnadore [mailto:city\_heights@yahoo.com]  
**Sent:** Friday, May 09, 2008 11:27 AM  
**To:** PlanningCommission  
**Cc:** Faulconer, Council Member Kevin  
**Subject:** 777 Beech Street

Postoffice Box 5859  
City Heights CA 92165  
May 9, 2008

San Diego Planning Commission  
City Administration Building  
202 C Street  
San Diego CA 92101

Dear Chairman Schultz and Commissioners,

I believe the matter of permits for the construction of a high-rise building at 777 Beech Street will be heard on May 15. I urge the Commission not to approve the application.

For brevity's sake, I do not outline the case against the project here. Others will do that better than I, and I endorse their opposition to the 777 Beech application.

We have an opportunity to do something good for San Diego by doing something good for historic preservation. We should use that opportunity to advance both the city and the preservation of its historic structures.

Jim Varnadore  
City Heights

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**LAW OFFICES OF EVERETT L. DELANO III**

220 W. Grand Avenue  
Escondido, California 92025  
(760) 510-1562  
(760) 510-1565 (fax)

June 3, 2008

*VIA FACSIMILE & U.S. MAIL*

Brad Richter  
Principal Planner  
Centre City Development Corporation  
225 Broadway, Suite 1100  
San Diego, CA 92101

Re: Planning Commission Consideration of 777 Beech Street

Dear Mr. Richter:

This letter is submitted on behalf of the El Cortez Homeowners Association to provide comments regarding the proposed high-rise project next to the El Cortez ("Project"). **Please ensure that copies of this letter are provided to the members of the Planning Commission prior to their meeting this Thursday.**

I previously provided comments to you regarding the Project; however, those letters are not included in Attachment G to your report to the Planning Commission. Accordingly, attached to this letter, and incorporated by reference, is a copy of one of my letters regarding the Project, a January 22, 2008 letter prepared in anticipation of a meeting of the CCAC. I would hope and anticipate that Planning Commission members are provided with all relevant information regarding the Project, including the correspondence from the public.

Your May 27, 2008 report to the Planning Commission asserts that the Agreement Affecting Real Property ("AARP") "does not say that any further development is prohibited until" June of 2025. This is incorrect. The AARP limits use of the "Property" to specified uses, which it specifically identifies.<sup>1</sup> Furthermore, "Property" is defined in the AARP to mean the entire City block. Accordingly, the use of the entire block is limited to that which is specifically spelled out in the AARP. Using the "Property" for anything other than that specified in the AARP is specifically prohibited by the AARP.

There is a further applicable restriction in the AARP. The AARP allows for consideration and approval of a "material alteration or modification" of the "Improvements" on the Property. The Improvements are specifically listed in the AARP. Notably, the Project does not involve a change to an on-site improvement; it involves

<sup>1</sup> Ironically, the sentence from the AARP limiting uses of the City block is quoted in the same paragraph on page 5 of your report wherein you assert that further development is not prohibited.

Comments re 777 Beech Street  
June 3, 2008  
Page 2 of 2

demolition of existing improvements and replacement with entirely new structures. For these reasons, and as discussed in my January 22<sup>nd</sup> letter, approving the Project would be in direct violation of the AARP's restrictions.

My January 22<sup>nd</sup> letter discussed other problems, including why the environmental analysis is insufficient and why the Map Waiver is ineffective.

Accordingly, the El Cortez Homeowners Association requests that the Commission recommend denial of the Project. Thank you for your consideration of these comments.

Sincerely,



Everett DeLano

Enc.: Letter to Brad Richter from Everett DeLano (January 22, 2008)

cc (w/ enc.): Planning Commission Secretary, fax: (619) 321-3200

**LAW OFFICES OF EVERETT L. DELANO III**

220 W. Grand Avenue  
Escondido, California 92025  
(760) 610-1682  
(760) 510-1565 (fax)

January 22, 2008

*VIA FACSIMILE & U.S. MAIL*

Brad Richter  
Principal Planner  
Centre City Development Corporation  
225 Broadway, Suite 1100  
San Diego, CA 92101

Re: 777 Beech Map Waiver; Motion to Reconsider

Dear Mr. Richter:

This letter is submitted on behalf of the El Cortez Homeowners Association in connection with the proposed high-rise project next to the El Cortez ("Project") and associated "Environmental Secondary Study" ("Secondary Study"). **Please ensure that copies of this letter are provided to members of the Centre City Advisory Committee ("CCAC") prior to their January 23, 2008 meeting.**

#### **I. Introduction**

The January 16, 2008 Staff Report to the CCAC states: "In order to sell the residential units, as well as the commercial spaces, within the project to individual owners, a Map Waiver is required of the development.... Because the Map Waiver does not change the project except for the ability to sell individual ownerships of the residential and commercial units, it is recommended that it be recommended for approval with the development." These statements imply that without approval of the map waiver, the developer could still build the 777 Beech Project, but that he would not be able to sell any individual units. That is incorrect. The 777 Beech project consists of up to 78 residential condominiums and 15,261 square feet of retail/commercial space. A tentative and final map is required for all subdivisions creating five or more condominiums as defined in Section 783 of the Civil Code. Gov. Code § 66426. Under certain limited conditions, a waiver of these mapping requirements may be available pursuant to Government Code Section 66428. Therefore, either a tentative and final map or a waiver of the map requirements is required for the 777 Beech Project. Denial of the map waiver would mean that the applicant would be required to process a tentative and final map with the City, pursuant to the Map Act and the Municipal Code.

In this instance, the Map Waiver request for the 777 Beech Project should be denied and preparation of environmental review should be required.

Comments re 777 Beech Street  
January 22, 2008  
Page 2 of 6

**II. The Map Submitted to the City is Inaccurate in That It Does Not List All Relevant Documents Recorded Against the Property**

Map Waiver No. 349046 lists certain "Agreements, Facts and Documents" on page 3. However, the list is incomplete and therefore misleading. Most notably, the Map Waiver does not list the 1999 "Agreement Affecting Real Property" executed by the Redevelopment Agency of San Diego and Janopaul Block S.D. No. 1, LLC, Recorded April 5, 1999 as File No. 1999-0226346 of official records. This Agreement restricts the uses of the property until June 30, 2025, and is discussed in detail below.

Members of the public have noted this deficiency, yet the omission has not been corrected. The omission makes the map waiver application inaccurate and misleading to members of the public and to City officials.

**III. A Map Waiver Would Violate the Subdivision Map Act and the San Diego Municipal Code**

The California Subdivision Map Act ("Map Act") sets out the mapping requirements for divisions of land. The San Diego Land Development Code is the local ordinance enacted pursuant to the Map Act, and is codified at San Diego Municipal Code ("Municipal Code") Chapters 11 through 15.

The Map Act allows for a city ordinance to provide a procedure for waiving the requirement for a parcel map, tentative map, or final map provided that that ordinance "require a finding by the legislative body or advisory agency, that the proposed division of land complies with requirements established by this division or local ordinance enacted pursuant thereto." Gov. Code § 66428(b) (emphasis added).

Pursuant to this section of the Map Act, the Municipal Code allows a subdivider to "request a waiver of the requirement to file a tentative map and parcel map or final map for the construction of a new condominium project on a single parcel that was previously mapped and monumented in a manner satisfactory to the City Engineer in accordance with Subdivision Map Act Section 66428(b)." Muni. Code § 125.0120.

In this instance, the parcel was not previously mapped and monumented in accordance with Subdivision Map Act Section 66428(b) because the City failed to comply with the requisite notice provisions. Therefore a map waiver in this instance would violate both the Map Act itself (§ 66428(b)) and the Municipal Code (§ 125.0120).

The division of land at issue in this project did not "comply with the requirements established by" either the Map Act or the Municipal Code because the City failed to give the requisite notice. In 2004, the then owner of the entire El Cortez block processed a tentative map with the City to convert the El Cortez building from apartments to condominiums. In addition to subdividing the hotel building into condominiums, the tentative map established two parcels on the block with separate Assessor Parcel

Comments re 777 Beech Street  
January 22, 2008  
Page 3 of 6

Numbers where previously there had been one. The tentative map was approved by the Planning Commission and later recorded. However, the City failed to provide notice to adjacent land owners as required by both the Map Act and the Municipal Code. Sections 112.0301 and 112.0302(b) of the Municipal Code require that, in the context of a tentative map application, a Notice of Application and Notice of Public Hearing be mailed to "all addresses located within 300 feet of the boundary of the real property that is the subject of the application, including each address within a condominium or apartment complex." The Map Act contains almost identical requirements for notice. It requires that notice be sent at least 10 days prior to the hearing "to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing." Gov. Code § 65091(a)(4).

The October 10, 2007 CCDC Staff Report states: "There was apparently an incomplete Public Notice package submitted by the applicant which did not include all property owners within 300 feet, including homeowners within the Discovery project located to the northeast of the block. However, this was not brought to the attention of City staff until after all approvals had been granted and the Final Map had been recorded." In fact, there were roughly 199 owners of adjacent property who were not given any notice of the tentative map application.

This failure to provide the required notice violated both the Map Act and the Municipal Code. Therefore, the requisite finding that the proposed division of land complies with requirements established by the Map Act or local ordinance (Municipal Code) cannot be made. Absent such a finding, a Map Waiver is not available, and the requirements for processing a tentative map apply to the project.

#### **IV. The Failure to Notify Property Owners of the 2004 Tentative Map of the Property Deprived Property Owners of their Constitutional Due Process Rights**

The failure to provide the requisite notice of the tentative map application violated the Municipal Code and Map Act as discussed above. However in addition, it violated the constitutional due process rights of those adjacent property owners who did not receive notice.

The general rule is that "whenever approval of a tentative subdivision map will constitute a substantial or significant deprivation of the property rights of other landowners, the affected persons are entitled to a reasonable notice and an opportunity to be heard before the approval occurs." *Horn v. County of Ventura* (1979) 24 Cal. 3d 605, 616. It is well established that adjudicatory governmental processes are subject to procedural due process principles, while legislative processes are not. *Kennedy v. City of Hayward* (1980) 105 Cal. App. 3d 953, 961. Subdivision approvals have been consistently held to be adjudicatory in nature. See *id.* ("Since subdivision approvals, like variances and conditional use permits, involve the application of general standards to specific parcels of real property, affected relatively few and were determined by facts peculiar to the individual case, they were adjudicatory in nature").

Comments re 777 Beech Street  
January 22, 2008  
Page 4 of 6

In this instance, the approval of the tentative subdivision map in 2004 constituted a substantial and significant deprivation of the property rights of adjacent owners, because, among other things, the tentative map affected the split of an historic city block into two separate assessors' parcels.

Since adjacent owners were deprived of their constitutional right to due process in the context of the previous tentative map approval, it is even more important to require that a tentative map approval process for the current project proposal.

**V. The 1999 Agreement Affecting Real Property Prohibits Construction of a New Building on the Property Until After June 30, 2025.**

The 1999 Agreement Affecting Real Property ("AARP") referenced and discussed in the Staff Report dated October 10, 2007, prohibits the development of a new building on the city block containing the historic El Cortez Hotel building. The AARP identifies the improvements on and uses of the property at the time that the AARP was entered into as "85 residential apartment units, lobby space, the Don Room special events space, 4,000 square feet of neighborhood-serving commercial space, a total of 104 parking spaces in the parking garage and in the tower basement, with landscaping and amenities." It states that the property shall be used "only for the development permitted and the uses specified in this Agreement." The AARP further states that, other than the covenants against discrimination, "[e]very other covenant and condition and restriction contained in this agreement shall remain in effect until June 30, 2025..." In other words, the only improvements allowed on the El Cortez Site are the El Cortez hotel building, along with related parking areas and amenities.

The staff report concludes that "the redevelopment Agency may approve the 777 Beech project if it so chooses under the terms of, and without amending, the AARP." It quotes, in support of this conclusion, the following passage from the AARP: "Owner, its successors and assigns, shall protect, maintain and preserve the Improvements on the Property and obtain approval in writing from the Agency prior to any material alteration or modification of such Improvements, such approval not to be unreasonably withheld or delayed."

There are two reasons this quote does not support the conclusion that the terms of the AARP allow for the development of an entirely new structure and related infrastructure on the block.

**1. The Proposed Project is Not a Material Alteration to an Existing Improvement**

The language quoted above allows the Redevelopment Agency to approve a "material alteration or modification" of an existing Improvement. The term "Improvement" is a term of art, referring usually to a building, but also to any permanent structure such as sewers, utilities, etc. The 777 Beech Project is a development project

Comments re 777 Beech Street  
January 22, 2008  
Page 5 of 6

consisting of an entirely new building, or improvement. It is not merely a material alteration as is contemplated by the AARP.

The AARP itself defines the term "Improvements" as "the improvements thereon." It describes with particularity the existing improvements allowed by the AARP as: "85 residential apartment units, lobby space, the Don Room special events space, 4,000 square feet of neighborhood-serving commercial space, a total of 104 parking spaces in the parking garage beneath the former Annex building and in the tower basement, with landscaping and amenities...."

Therefore, before any material alteration or modification of an existing building or structure may be undertaken, approval of the Redevelopment Agency is necessary, according to the terms of the AARP. However, a new building is not a material alteration or modification, and therefore this section of the AARP is inapplicable to the current development proposal before the CCDC, or any development proposal for a new improvement on the property.

A new building would be a new improvement, not a "material alteration or modification of" an existing improvement as is contemplated by the AARP. Any new improvement on the property prior to June 30, 2025 would violate the terms of the AARP.

The AARP contemplates possible alterations or modifications of the "improvements" (i.e., buildings and infrastructure) that existed on the El Cortez Site at the time the AARP was executed. However the AARP prohibits any new improvements (i.e. buildings and infrastructure) until June 30, 2025.

2. Any Request for a Material Alteration Would Need to be From All Owners of the Property Covered by the AARP

Furthermore, the AARP states that in the event that approval for a material alteration is sought, "[o]wner, its successors and assigns" shall obtain that approval in writing from the Redevelopment agency. There are currently over 100 owners of the property covered by the AARP. These owners are all "successors" to the owner who was a signatory to the AARP. That is, the agreement simply does not allow for one out of a multitude of owners to request approval for an alteration; such a request would need to be made by all of the "successors," or all the current owners of the property covered by the AARP.

**VI. An EIR is Required Before Proceeding**

The California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, requires the preparation of an Environmental Impact Report ("EIR") whenever substantial evidence in the record supports a "fair argument" that significant environmental impacts may occur. Pub. Res. Code § 21080(d); *No Oil, Inc. v. City of Los*

Comments re 777 Beech Street  
January 22, 2008  
Page 6 of 6

*Angeles* (1975) 13 Cal.3d 68. There is a "low threshold requirement for preparation of an EIR." *No Oil*, 13 Cal.3d at 84. If there is "substantial evidence that the project might have [a significant impact on the environment], but the agency failed to secure preparation of the required EIR, the agency's action is to be set aside because the agency abused its discretion by failing to proceed in a 'manner required by law.'" *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. "If there was substantial evidence that the proposed project might have a significant environmental impact, evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it could be 'fairly argued' that the project might have a significant environmental impact." *Id.*

CEQA is essentially "an environmental full disclosure statute, and the EIR is the method ... [for] disclosure ..." *Rural Landowners Assn. v. City Council* (1983) 143 Cal. App. 3d 1013, 1020. Here, the City should prepare an EIR before proceeding; the Project is likely to lead to several significant impacts.

The Secondary Study asserts that the City can avoid preparation of an EIR for the Project, claiming "the potential impacts associated with future development within the Centre City Redevelopment Project are addressed in the Final Environmental Impact Report (FEIR) prepared for the San Diego Downtown Community Plan ...."<sup>1</sup> Notably, this statement is not limited to the Project; rather, it claims that all "future development within" the redevelopment area are covered by the Downtown Community Plan FEIR. But the Project and its impacts were not discussed and analyzed in the Downtown Community Plan FEIR; therefore, it is not applicable pursuant to CEQA Guidelines Sections 15168 and 15180. Furthermore, even if the prior FEIR were applicable, the Project's significant impacts and changed circumstances and conditions would require review pursuant to CEQA Guidelines Section 15168.

## VII. Conclusion

Accordingly, the CCAC should recommend that the CCDC reconsider the map waiver application, deny the waiver, and require preparation of an EIR prior to proceeding with any aspect of the Project.

Thank you for your consideration of these comments.

Sincerely,



Everett DeLano

<sup>1</sup> Although the October 10, 2007 CCDC Staff Report mentions an "Environmental Secondary Study," no such study was made available until well after the October 17, 2007 CCDC meeting. To date, we have received only a Secondary Study that lacks any signature from CCDC staff. It is unclear whether this is the final study.