



**REPORT NO. PC-19-084**

**DATE ISSUED:** September 3, 2019

**ATTENTION:** **Planning Commission, Agenda of September 12, 2019**

**SUBJECT:** EV Ninth & Island (923 Island Avenue) – Appeal of Centre City Development Permit/ Planned Development Permit/Neighborhood Use Permit (CCDP/CCPDP/NUP) No. 2017-30 – East Village Neighborhood of the Downtown Community Plan Area – **PUBLIC HEARING**

**OWNER/  
APPLICANT:** EV Project, LLC, Owner/Applicant

**SUMMARY**

**Issue:** Should the Planning Commission approve or deny the appeal of the Civic San Diego (“CivicSD”) Board of Directors (“Board”) decision to approve CCDP/CCPDP/NUP No. 2017-30 for the construction of a 14-story, 140 foot tall hotel tower comprised of 132 hotel guest rooms located on a 6,900 square foot (SF) site on Island Avenue between Ninth and Tenth avenues in the East Village neighborhood of the Downtown Community Plan (DCP) area (“Downtown”)?

**Staff Recommendation:** DENY the appeal and affirm the CivicSD Board decision to APPROVE CCDP/CCPDP/NUP No. 2017-30 for the Project.

**Community Planning Group Recommendation:** On May 15, 2019 the Downtown Community Planning Council (DCPC) voted 16-3 to support staff’s recommendation to grant Design Review and recommend approval of CCDP/CCPDP/NUP No. 2017-30.

**CivicSD Board Recommendation:** On July 24, 2019, the CivicSD Board voted 7-0 to grant Design Review approval and approve CCDP/CCPDP/NUP No. 2017-30.

**Environmental Review:** Development within the DCP area is covered under the following documents, all referred to as the “Downtown FEIR”: 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 Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent

addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the “CAP FEIR”: FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both “Program EIRs” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency. The Downtown FEIR and CAP FEIR are located on the CivicSD website (<http://civicsd.com/departments/planning/environmental-documents>) and on the City website ([https://www.sandiego.gov/planning/programs/ceqa#Final CEQA Documents](https://www.sandiego.gov/planning/programs/ceqa#Final%20CEQA%20Documents)). Consistent with best practices suggested by CEQA Guidelines Section 15168, a Downtown 15168 Consistency Evaluation (“Evaluation”) has been completed for the project. The Evaluation concluded that the environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR; that the project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within both documents for the purposes of CEQA; and, that none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation is required under CEQA. The Evaluation is attached to this staff report for informational purposes only; no action regarding the Evaluation is required by the decision maker.

**Fiscal Impact Statement:** None.

**Code Enforcement Impact:** None.

**Housing Impact Statement:** The Project site is currently occupied by a two-story building, which was originally constructed in 1935 as a hotel, later used for a variety of commercial, and most recently used as a three-unit residential building. The Project proposes to demolish the existing building. While the Project includes the loss of existing housing units, these units were not originally constructed as housing or used as housing for the majority of the life of the building. Downtown is rapidly growing, with approximately 17,892 housing units created since 2001 and the goal of 38,600 additional housing units by 2040. The loss of three dwelling units has no potential impacts to the population goals of the DCP.

## **BACKGROUND**

An application for the Project was submitted to CivicSD on August 30, 2017. The Project requires approval of a Centre City Development Permit (CCDP), Centre City Planned



Development Permit (CCPDP) for deviations from the code to increase the tower lot coverage, reduce the tower setbacks, and eliminate the requirement for an off-street loading bay, and a Neighborhood Use Permit (NUP) for a rooftop outdoor use area. When applications include requests for more than one permit for a single development, the review is consolidated under the highest decision process, which is a Process 3 for the Project. As such, the Project was subject to approval by the CivicSD Board and appealable to the Planning Commission. The Project is fully described in the CivicSD Board staff report included as Attachment A.

### CIVICSD BOARD DECISION

On July 24, 2019, the CivicSD Board held a public hearing to consider the application and staff recommendation to approve CCDP/CCPDP/NUP No. 2017-30. There were two public speakers in support of the Project at the public hearing, Gary Smith of the Downtown Residents Group and Mark Fitzgerald of LAZ Parking. The Appellant, John Smith, submitted a letter prior to the public hearing, which is included as public correspondence as an attachment in the CivicSD Board staff report (Attachment A). The CivicSD Board considered all public testimony, public correspondence, and the staff recommendation and voted 7-0 to approve CCDP/CCPDP/NUP No. 2017-30 for the Project.

### APPEAL

On August 5, 2019, the Appellant filed an application to appeal the CivicSD Board's decision to approve CCDP/CCPDP/NUP No. 2017-30 (Attachment B). Under San Diego Municipal Code (SDMC) Section 112.0506, any interested person who expressed an interest in the decision in writing to that decision maker before the close of the public hearing may appeal the decision within ten days of the CivicSD Board's decision. The following summarizes the appeal issues raised in the appeal application with a corresponding response by staff.

*Appeal Issue #1: Conflicts with Other Matters – The Appellant provides a list of SDMC sections and other citations with which he believes the Project conflicts.*

Staff Response: No specific examples or support is provided for any alleged conflicts with the SDMC sections and other citations. Per the findings in the Draft Resolution (Attachment D), staff found that the Project is consistent with the DCP, the Centre City Planned District Ordinance (CCPDO), the SDMC, the Downtown Design Guidelines, and all other adopted plans and policies of the City of San Diego pertaining to the Centre City Planned District and the application was processed in accordance with a Process 3 decision for a CCDP/CCPDP/NUP per Section 156.0304 of the CCPDO and Section 112.0103 of the SDMC for applications with more than one permit for a single development.

*Appeal Issue #2: Findings Not Supported – The related CivicSD staff report states that code deviations result in a more desirable project than would otherwise be achieved if design in strict conformance with CCPDO regulations; however this statement is unsupported.*

Staff Response: Staff provided support for the findings in the staff report dated July 24, 2019, which were adopted by the CivicSD Board. The requested deviations to the CCPDO development regulations will allow for (1) an increase in tower lot coverage, (2) a reduction of

the minimum tower setback from the interior property lines, and (3) the elimination of the requirement for an off-street loading bay. Each of the deviation requests are intended to maximize the property's floor area ratio (FAR), which is constrained due to the relatively small lot size (6,900 SF) and the inclusion of a historically-designated structure on the site (Hiatt House). The DCP encourages the maximization of intensities in the Downtown area. The maximum FAR of the site is 8.0, which the Project achieves with a design that incorporates the three deviations.

In regards to the first deviation, the maximum lot coverage of the tower of the building is limited to 50% of the lot area. The "tower" is defined as any part of the building 85 feet or higher. The Applicant requests a deviation to increase the maximum allowable tower lot coverage to approximately 59.2% of the lot (4,090 SF of 6,900 SF lot), which is a 9.2% increase. The increased tower lot coverage helps the Project maximize the relatively small lot, which is further limited by the historic Hiatt House, which is unaffected by the Project. Strict application of the code limits the Project's ability to maximize the FAR and would not advance the goals for high overall intensities that use land efficiently and meet employment and population targets.

In regards to the second deviation, the CCPDO requires towers to be set back from interior property lines adjoining another parcel by a minimum of 20 feet for the portion of the building above 85 feet (the "tower"). This may be reduced to ten feet if any existing tower on an adjacent parcel is located a minimum of 40 feet from the proposed tower and the Project incorporates construction techniques that allow glazing with views into, and out from, habitable areas within the tower. It should be noted that the Diamond View Terrace tower is setback approximately 40 to 50 feet from their property line adjacent to the Project. Any reduction beyond 10 feet from the property line requires approval of a deviation. The Applicant requests a deviation to reduce the minimum interior setback for the tower. Along the west elevation, adjacent to the neighboring Half Door Brewing Company, the tower is proposed to be setback no less than 5'-6" at its closest point. Along the east elevation, adjacent to the low-rise condominiums, the tower is proposed to be setback no less than 3'-1" at its closest point. Along the south elevation, adjacent to the Diamond Terrace tower, the Project's tower is 3'-3" from the property line at its closest point. Like the increased tower lot coverage, the reduced setbacks are intended to maximize the buildable area of the relatively small lot. With strict application of the code, the portion of the building above 85 feet would be infeasible because the required 20-foot interior property line setbacks would leave just 13 feet (or 33 feet with ten-foot setbacks) of the 53-foot wide lot available for building area. To reduce the visual impact of the building's massing as a result of the deviations, and consistent with the CCPDO provisions for reduced setbacks, the Project has treated the walls with the maximum amount of glazing allowed by building code, high-quality materials, and building plane offsets to create visual interest.

In regards to the third deviation, the CCPDO requires one off-street loading bay for development containing 3,000 to 10,000 SF of commercial space. The Applicant requests a deviation to remove the requirement for an off-street loading bay. The Project has two separate street frontages. Due to the presence of the Hiatt House, the Ninth Avenue frontage is unusable, which leaves the 55-foot frontage on Island Avenue. With strict application of the code, an off-street loading bay serving the Project would be required to be at least 14 feet wide, 30 feet deep, and 14 feet tall. A 14-foot wide curb cut for a loading bay on a 53-foot frontage would encompass



approximately a quarter of the Project's Island Avenue street linear frontage, which would not only have a detrimental impact on the Project's ground floor design and functionality, but also negatively impact the pedestrian experience and streetscaping along the sidewalk in front of the Project. The loading bay would disrupt the continuous street wall, which provides consistent street-level activity, as well as streetscaping pedestrian amenities for pedestrians in the public right-of-way, such as street trees.

The deviations are appropriate for the location and won't negatively impact the neighborhood because while accommodating design components that improve the appearance, massing, and functionality of the building, they improve the Project's relationship to its surroundings and accommodate the goals and policies of the DCP for the orderly growth of the Ballpark sub-district of the East Village neighborhood. The maximum FAR of the site is 8.0, which the Project achieves with a design that incorporates the three deviations. The FAR of the block as a whole is underutilized, so the maximization of the FAR on the Project site helps advance the goals of the DCP for high overall intensities that use land efficiently and allow for employment and population targets to be met. Therefore, the proposed development will comply to the maximum extent feasible with the regulations of the CCPDO, except for any proposed deviations which are appropriate for this location, resulting in a more desirable project than would be achieved if the Project strictly conformed to the regulations of the CCPDO. The required findings are listed in the CivicSD Board staff report (Attachment A). Staff recommended that all of the required findings could be made and the CivicSD Board made those findings in approving the Project. An updated Draft Planning Commission Resolution that provides additional support for the findings is included as Attachment D.

*Appeal Issue #3: Findings Not Supported – No analysis of alternatives has been presented as necessary to compare the proposed Project with other possible options. A false choice between the proposed design and no development is discussed, with generic benefits highlighted and detrimental impacts suppressed. As an example, a strictly code-compliant alternative should be presented which would limit the hotel height to a base tower around seven stories, consistent with recent neighboring apartment development, Urbana. The Q development in Little Italy provides an example where a small historical property, the 1888 A.W. Gray House, is thoughtfully incorporated into an appropriately scaled design.*

Staff Response: There is no requirement to analyze alternative designs of proposed projects. The impacts of the proposed Project and the requested deviations were analyzed and determined to be appropriate for the site and not detrimental to the neighborhood, per the findings in CivicSD Board staff report dated July 24, 2019. While a strictly code-compliant would likely be limited to 85 feet in height, the Project would see a substantial reduction in the number of hotel guest rooms and be a far less intense project than what is envisioned and desired in this neighborhood in the DCP. In regards to the area surrounding the proposed 14-story Project, while the neighboring Urbana apartment building is six-stories and the adjacent buildings are two- and three-stories, the block also contains the 14-story Diamond Terrace directly to the south, and surrounding the block is the 12-story Hotel Indigo and 22-story Strata residential building on the block to the north, and 11-story Parkloft residential condominium building on the block to the west.

The Appellant cites Urbana, stating that it, “was not presented the same option” as the Project to develop a taller building. This is inaccurate, as the developer of the Urbana project chose the size of the building in order to utilize Type 3 modified construction (wood-over-concrete), which resulted in a 4.66 FAR; however per the FAR allowances in the CCPDO, although the site was split-zoned, the site allows a maximum 7.25 FAR in a high-rise structure, which the Urbana project was fully able to achieve, but instead they chose a mid-rise structure with a 4.66 FAR.

The vicinity elevations on Sheet G.12 of the Basic Concept/Schematic Drawings dated July 24, 2019 (included with the CivicSD staff report, Attachment A) show the Project in relation to other buildings in the immediate area and demonstrate the similar scale. The DCP describes the Ballpark sub-district of the East Village neighborhood as evolving into a mixed-use district with a regional entertainment and cultural focus. The Project advances this goal, maximizes the FAR of the site, and is contextually consistent with other projects that have been developed in this area. Further, the Project preserves the historic Hiatt House on-site in a similar way to The Q development in Little Italy. Both projects feature a small historic building in front of a blank wall that is treated with a pattern and upgraded material to provide visual interest.

*Appeal Issue #4: Factual Errors – Factual errors have been provided to decision makers throughout the process from application submittal to the final decision meeting:*

1. *The permit applications are incorrect and/or incomplete—e.g. parcel ownership and historical significance.*

Staff Response: The property ownership has been conveyed in the staff report and in the attached Ownership Disclosure Statement throughout the process. While the parcel on which the Hiatt House is located was previously under a separate LLC from the parcel on Island Avenue, the two parcels have since been combined under one ownership entity (EV Project, LLC); however the individual who owned both entities and parcels has remained the same during the process and disclosed in the staff report and Ownership Disclosure Statement.

In regards to historical significance, the staff at the City of San Diego Historic Division recommended that the building on the Project site located at 919-929 Island Avenue known as the Latonia Hotel, which operated as a segregated hotel in the 1940s, be designated as a historical resource due to its exemplification of the historical, cultural, and social development of the African-American community during the era of segregation in San Diego. The Historical Resource Board (HRB) reviewed the City staff recommendation at their meeting on February 28, 2019, but ultimately, the Latonia Hotel was not designated as a historic resource. As such, the Project proposes to demolish the Latonia Hotel. The other existing building on the Project site, known as the Hiatt House, was constructed in 1886 and designated as a historic resource by HRB on May 22, 2003 (HRB No. 590), but no changes to the Hiatt House are proposed as part of the Project.

2. *The Project has been misrepresented as a single lot on Island Avenue from the Notice of Application through the CivicSD Board decision meeting.*



Staff Response: The Project has been consistently described throughout the process as a 6,900 SF property that includes the historic Hiatt House. The Project was described in the Notice of Application as required in Section 112.0301 of the SDMC including a description of the location. Many projects include more than one parcel within a single development site, sometimes with many addresses, which necessitates a general description of the location. However the site plan has been provided for public view in the drawing package during the entire process.

3. *The Project has been misrepresented as being supported by neighboring Diamond Terrace residents.*

Staff Response: There has been no representation by staff of support from residents. A letter in support of the Project was submitted by three Diamond Terrace residents dated May 17, 2019, noted in the CivicSD Board staff report, and included as an attachment. The staff report also includes letters received that expressed concerns and opposition to the Project. All public correspondence to the CivicSD Board is included in the CivicSD Board staff report (Attachment A). Since distribution of the public notices for the appeal hearing, Staff received two letters representing a total of eight residents of Diamond Terrace, including the Appellant, stating their opposition to the Project and support of the appeal. This additional public correspondence is included as Attachment C.

4. *Presentations to CivicSD Board members in design reviews and Board meeting were laced with factual errors and misrepresentations.*

Staff Response: No additional specific examples of factual errors or misrepresentations were provided to which staff can respond.

Appeal Issue #5: Factual Errors – *Many owners of the north facing units in Diamond Terrace purchased their units with the rightful expectation that their view would be protected by historical and building code regulations governing the adjacent properties to the north. It has been argued by decision makers that Downtown residents should just expect to have their views obstructed by future development, claiming in some cases that they themselves have had their views blocks. Specific details have not been offered beyond this, most importantly, what if any buildings codes were deviated from to facilitate the obstruction.*

Staff Response: There are no building codes or regulations in the CCPDO or SDMC that protect private views. The Project drawing package clearly shows the relationship of the Project to surrounding buildings. The Project is approximately 40 to 50 feet away from the tower of the Diamond Terrace residential building to the south. The space between the two buildings is demonstrated in the computer-generated aerial renderings on Sheet A.39 through A.42 of the Basic Concept/Schematic Drawings dated July 24, 2019 included as an attachment to the CivicSD Board staff report in Attachment A. The vicinity elevations on Sheet G.12 of the drawings show the Project in relation to other buildings in the immediate area.

The Appellant submitted a supplementary document with back-up information in support of the appeal dated August 30, 2019. Staff reviewed the supplementary information and believes the


issues are adequately addressed in this report. All Appellant documents are included as Attachment B.

## CONCLUSION

Staff recommends the Planning Commission deny the appeal and affirm the CivicSD Board decision to approve CCDP/CCPDP/NUP No. 2017-30 for the Project.

Respectfully submitted,

Concurred by:

  
James Alexander  
Associate Planner, CivicSD

  
Brad Richter  
Deputy Director, Urban Division

Attachments: A – CivicSD Board Staff Report dated July 24, 2019

*Includes the following as attachments to the report:*

Ownership Disclosure Statement

Project Description and Architectural Narrative

Downtown Design Guidelines

Outdoor Use Area Vicinity Map and Table

Public Correspondence

Draft Permit and Resolution

Downtown FEIR Consistency Evaluation and MMRP

Basic Concept/Schematic Drawings dated July 24, 2019

Public Correspondence received after report posting, delivered to Board

B – Appeal Application and Supporting Documents by Appellant

C – Additional Public Correspondence

D – Revised Draft Planning Commission Resolution

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**Item #9**

DATE ISSUED: July 19, 2019

ATTENTION: Civic San Diego  
Meeting of July 24, 2019

SUBJECT: EV Ninth & Island (923 Island Avenue) – Centre City Development Permit/ Planned Development Permit/Neighborhood Use Permit (CCDP/CCPDP/NUP) No. 2017-30 – Design Review and Associated Permits – East Village Neighborhood of the Downtown Community Plan Area – **PUBLIC HEARING**

STAFF CONTACT: James Alexander, Associate Planner

STAFF RECOMMENDATION: That Civic San Diego (“CivicSD”) receives a presentation on the design proposal for EV Ninth & Island (“Project”) and recommends that CivicSD:

1. Grants Design Review approval;
2. Approves Centre City Development Permit / Planned Development Permit / Neighborhood Use Permit (CCDP/CCPDP/NUP) No. 2017-30 for the Project.

This is a Process Three application which requires a public hearing before the CivicSD Board whose decision is final unless appealed to the City of San Diego Planning Commission, which would be the final decision-maker on any appeal.

SUMMARY: EV Project, LLC (“Applicant”) submitted an application on August 30, 2017 seeking approval for CCDP/CCPDP/NUP No. 2017-30 for the construction of a 14-story, 140 foot tall hotel tower located on a 6,900 square foot (SF) site on Island Avenue between Ninth and Tenth avenues in the East Village neighborhood of the Downtown Community Plan (DCP) area (“Downtown”). The Project is comprised of 132 hotel guest rooms. The Applicant is requesting a CCPDP for deviations from the off-street loading requirement, tower lot coverage of the tower, and tower setbacks. An NUP for a rooftop outdoor use area is also being requested.

FISCAL CONSIDERATIONS: Under the Downtown Public Facilities Financing Plan, the Project will pay Development Impact Fees (DIF) to fund its fair share of new park, fire station, and traffic circulation improvements in the DCP area. The DIF for this Project is estimated to be \$462,967. Additionally, the Applicant will pay approximately \$125,235 through the Floor Area Ratio (FAR) Bonus Program for 6,900 SF of additional FAR. These funds will go into the FAR Bonus Payment Fund that is utilized for public parks and enhanced public right-of-ways.

**ECONOMIC IMPACTS:** It is estimated that the Project will generate approximately 108 construction jobs and 65 permanent jobs. As of December 31, 2018, approximately 86,730 construction jobs and 30,872 permanent jobs have been generated Downtown as a result of redevelopment activities.

**COMMITTEE RECOMMENDATION:** The Committee reviewed the Project on May 8, 2019. The Committee was satisfied with the changes that had been made since their original review of the Project in early 2018 and voted 3-0 to recommend design review approval of the Project. However, there was discussion about the Applicant's recent request to increase the hours of the outdoor rooftop area and Staff was directed to provide analysis at the Board Meeting.

**DOWNTOWN COMMUNITY PLANNING COUNCIL RECOMMENDATIONS:** On May 15, 2019 the Downtown Community Planning Council (DCPC) reviewed the Project and voted 16-3 to support Staff's recommendation to grant design review and recommend approval of the associated permits, which included extending the hours of the outdoor rooftop area by one hours, no later than 11:00 p.m. Sunday through Thursday, and 12:00 a.m. Friday and Saturday.

**NOTE:** Items in bold in the report indicate changes since the Committee meeting.

**DEVELOPMENT TEAM**

<b>ROLE</b>	<b>FIRM/CONTACT</b>	<b>OWNERSHIP</b>
Applicant/Property Owner	EV Project, LLC / Sajan Hansji	Sajan Hansji, Sajan and Dimple Hansji Family Trust, Dharmesh and Ami Patel Family Trust (Privately Owned) (Attachment A)

**DISCUSSION**

**Neighborhood Context**

The East Village neighborhood is anticipated to be a residential and mixed-use community upon build-out. Ultimately, the East Village is projected to contain up to 46,000 residents. The highest residential intensities downtown will be attained in the area, served by the necessary retail, commercial and open space amenities. The Project site is located in the Ballpark sub-district of the East Village neighborhood. Ballpark is envisioned as a Downtown-wide entertainment and cultural attraction as well as a residential and commercial district with supporting amenities. Island Avenue is identified as an important corridor in this sub-district that will afford pedestrian and vehicular access to neighborhoods east of Downtown. Compared to areas north and east, the Ballpark district will have low-to mid-level intensity buildings, maintaining sun access at Petco Park, and a mid-rise character for a neighborhood that bridges between the historic Gaslamp Quarter and high rises expected north of Market Street.

**Applicable DCP Goals and Policies:**

The following are some of the key DCP Goals and Policies applicable to this Project:



- 3.1-G-2 Provide for an overall balance of uses—employment, residential, cultural, government, and destination—as well as a full compendium of amenities and services.
- 3.5-G-2 Foster a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them.
- 6.5-G-1 Guide Ballpark’s evolution into a mixed-use district, including the new Main Library and Park-to-Bay Link, with a regional entertainment and cultural focus.

#### Downtown San Diego Mobility Plan (DSDMP)

Island Avenue is a designated Greenway under the recently adopted DSDMP. Greenways “prioritize pedestrian travel, but allow transit and bicycle travel,” and “are intended to showcase landscaping features and roadway designs that slow vehicular traffic and prioritize walking.”

#### Site Description

- Project site:
  - Approximately 6,900 SF
  - Slopes down slightly in elevation from the northeast corner to the southwest corner by approximately four feet
  - Currently occupied by a two-story, three-unit apartment building on Island Avenue (Latonia Hotel) and two-story residential building on Ninth Avenue (Hiatt House)
- Surrounding land uses include:
  - North – 12-story hotel (Hotel Indigo)
  - West – Two-story commercial (Half Door Brewing Company)
  - South – 14-story residential (Diamond Terrace)
  - East – Three-story residential condominiums; Six-story residential apartments (Urbana)
- Zoning: Employment/Residential Mixed-Use (ER) Land Use District

#### PROJECT DESCRIPTION

The Project, a Hilton Hampton Inn-branded hotel, will contain 132 hotel guest rooms with 14 levels totaling 140 feet in height to the top of parapet. The building totals 55,200 SF and encompasses two parcels totaling 6,900 SF, including the location of the historic Hiatt House on Ninth Avenue, to which no changes are proposed. The Applicant intends to ultimately split the lot to create a separate parcel for the historic Hiatt House. The Project site wraps the “Half Door Brewing Company” site located on the southeast corner of the intersection at Ninth and Island avenues. The building will be Type 1 construction featuring a metal stud frame structure over a one-story concrete podium and be certified LEED Silver. The ground floor includes the lobby, a courtyard, and a kitchen with dining space. There is a basement for hotel staff offices and building operations. The upper floors (2-13) consist of 11 hotel guest rooms on each floor. The rooftop on level 13 contains a 2,550 SF outdoor bar and restaurant. **No parking is proposed in the Project, but a valet system in partnership with nearby parking facilities will be utilized.** The site includes a building known as the Latonia Hotel, which was cleared of historic significance by the City of San Diego Historic Resources Board (HRB) on February 28, 2019,

and the Hiatt House, constructed in 1886 and designated as historic by the HRB on May 22, 2003 (HRB No. 590). No changes to the Hiatt House are proposed. The Applicant's project description and architectural narrative are included in Attachment B. The following is a summary of the Project based on drawings dated July 24, 2019:

Site Area	6,900 SF
Base Minimum FAR	3.5
Base Maximum FAR	6.0
Maximum FAR with Amenity Bonuses	8.0
Proposed FAR	8.0
Above Grade Gross Floor Area	55,200 SF
FAR Bonuses Proposed	1.0 – LEED Silver 1.0 – FAR Payment Program
Stories / Height	14 stories / 140 feet
Amount of Commercial Space	0 SF
Amount of Office Space	0 SF
Number of Hotel Rooms	132
Number of Units to be Demolished	3
Number of Buildings over 45 Years Old	2 – 1886: Hiatt House (historically designated) 1935: Latonia Hotel (not historic)
Automobile Parking (Required/Proposed)	Parking Requirement
Total	0** / 0
Motorcycle Parking	0 / 0 (1 per 20 required spaces)
Bicycle Parking	0 / 2 (1 per 20 required spaces)
Assessor's Parcel Nos.	535-126-02-00, 535-126-03-00
Sustainability	LEED Silver

**\*\*NOTE: Per Section 142.0540 of the SDMC, no parking is required for commercial uses on lots of record that are 10,000 SF or less without alley access.**

#### PERMITS REQUIRED:

- CCDP with Design Review approval by the CivicSD Board of Directors.
- CCPDP for the following deviations from the CCPDO:
  1. Off-Street loading bay
  2. Tower lot coverage
  3. Tower interior setback
- NUP for an outdoor use area on the rooftop.

#### DESIGN REVIEW

The Project consists of a 14-story building reaching a total height of 140 feet and containing 132 hotel guest rooms (11 per floor) with offices and operations in the basement, the lobby and



amenities on the ground floor, and a bar and restaurant on the rooftop. The Applicant states that the design of the building is “rooted in the contemporary resurgence of development in East Village” and engages in the urban activity of the neighborhood by “placing an emphasis on street level and roof interaction.” The building massing is generally monolithic, rising from a small, mid-block lot (Sheet A.40), but the requested deviations to reduce tower interior property line setbacks and increase tower lot coverage maximize the available building area. The Project provides modulation of the building massing with glazing, off-set planes, and varying materials.

Glazing can be found throughout the street-fronting façade (north elevation on Island Avenue) (Sheet A.38). The ground floor is comprised of a floor-to-ceiling window storefront system (Sheet A.36). Windows on the upper floors from level two through 13 are modulated with white, projecting, aluminum composite metal panel frames projecting 3’-1” from the façade over the sidewalk. The west side of the north elevation features an irregularly patterned blackened steel frame component spanning the height of the building from the top of the ground floor and extends over the rooftop to act as a partial cover for the rooftop bar (Sheet A.35). On the east elevation, above the ground floor, the building floor plate jogs inward to allow for windows in the three interior hotel rooms. The east and west elevations are comprised of different planes with a variety of materials to add visual interest, including glazing, metal paneling, and smooth plaster (Sheets A.12 and A.14). Glazing on the south elevation is limited to narrow windows, with the remainder as solid walls treated with smooth plaster and metal panels (Sheet A.13). Views of the Project’s west and east facades, especially near Island Avenue, must be carefully considered because the condominiums to the east and Half Door Brewing Company to the west are unlikely to be redeveloped in the near future. The Downtown Design Guidelines (DDG) (Attachment C) state that towers should be designed with a majority of the facades composed of glazing, including facades facing interior property lines, large expanses of solid walls should be avoided and should not exceed 20 feet in width (DDG Sec. 4.5.4.F), and blank walls should be limited and that unavoidable blank walls should be enhanced with architectural detailing, textures, ornamentation, landscape treatment, and/or artwork (DDG Sec. 4.5.10.B).

### **ROOFTOP OUTDOOR AREA**

**The CCPDO allows outdoor use areas for eating and drinking establishments in the ER land use district with approval of an NUP. Outdoor use areas are areas on private property associated with commercial businesses that are open to the general public. The Project is proposing a 2,550 SF outdoor lounge/seating area associated with a rooftop restaurant on Level 14 of the hotel. The outdoor use area is open on the north and east elevations and covered by a steel frame canopy. No live entertainment is proposed in the outdoor use area.**

**Typically, outdoor use areas in Downtown are limited to 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Fridays and Saturdays to minimize noise for surrounding residents. The Project proposes an additional hour to operate the outdoor rooftop area, no later than 11:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday. Exceptions to the typical hours have been granted on a case-by-case basis to allow for an additional hour. See Attachment D for a map and table of permits for outdoor use areas in the vicinity of the Project site and their approved hours of operation. Half Door Brewing, located adjacent to the west of the Project, and Hotel Indigo, located directly across Island**



**Avenue from the Project site, both have been granted permits for outdoor use areas. Notably, their approved hours of operation for their outdoor areas do not exceed 11:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday, with a special allowance for outdoor operations to extend up to 30 minutes following the conclusion of an event at the nearby Petco Park.**

**The Ballpark sub-district of the East Village neighborhood is envisioned in the DCP as a mixed-use district that serves as a Downtown-wide entertainment and cultural attraction with residential and supporting commercial amenities. Residential uses surrounding the Project site include Park Lofts to the west, Diamond Terrace and Urbana to the south, and Electra and M2i to the east. The DCP establishes the goal of guiding Ballpark's evolution into a mixed-use district with a regional entertainment and cultural focus. Consistent with this goal and consistent with the outdoor hours granted to the businesses in the immediate vicinity, Staff feels one additional hour is appropriate and recommends hours no later than 11:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday, except when there are events at Petco Park and outdoor operations may extend up to 30 minutes following the conclusion of the event.**

#### PUBLIC CORRESPONDENCE

During the original review in 2018, staff received five public correspondences with comments about the Project. Two residents who live near the Project were concerned about the massing of the building and potential increased traffic. Residents of the Diamond Terrace building, located to the south of the Project on the same block, submitted a letter in support of the Project, as did both the East Village Residents Group and the East Village Association.

**Since the Committee meeting, the East Village Residents Group submitted an additional letter stating their opposition to any extended hours for the outdoor rooftop area. Staff also received a letter in support of the extended hours from the neighboring Half Door Brewing Company. One additional correspondence from a resident of Diamond Terrace was also received stating opposition to the Project, citing its size and lack of parking. All public correspondence is included as Attachment E.**

#### CCDP

The purpose and intent of a CCDP is to administer and ensure compliance with the CCPDO, DCP, Centre City Streetscape Manual, and any policies or guidelines adopted by the City of San Diego to implement the DCP.

#### Findings

- 1. The proposed development is consistent with the DCP, CCPDO, SDMC, and all other adopted plans and policies of the City of San Diego pertaining to the CCPD.*

The proposed Project provides a hotel development consistent with the development standards of the CCPDO and which furthers the goals and policies of the DCP. The Project

will help to advance the orderly growth and activation of the East Village neighborhood and the Ballpark's evolution into a mixed-use district, consistent with the DCP. The Project will not have a negative impact on the surrounding neighborhood. The proposed development is consistent with the DCP, CCPDO, LDC, and all other adopted plans and policies of the City of San Diego pertaining to the CCDP as the development advances the following goals and objectives of the DCP and CCPDO by:

- 3.1-G-2: Provide for an overall balance of uses – employment, residential, cultural, government, and destination – as well as a full compendium of amenities and services.
- 3.5-G-2: Foster a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them.
- 6.5-G-1: Guide Ballpark's evolution into a mixed-use district, including the new Main Library and Park-to-Bay Link, with a regional entertainment and cultural focus.

### CCPDP

The purpose and intent of a CCPDP is to allow applicants to request greater flexibility from the strict application of the development regulations of the CCPDO, provided such deviations result in the implementation of a unique and superior design. The findings for approval of a CCPDP listed below are evaluated to determine if the proposed deviations facilitate development that is beneficial to the community and results in a more desirable project than could otherwise be achieved if the project were required to rigorously adhere to the development regulations.

### Deviations

1. CCPDO 156.0310(d)(3)(A) – Tower Lot Coverage: The maximum lot coverage of the tower of the building shall be 50% of the lot area. The “tower” is defined as any part of the building 85 feet or higher. The Applicant requests a deviation to exceed the maximum allowable tower lot coverage. As proposed, the tower covers approximately 59.2% of the lot (4,090 SF of 6,900 SF lot). The increased tower lot coverage helps the Project maximize the relatively small lot, which is further limited by the historic Hiatt House. To reduce the visual mass of the Project, the façades include glazing, varying planes, and high-quality material. Staff believes that the 9.2% increase in tower lot coverage is acceptable for this Project.
2. CCPDO 156.0310(d)(3)(E) – Tower Setback: Towers shall be set back from interior property lines adjoining another parcel by a minimum of 20 feet for the portion of the tower above 85 feet. The Applicant requests a deviation to reduce the minimum interior setback for the tower. Along west elevation, adjacent to the neighboring Half Door Brewing Company, the tower is proposed to be setback no less than 5'-6" at its closest point. Along the east elevation, adjacent to the low-rise condominiums, the tower is proposed to be setback no less than 3'-1" at its closest point. In the rear, behind the Hiatt House, the tower is 1'-6" from the property line, although the Hiatt House is already 7'-2" from the property line. Like the increased tower lot coverage, the reduced setbacks are intended to maximize the buildable area of the relatively small lot. To reduce the visual impact of the facades adjacent to the neighboring uses, the Project has treated the walls with glazing and high-quality materials, as well as creating offsets in the wall planes. Staff believes these treatments are appropriate and supports the reduced setbacks as designed.



3. CCPDO 156.0313(b)(2)(A) – Off-Street Loading: For development containing 3,000 to 10,000 SF of commercial space, one off-street loading bay shall be provided. The Applicant requests a deviation to remove the requirement for an off-street loading bay. The Project has two separate street frontages. Due to the presence of the Hiatt House, the Ninth Avenue frontage is unusable, which leaves the 55-foot frontage on Island Avenue. An off-street loading bay serving the Project would be required to be at least 14 feet wide, 30 feet deep, and 14 feet tall. A 14-foot wide curb cut for a loading bay on a 55-foot frontage would encompass approximately a quarter of the Project's Island Avenue street frontage. A curb cut and loading bay of this size on the Island Avenue street frontage would not only have a detrimental impact on the Project's ground floor design and functionality, it would also negatively impact the pedestrian experience and streetscaping along the sidewalk in front of the Project. The loading bay would disrupt the continuous street wall, which provides consistent street-level activity, as well as streetscaping pedestrian amenities for pedestrians in the public right-of-way, such as street trees. For this reason, Staff feels the elimination of the off-street loading requirement is appropriate for this Project.

In order to grant approval of a CCPDP, the following findings must be made:

1. *The proposed development will not adversely affect the applicable land use plan;*

The Project is consistent with the objectives of the DCP, CCPDO, and the DDG, specifically in regards to architectural articulations, street level activation, and the use of high-quality materials around the Project. Additionally, the Project furthers the development of the Ballpark district as a mixed-use neighborhood. The Project provides design solutions that are consistent with the DDGs and are compatible with the neighborhood and surrounding uses. Therefore, the proposed development will not adversely affect any applicable land use plans.

2. *The proposed development will not be detrimental to the public health, safety and welfare;*

The granting of the deviations and the approval of the Project will not have a detrimental impact upon the public's health, safety and general welfare. The Project is consistent the plans for the East Village neighborhood and will contribute to its evolution as a mixed-use district with a regional and entertainment focus by providing a visitor-serving amenity that helps create a vibrant and safe neighborhood. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. *The proposed development will comply to the maximum extent feasible with the regulations of the CCPDO; except for any proposed deviation which are appropriate for this location and will result in a more desirable project than would be achieved if design in conformation with the strict regulations of the CCPDO; and,*

The Project will meet all the requirements of the SDMC and CCPDO with the approval of the deviations that are allowable under a CCPDP. The requested deviations will result in a more desirable project than would be achieved if designed in conformance with the strict regulations of the CCPDO by providing design flexibility to allow for (1) increase tower lot coverage, (2) reduced tower setbacks, and (3) the elimination of the off-street loading bay. These deviations are the result of the constrained, small lot size and the intention of



maximizing the development potential of the site. Each deviation has a little or no impact on the neighborhood and serves to improve the design and functionality of the Project itself. The increase in tower lot coverage and decrease in tower setbacks allows for the maximization of the small lot size that is 6,900 SF and has approximately 55 feet of street frontage on Island Avenue. The elimination of the requirement for an off-street loading bay (and the fact that there is no off-street parking requiring a driveway) allows for a consistent pedestrian experience along the frontage of the Project and no breaks in the Project's street wall, which keeps the street level engaging and contributes to an active pedestrian experience for the neighborhood. Overall, the deviations are appropriate for this location and will result in a more desirable project than would otherwise be achieved with strict compliance with the development regulations.

4. *The development is consistent with the Downtown Design Guidelines (DDG) and exhibits superior architectural design.*

The proposed development is consistent with the DDG, specifically the architectural articulation of the facades and a ground floor design that successfully engages with the street. The Project also makes use of high-quality materials and a design that maximizes the use of the small lot while considering surrounding land uses. Overall, the Project exhibits a superior architectural design that will be a positive addition to the East Village neighborhood.

#### NUP

In order to grant approval of a NUP, the following findings must be made:

#### Findings

1. *That the proposed use will not adversely affect the applicable land use plan*

The proposed Outdoor Use Area is located within the ER District of the DCP area. A variety of uses are permitted in this district, including office, residential, and hotel, which serves as a transition between the Core District and residential neighborhoods. An Outdoor Use Area within this district is permitted with approval of an NUP. This location is appropriate given the proximity of ballpark and other visitor-serving land uses. The Outdoor Use Area will provide additional activity and synergy for the public space that will contribute to creating a diverse mix of uses for the neighborhood and foster an active urban environment. The proposed rooftop Outdoor Use Area on Level 14 of the hotel will not adversely affect the applicable land use plan as the proposed use with approval of an NUP is consistent with the CCPDO and the following goals and policies of the DCP:

- Encourage the position of outdoor seating and/or cafes where appropriate;
- Foster a diverse mix of uses in each neighborhood to support urban lifestyles; and,
- Ensure an overall balance of uses that furthers downtown's role as the premier regional population, commercial, civic, cultural and visitor center.
- Guide Ballpark's evolution into a mixed-use district, including the new Main Library and Park-to-Bay Link, with a regional entertainment and cultural focus.

2. *That the proposed use will not be detrimental to the public health, safety and welfare; and,*  
The proposed rooftop outdoor use area will not be detrimental to the public health, safety, and welfare of the community when operated with the recommended conditions of approval, which include requirements regarding noise, hours of operation, and additional standard conditions to ensure that the use is compatible with the surrounding neighborhood.
3. *That the proposed use will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.*

The Project will comply to the maximum extent feasible with the regulations of the CCPDO and City Land Development Code (LDC) with approval of an NUP.

### ENVIRONMENTAL IMPACT


Development within the Downtown Community Planning area is covered under the following documents, all referred to as the “Downtown FEIR”: 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 Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the “CAP FEIR”: FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both “Program EIRs” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency. The Downtown FEIR and CAP FEIR are located on the CivicSD website (<http://civicsd.com/departments/planning/environmental-documents>) and on the City website ([https://www.sandiego.gov/planning/programs/ceqa#Final CEQA Documents](https://www.sandiego.gov/planning/programs/ceqa#Final%20CEQA%20Documents)). Consistent with best practices suggested by CEQA Guidelines Section 15168, a Downtown 15168 Consistency Evaluation (“Evaluation”) has been completed for the project. The Evaluation concluded that the environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR; that the project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within both documents for the purposes of CEQA; and, that none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation is required under CEQA. The Evaluation is attached to this staff report for informational purposes only; no action regarding the Evaluation is required by the decision maker.


CONCLUSION

Staff recommends that CivicSD grants Design Review approval and approval of CCDP/PDP/NUP Permit No. 2017-30 for the Project.

Respectfully submitted,

Concurred by:

  
James Alexander  
Associate Planner

  
Andrew T. Phillips  
Interim President

  
Brad Richter  
Vice President, Planning

Attachments: A – Ownership Disclosure Statement  
B – Project Description and Architectural Narrative  
C – Downtown Design Guidelines  
D – Outdoor Use Area Vicinity Map & Table  
E – Public Correspondence  
F – Draft Permit/Resolution  
G – Downtown FEIR Consistency Evaluation & MMRP  
Basic Concept/Schematic Drawings dated July 24, 2019





## Ownership Disclosure Statement

**Approval Type:** Check appropriate boxes for type of approval(s) requested:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Limited Use Approval               | <input type="checkbox"/> Neighborhood Development Permit       | <input type="checkbox"/> Centre City Development Permit     |
| <input type="checkbox"/> Temporary Use Permit               | <input checked="" type="checkbox"/> Planned Development Permit | <input type="checkbox"/> Gaslamp Quarter Development Permit |
| <input checked="" type="checkbox"/> Neighborhood Use Permit | <input type="checkbox"/> Site Development Permit               | <input type="checkbox"/> Marina Development Permit          |
| <input type="checkbox"/> Conditional Use Permit             | <input type="checkbox"/> Coastal Development Permit            | <input type="checkbox"/> Other: _____                       |

**Project Title:** EV 9th & Island

**Project Address:** 923 Island Ave, San Diego, CA 92101

**Assessor Parcel Number(s):** 535-126-0200, 535-126-0300

**Part 1 – To be completed by property owner when property is held by individual(s)**

By signing this Ownership Disclosure Statement, the property owner(s) acknowledges that an application for a permit, map, or other matter, as identified above, will be filed with Civic San Diego on the premises that is the subject of the application, with the intent to record an encumbrance against the property or properties. List below the owner(s) and tenant(s) (if applicable) of the above referenced property or properties; all subject properties must be included. The list must include the names and addresses of all persons who have an interest in the property or properties, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property or properties). Original signatures are required from at least one property owner for each subject property. Attach additional pages if needed. Note: The Applicant is responsible for notifying the Project Planner of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: ☐ Yes ☒ No

**Name of Individual (type or print):**

Assessor Parcel Number(s): \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Name of Individual (type or print):**

Assessor Parcel Number(s): \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Project Title:** EV 9th & Island**Part 2 – To be completed by property owner when property is held by a corporation or partnership**

By signing this Ownership Disclosure Statement, the property owner(s) acknowledges that an application for a permit, map, or other matter, as identified above, will be filed with Civic San Diego on the premises that is the subject of the application, with the intent to record an encumbrance against the property or properties. List below the names, titles, and addresses of all persons who have an interest in the property or properties, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and/or all partners in a partnership who own the property or properties). Original signatures are required from at least one corporate officer or partner who own the property for each subject property. Attach additional pages if needed. Provide the articles of incorporation, articles of organization, or partnership agreement identifying all members of the corporation or partnership. Note: The applicant is responsible for notifying the Project Planner of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: ☐ Yes ☒ No**Corporation/Partnership Name (type or print):**EV Project LLC☐ Corporation ☒ LLC ☐ Partnership

Assessor Parcel Number(s):

535-126-0200, 535-126-0300

Street Address:

321 7th ave

City/State/Zip Code:

San Diego, CA 92101

Name of Corporate Officer/Partner (type or print):

Sajan Hansji

Title:

Manager

Phone Number:

619-376-1850

E-mail:

sajan@jstreethospitality.com

Signature:

Date:

07/08/2019**Corporation/Partnership Name (type or print):**☐ Corporation ☐ LLC ☐ Partnership

Assessor Parcel Number(s):

Street Address:

City/State/Zip Code:

Name of Corporate Officer/Partner (type or print):

Title:

Phone Number:

E-mail:

Signature:

Date:

**Project Title:** EV 9th & Island

**Part 3 – To be completed by all other financially interested parties**

List below the names, titles, and addresses of all financially interested parties and state the type of financial interest (e.g., applicant, architect, lead design/engineering professional). Original signatures are required from at least one individual, corporate officer, and/or partner with a financial interest in the application for a permit, map, or other matter, as identified above. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Planner of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Planner at least thirty days prior to any public hearing on the subject property or properties. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached: ☐ Yes ☒ No

**Name of Individual (type or print):**

Frank Ternasky

☐ Applicant ☒ Architect ☐ Other \_\_\_\_\_

Street Address:

1515 Morena Blvd

City/State/Zip Code:

San Diego, CA 92110

Phone Number:

619-299-6690

E-mail:

Fternasky@delawie.com

Signature:



Date:

07/08/2019

**Corporation/Partnership Name (type or print):**

delawie

☒ Corporation ☐ LLC ☐ Partnership

☐ Applicant ☐ Architect ☐ Other \_\_\_\_\_

Street Address:

1515 Morena Blvd

City/State/Zip Code:

San Diego, CA 92110

Name of Corporate Officer/Partner (type or print):

Frank Ternasky

Title:

Partner

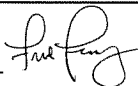
Phone Number:

619-299-6690

E-mail:

Fternasky@delawie.com

Signature:



Date:

07/08/2019

**Name of Individual (type or print):**

☐ Applicant ☐ Architect ☐ Other \_\_\_\_\_

Street Address:

City/State/Zip Code:

Phone Number:

E-mail:

Signature:

Date:

**Corporation/Partnership Name (type or print):**

☐ Corporation ☐ LLC ☐ Partnership

☐ Applicant ☐ Architect ☐ Other \_\_\_\_\_

Street Address:

City/State/Zip Code:

Name of Corporate Officer/Partner (type or print):

Title:

Phone Number:

E-mail:

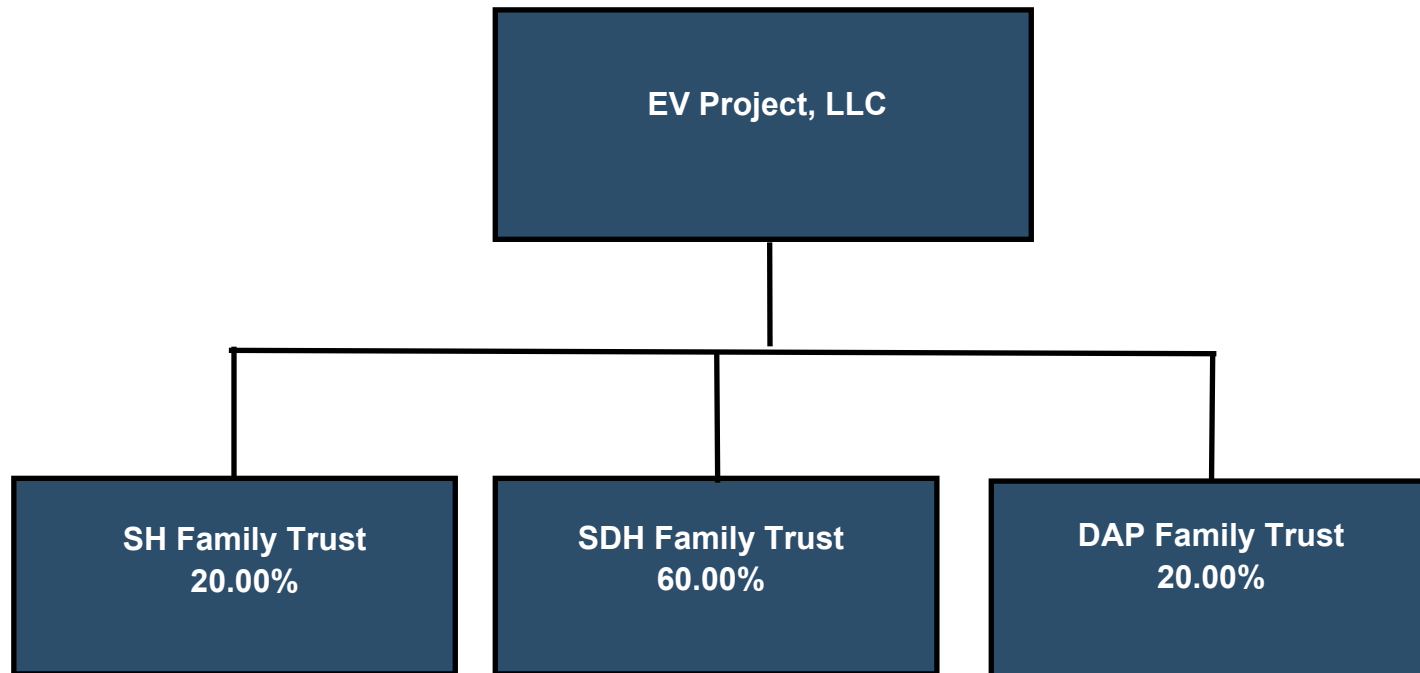
Signature:

Date:



**EV Project, LLC  
Organizational Chart**

**As of 06/20/2019**





EV 9<sup>th</sup> & Island - CivicSD Project Description  
07/08/2019

**Project Description:**

A proposed hotel consisting of (14) fourteen stories with a total area of 55,200 sf. The building will be a concrete framed structure with metal stud in-fill walls. The hotel is a high-rise structure with an overall height of 137'-8" to the uppermost occupied level and contains 132 guestrooms, a lobby, breakfast area, a fitness room and a rooftop bar. Valet parking for the hotel will be provided via a third-party agreement with LAZ parking, to be located in existing parking lots in the direct vicinity of the site. The building's exterior cladding will consist of solid wall panels of finished concrete or cement plaster, a variety of prefinished metal panels and glazing modular systems. At street level, the hotel will have guest areas within the lobby and at an internal lobby courtyard with cafe style and communal seating. The project site also contains a historic house which will remain. The other buildings that will be demolished were built in 1935 which, after a full review with the Historic Resource Board, were not deemed historic.

**Architectural Narrative:**

The design for San Diego's new hotel is rooted in the contemporary resurgence of development in East Village. By placing an emphasis on street level/roof interaction the project fits into its location by engaging the urban activity that defines the downtown experience. Located next to the Half Door Brewing Company, this new infill project is a complimentary style with modern finishes, storefront glass throughout and a design focused around proportion within building massing.

In designing the Hampton Inn hotel several key factors were considered and employed, most notably the tall slender front exterior façade with balconies, which gives the hotel a more residential high-rise condo feel. This, coupled with natural building materials, allows the hotel's stacked guest room layouts to dissolve into an overall building form. Adding a partially covered rooftop bar canopy which extends down the front face of the building adds visual interest to the overall building form. In addition, we carefully added windows to the east and west zero lot lines to help break up and create interest within the blank façades.





*Buildings towers should employ a variation in massing and fenestration and material patterns to create visual interest. Above, San Francisco, CA*



*Multiple towers in one project should display variation in either form or elevation in order to prevent close similarity. Above, Philadelphia, PA*



*Building design should incorporate appropriate shading devices, balconies, projections and louvers.*

#### 4.5.4

#### Building Tower Design

##### Guidelines

- **4.5.4.A** All building façades of towers should include a variety of fenestration and material patterns to create visual interest and avoid the appearance of a repeated single floor extrusion. Building façades more than 100 feet in width should consider the use of plane offsets and material changes to create shadows and relief. Some elements of towers should integrate with, and extend into the building base façades to avoid the appearance of towers isolated both from the street and their own bases.
- **4.5.4.B** Designers should carefully study their tower orientation to maximize energy conservation. Although orienting the tower's longer edge along the east-west axis to maximize northern/southern exposure and minimize western exposure is typically preferred, the use of sun-shading devices should be studied on the western and southern facades where appropriate to reduce heat gain.
- **4.5.4.C** Regardless of height or plan variation, no two towers within a project should exhibit identical, or closely similar, form and/or elevations. No tower should be designed to be identical, or closely similar, to another tower located elsewhere in Centre City.
- **4.5.4.D** To create a graceful transition to the sky and avoid a cut off, flat-top appearance, the upper 20 percent of any tower (measured above the base or midzone) should achieve an articulated form and composition by means of architectural techniques such as layering, material changes, fenestration pattern variation and/or physical step-backs. Actual reductions of floor areas and/or recessed balconies can assist this composition goal, but are not required. Tower top designs should resolve mechanical penthouses and other technical requirements in an integrated, coherent manner consistent with the composition below them.

# SAN DIEGO DOWNTOWN DESIGN GUIDELINES

- **4.5.4.E** Façades should have distinct solar orientations with integrated and appropriate shading devices, balconies, projections, louvers and/or window treatments. These treatments will provide desirable elevation and composition variety.
- **4.5.4.F** Towers should be designed with a majority of the facades composed of glazing, including façades facing interior property lines. Large expanses of solid walls should be avoided and should not exceed 20 feet in width. Solid walls should contain enhanced materials, deep reveals and scoring, and other textures.
- **4.5.4.G** Reflective or mirror glass is strongly discouraged, as is heavily tinted bronze, black, or gray glass. Glass color should not be emphasized as a “signature” element, and subtle gray-green or blue-gray tints are encouraged if clear glass is not proposed. Glass materials should exhibit visible light transmittance of a minimum of 60 percent.
- **4.5.4.H** Projecting balconies facing public streets should be an average of no less than 40 percent open or transparent (perforated mesh, 40 percent translucent glass, or open rail) above a height of 18 inches, measured from the balcony walking surface.
- **4.5.4.I** To ensure a cohesive and compatible night skyline, and to mitigate night-sky pollution, tower accent lighting should be modest, restrained and focused on the upper tower. Bright hues and neon outlines are strongly discouraged, and white or warm-color washes are preferred. Any signature lighting, including rooftop lanterns and other lighting effects, should be designed with adjustable intensity controls for subsequent testing and approval as part of the Design Review process.



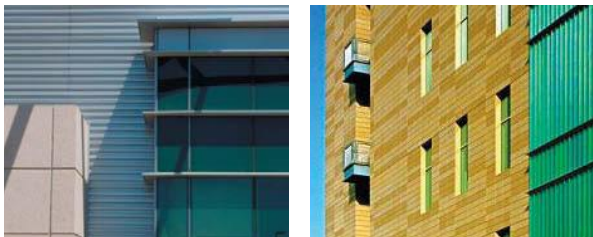
*The upper 20 percent of any tower shall achieve an articulated form and composition through layering, material changes fenestration patterns and/or physical stepbacks. Top, Chicago, IL; bottom left, Philadelphia, PA; bottom right, San Diego, CA.*



*Building design should incorporate quality materials and architectural elements, such as a well-defined building base and glazed facades and balconies, to create a people-oriented development. Above, Portland, OR.*



*Building design should use a durable upgraded material for the building base. Above, San Diego, CA.*



*Building design should use high standard materials to avoid weathering and staining, and minimize deterioration.*

## 4.5.9

### Building Materials

#### Guidelines

- **4.5.9.A** The building base should be clad in durable upgraded materials such as stone, tile, metal, brick, concrete and glass. Insulated paneling systems and stucco are strongly discouraged in commercial projects and the ground floor of residential projects. Designated historical resources are exempt from this standard and should utilize materials consistent with the historical designation of the site.
- **4.5.9.B** The building base's upgraded materials should extend to within 1 inch of finish sidewalk grade, and these materials should wrap corners of exposed interior property line walls a minimum of 5 to 10 feet.
- **4.5.9.C** Exit corridors, garage openings, loading docks, and all recesses should provide a finished appearance to the street with street level exterior finishes fully wrapping into the openings to a minimum dimension of 10 feet. Utility rooms and exit corridors should have decorative doors and that are integrated into the design of the adjacent street wall. Loading dock doors should provide full screening of the loading dock area, and use such materials as translucent glass or decorative metal.



# SAN DIEGO DOWNTOWN DESIGN GUIDELINES

## 4.5.10

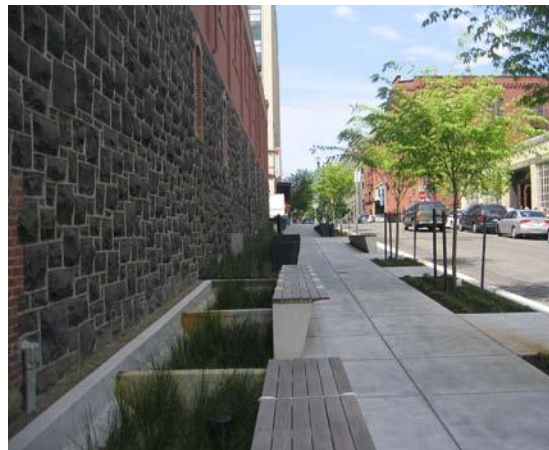
### Blank Walls

#### Guidelines

- **4.5.10.A** Blank walls on the ground level or on façades of buildings are to be limited to provide a pleasant and rich pedestrian experience. Blank walls include any street wall area that is not transparent, including solid doors and mechanical areas.
- **4.5.10.B** Unavoidable blank walls along public streets or those viewed from public streets, open spaces and thoroughfares should be treated to create an inviting visual experience. All blank wall area should be enhanced with architectural detailing, material texture, ornamentation, landscape treatment and/or artwork.



*Unavoidable blank walls viewed from public streets should be enhanced with architectural detailing, material texture, and other devices. Above, San Diego, CA.*



*Blank walls at street-level should be treated through use of rich and textured materials, color, and landscape materials. Top, Portland, OR; bottom, San Diego, CA.*



Outdoor Use Areas  
Vicinity Map



**Outdoor Use Areas  
Table**

Permit #	Business Name	Type	Neighborhood	Hours of Outdoor Area
None	Hotel Solamar	Rooftop	East Village (Gaslamp Adjacent)	None (previously conforming)
None	Marriott Gaslamp	Rooftop	East Village (Gaslamp Adjacent)	None (previously conforming)
2002-30A	Andaz	Rooftop	East Village (Gaslamp Adjacent)	Sun-Thurs: 10pm Fri-Sat: 12am
2005-47	Stingaree (Omnia)	Rooftop	Gaslamp	1:30am all week
2012-26	Hotel Indigo	Rooftop	East Village	Sun-Thurs: 11pm Fri-Sat: 12am
2012-71	Half Door Brewing	Deck/Patio	East Village	Sun-Thurs: 11pm Fri-Sat: 12am
2014-02	Bottega Americano	Patio	East Village	Sun-Thurs: 10pm Fri-Sat: 11pm
2015-09A	Courtyard Marriott (The Nolen)	Rooftop	East Village (Gaslamp Adjacent)	Sun-Thurs: 12am Fri-Sat: 1am
2016-11	Knotty Barrel	Patio	East Village	Sun-Thurs: 11pm Fri-Sat: 12am
2017-40	Fairweather	Patio	East Village	Sun-Thurs: 10pm Fri-Sat: 11pm
2017-42	Chinese Theater	Rooftop	Gaslamp	1:30am all week
2018-54	Bay City Brewing	Rooftop	East Village	10pm all week



March 16, 2018

Civic San Diego  
401 B Street  
Suite 400  
San Diego, Ca. 92101

Attention: Brad Richter

Re: EVRG Support for Hilton/Hampton Inn Hotel Project, 9<sup>th</sup> and Island

Dear Civic San Diego:

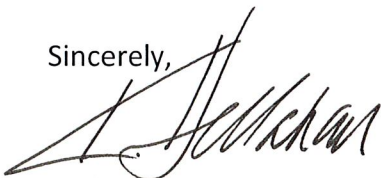
The East Village Residents Group (EVRG) represents over 13,000 residents and expected to increase exponentially. East Village is the most diverse neighborhood in downtown San Diego and welcomes commercial and hotel developments that support our residents and guests.

The EVRG Pre Design Committee with the East Village Association (EVA) Pre Design Committee reviewed the 9<sup>th</sup> and Island Hilton/Hampton Inn Hotel Project on Wednesday 14 March 2018. Our review had the opportunity to consider prior Civic SD Pre Design review and feedback. The Committee recommended the EVRG Board approve the project with appreciation of its Infill Aesthetics and the following developer commitments:

- Offsite Parking in Perpetuity at 7<sup>th</sup> and Market (variance required due to 650' distance)
  - Valet Parking is intended, minimizing the inconvenience to guests and residents
  - The Valet Parking spaces are on Market on the lane closest to the hotel between sidewalk bumpout "bulbs" thereby minimizing inconvenience to through traffic.
- Street Loading will be during designated hours in a portion of Market Street reserved for Valet Parking and loading.
- The Building façade has been reoriented consistent with Civic SD Feedback to maximize opportunity for future adjoining property development
- The revised color palette is attractive and complimentary to the community
- Should the hotel be pet friendly the appropriate pet relief area will be in place and maintained.

The EVRG Board is pleased to endorse our Pre Design Committee recommendation. Without hesitation EVRG recommends favorable review by DCPC and Civic San Diego. The 9<sup>th</sup> and Island project will be an asset to our community.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Hallahan', written over a horizontal line.

Kathleen Hallahan  
President  
East Village Residents Group

Cc: Downtown Community Planning Council  
Attention: Mr. Pat Stark, President

ATTACHMENT E



East Village Business Improvement District

March 22, 2018

Reese Jarrett, President  
c/o Brad Richter, Vice President Planning  
Civic San Diego  
401 B St. 4<sup>th</sup> Floor – sent electronically  
San Diego, CA 92101

Re: Hampton Inn Hotel Project: 9<sup>th</sup> and Island (923 Island Ave., San Diego 92101)

Dear Mr. Jarrett:

East Village Association, Inc. (EVA) represents San Diego's largest downtown neighborhood encompassing 130 blocks between Seventh Avenue and 17<sup>th</sup> Street. An arts and industrial neighborhood in transition, East Village is the non-profit organization that manages the East Village Business Improvement District, which currently represents 700 members and 13,000 residents. EVA's mission is to support and promote neighborhood businesses and residents by establishing the community as San Diego's livable urban village where people and the entrepreneurial spirit thrive through the distinct mix of arts, culture, education, and entertainment.

On March 14, 2018, EVA and the East Village Residents Group (EVRG) met jointly for the Pre-Design Committee review of the J Street Hospitality, Hampton Inn 9<sup>th</sup> and Island Project (923 Island Ave., San Diego 92101). EVA Pre-Design Committee supports this project and recommends approval to the full board, contingent upon:

- a) Should the hotel be a "pet-friendly" property, property management needs to find a pet relief area, and maintain a level of cleanliness; and
- b) The property management meets all of the parking requirements necessary to operate and maintain an offsite parking lot at the suggested location of 7<sup>th</sup> and Island (502 7<sup>th</sup> Ave, San Diego 92101).

EVA will be presenting this item on consent for full board approval at the next monthly board meeting on Thursday, April 5, 2018.

If you have questions, please contact Dora McCann Guerreiro, EVA Executive Director via email at [dora@EastVillageSanDiego.com](mailto:dora@EastVillageSanDiego.com) or call 619.546.5636.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dora' followed by a stylized surname.

Dora McCann Guerreiro, Executive Director  
East Village Association, Inc.

April 5, 2018

Thank you for the solar plans but I disagree with their correctness. The thing that stood out to me is the shape of 427 9th Ave. is wrong. It looks like the technician just heads up digitized the image on google earth to create a shape file for their plan and did not correct for the oblique angle of the image used so the shadows are wrong. The person who created the plan apparently did not zoom in to the image and mistook some of the vertical building structure and shadows of 427 9th Ave. as roof top. That isn't good at all. If the shape is wrong for this one structure, what else in the study is incorrect? I have an associates in GIS from Mesa College San Diego and studied drafting at San Antonio College.

Linda Boisvert



## James Alexander

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**From:** Dien Nguyen <@yahoo.com>  
**Sent:** Thursday, April 05, 2018 4:07 PM  
**To:** James Alexander  
**Subject:** Re: RE: Hampton Inn Construction 9th & Island Ave

Mr. Alexander,

Thank you for considering my comments and opinion on this project.  
My concerns are traffic and the aesthetic (harmony) of new project in my neighborhood.

1) Traffic: The Indigo Hotel (9th and Island) valet services have caused traffic congestions on 9th (at certain times) even with their onsite underground parking. The Hampton project will be worse due to their offsite parking. If one considers the worst-case traffic during a ball game, there are blockades on 9th Ave south of Island, and more significantly east bound Island at 9th Ave. Their hotel guests will have to arrive west bound (from 10th to 9th) on Island then make a U-turn in heavy traffic to the east bound side of Island, then their valet drivers will make another U-turn (or go around the blocks) to their offsite parking lot. All these car movements can aggravate ball game traffic.

2) Aesthetic: The height of the planned Hampton hotel seems to be at odds to its adjacent homes/buildings. Please forgive me for my lack of knowledge on the city development laws; my views are completely personal. If the Half Door Brewery (903 Island Ave) was part of the hotel lot, then I can fully agree with a building of equal height/size to Diamond Terrace. Putting a 14-story hotel on a single-family home sized lot (i.e. base to height ratio) seems out of place, especially with two-story homes on each side. I understand that the owners of project to maximize their investments, but I feel they are trying to do too much in such a small space, pushing every constraints to its limits. The construction should be done within reasons to benefit the city and neighborhoods. I think a smaller hotel will fit well and minimize the traffic impact.

I've seen San Diego grown since the mid 80's, the transformation and planning in downtown has been just amazing within the last 10 years. I hope we can still manage the growth and keep the feel of this great city. Thank you again for considering our opinions,

Dien Nguyen

Residence of Diamond Terrace

Email: [@yahoo.com](mailto:@yahoo.com)

Ph:

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May 17, 2018

Chairman Phil Rath  
Civic San Diego Board of Directors  
401 B Street, Suite 400  
San Diego, CA 92101

**RE: J Street Hospitality's East Village Hotel (9<sup>th</sup> & Island)**

Dear Chairman Rath & Members of the Civic San Diego Board of Directors,

Please accept this letter of support for J Street Hospitality's proposed hotel, located in East Village at 9<sup>th</sup> & Island. J Street has a seasoned history of building and operating high quality properties in the San Diego market, and this proposed addition would be an incredible amenity for the city.

J Street, a developmental pioneer in downtown, has been an excellent community partner. They are sensitive to local needs, and knowledgeable regarding the concerns of the residents and businesses adjacent to their projects and properties. As East Village residents, this extended hand is vital. We have great respect for the communication that J Street has provided *and continues to provide us*.

It is our understanding that the Civic Board of Directors will be considering the design and entitlements of the proposed hotel. We would not only like to extend our support, but also encourage you to support the project in moving it forward. We believe this hotel will be a fantastic addition aesthetically and economically to not just San Diego, but more specifically our beloved East Village.

Thank you for your consideration in this matter.

Sincerely,



**Daniel Passov**  
427 9<sup>th</sup> Avenue, Apt. 704  
San Diego, CA 92101  
(858) 380-5838



**Joseph Andreozzi**  
427 9<sup>th</sup> Avenue, Apt. 503  
San Diego, CA 92101  
(401) 480-9072



**Jonathan Kabakoff**  
427 9<sup>th</sup> Avenue, Apt. 1003  
San Diego, CA 92101  
(858) 945-4784

May 14, 2019

Re: Opposition to the Extension of Hours of Operation of Rooftop Outdoor Area at EV 11<sup>th</sup> & Island

Civic San Diego Board Members:

The East Village neighborhood, and each distinct neighborhood in Downtown, have great potential to be a fantastic place to live and work. Respecting the quality of life of the residents in this residential/ mixed-use area is essential to creating a livable Downtown. This is the legacy of the urban planning guidelines that you are protecting.

The EVRG opposes, in the strongest terms, the proposed extension of the hours of operation of the roof deck at 9<sup>th</sup> and Island Avenue for the following reasons:

- Those individuals and families who decided to make their home in the neighboring buildings did so with the understanding that their new home is located in a dense urban neighborhood, but not inside an entertainment district.
- The sound of clinking dishes, the sound of voices in simple conversation, and the sound of voices of those who have been drinking all evening will carry several blocks from the rooftop deck. Noise from a restaurant, bar, and party venue after 10:00pm on a weekday, and after 11:00pm on a weekend is exponentially more discordant than during earlier hours of the evening.
- Compromising the quality of life of the neighbors should only be considered when the developer clearly demonstrates that in doing so, the proposed amenity is contributing significantly to the greater good of the community. That is not the case here. There are no site constraints that necessitate this request, nor a programmatic necessity- solely a desire to increase profits of the developer.

The chipping away of thoughtful urban design guidelines is always risky. Approving any extension of hours of operation for the roof deck restaurant/ bar/ party venue would set an unfortunate precedence, and establish a very low bar for the consideration of all compromises requested by developers in the future.

Sincerely,

Kathleen Hallahan

President, East Village Residents Group  
eastvillageresidentsgroup@gmail.com



June 20, 2019

Civic San Diego  
401 B Street, Suite 400  
San Diego, CA 92101

Re: EV 9<sup>th</sup> and Island (923 Island Avenue) - Hampton Inn / Hilton Hotel Project

Dear Civic San Diego:

Please accept this letter of support from Half Door Brewing Company for the proposed Hampton Inn / Hilton hotel project at 923 Island Avenue and their request for the extended outdoor hours of operation:

- Sun-Thurs: 11:00PM
- Fri-Sat: 12:00AM
- Special allowance for outdoor operations to extend up to 30 minutes following the conclusion of an event at the nearby Petco Park.

Half Door Brewing Company is located adjacent to the west from the proposed project and is approved for extended outdoor hours of operation consistent with their request (as recorded by Civic San Diego).

Sincerely,



Stacy Drayne  
General Manager  
Half Door Brewing Company

## James Alexander

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**From:** Keith Southwood <keithsouthwood@sbcglobal.net>  
**Sent:** Wednesday, July 17, 2019 9:16 AM  
**To:** James Alexander  
**Subject:** EV 9th and Island

Mr Alexander,

As a property owner at 427 9th Avenue I would like to go on record being 100% against the above referenced project. Not only is it trying to jam an unnecessary high rise hotel project onto a sliver of land which is inadequate in size, it would negatively impact ALL of the nearby property owners. Bottom line, this neighborhood doesn't NEED a 14 story hotel that comes with ZERO PARKING (Seriously)? What it NEEDS is more infrastructure....

Thanks for hearing me out and please vote NO!!!

Regards,

Keith

Keith M Southwood, CPA, Inc.  
6310 Greenwich Drive, Suite 230  
San Diego, CA 92122  
Tel 858-452-5777  
Fax 858-224-2900

**RECORDING REQUESTED BY:**

Civic San Diego  
Planning Department  
401 B Street, Suite 400  
San Diego, CA 92101

**AND WHEN RECORDED MAIL TO:**

Civic San Diego  
Planning Department  
401 B Street, Suite 400  
San Diego, CA 92101

*THIS SPACE FOR RECORDER'S USE ONLY*

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

**CENTRE CITY PLANNED DISTRICT  
CENTRE CITY DEVELOPMENT PERMIT/  
CENTRE CITY PLANNED DEVELOPMENT PERMIT /  
NEIGHBORHOOD USE PERMIT  
NO. 2017-30**

**EV NINTH & ISLAND  
923 ISLAND AVENUE  
APN 535-126-02 & -03**



**CENTRE CITY PLANNED DISTRICT  
CENTRE CITY DEVELOPMENT PERMIT/CENTRE CITY PLANNED  
DEVELOPMENT PERMIT / NEIGHBORHOOD USE PERMIT  
NO. 2017-30**

**EV NINTH & ISLAND  
923 ISLAND AVENUE  
APN 535-126-02 & -03**

This Centre City Development Permit / Centre City Planned Development Permit / Neighborhood Use Permit (CCDP/CCPDP/NUP) No. 2017-30 is granted by Civic San Diego (“CivicSD”) to EV Project, LLC (Owner/Permittee) to allow the construction of a 14-story, approximately 140-foot tall hotel development on a 6,900 square-foot (SF) site located on Island Avenue between Ninth and Tenth avenues in the East Village neighborhood of the Downtown Community Plan (DCP) area (“Downtown”) in the Centre City Planned District (CCPD), legally described in Exhibit A.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to construct and operate a development and uses as described and identified by size, dimension, quantity, type, and location as follows and on approved Basic Concept/Schematic Drawings dated July 24, 2019 and associated Color/Material Board on file at CivicSD.

1. General: The Owner/Permittee shall construct, or cause to be constructed on the site, a 14-story hotel development containing 132 guest rooms. The total Floor Area Ratio (FAR) of the development for all uses above ground shall not exceed 8.0 (including all FAR Bonuses). The building height shall not exceed 140-feet above average grade level, 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 Planned District Ordinance (CCPDO).
2. Floor Area Ratio (FAR) Bonus: An increase in the maximum allowable Base 6.0 FAR to 8.0 FAR is hereby granted under the following provisions of the CCPDO:
  - a. Green Building FAR (§156.0309(e)(8)) - The Project is entitled to 1.0 FAR (6,900 SF) for the provision of Centre City Green (CCG) Building Incentive Program awards development incentives for buildings that exceed the California Green Building Standards Code (CALGreen). The Applicant shall construct a LEED-Certified Silver building in accordance with the US Green Building Council (USGBC) standards for new construction. Covenants, Conditions, and Restrictions (“CC&Rs”) shall be recorded on the property to ensure the LEED–Certification level for construction of the building. Such CC&Rs shall be in a form approved by CivicSD and the City Attorney’s Office and shall be recorded prior to issuance of a building permit.

Prior to the issuance of any Building Permit, the Permittee shall provide a financial surety, deposit, or other suitable guarantee approved by the Civic San Diego President and the City Attorney’s Office to ensure that the applicant completes the LEED certification for the development as proposed to obtain a FAR Bonus under this section.

LEED certification must be demonstrated through an independent report provided by the USGBC that confirms achievement of a LEED Silver level of performance on the Project. The financial surety, deposit, or other suitable guarantee shall be in an amount equivalent to the values which would be required to purchase an equivalent amount of FAR under the FAR Payment Bonus Program. Within 180 days of receiving the final Certificate of Occupancy for a development, the applicant shall submit documentation that demonstrates achievement of the applicable LEED rating as proposed under this section.

If the applicant fails to submit a timely report or demonstrate LEED Silver certification, payment shall be deducted against the financial security, deposit, or other suitable guarantee and deposited in the FAR Bonus Fund established under the FAR Payment Bonus Program. The amount of payment shall be calculated per the following formula:

$$P = \text{FAR \$} \times ((\text{LCP} - \text{CPE}) / \text{LCP})$$

P = the payment amount to be paid to the FAR Bonus Fund

FAR\$ = the amount of money which would be required to purchase the equivalent amount of FAR under the FAR Payment Bonus Program

LCP = LEED Certification Points needed to achieve the proposed LEED certification level (Silver)

CPE = LEED Certification Points actually earned by the development as certified by the USGBC

All funds provided by the applicant for the LEED certification surety, deposit, or other suitable guarantee that are not paid to the FAR Bonus Fund shall be refunded to the applicant. In the event that the applicant submits a timely report and demonstrates the necessary level of LEED certification for the applicant's desired FAR Bonus, the entire amount of the surety, deposit, or other suitable guarantee shall be refunded to the applicant.

- b. FAR Payment Bonus (§156.0309(e)(7)) – The Project is entitled to 1.0 FAR (6,900 SF) under the FAR Payment Bonus Program. The Owner/Permittee will be required to pay \$125,235 (based on the FY 2017 fee structure at \$18.15 per SF) prior to issuance of building permits, which will be deposited into a fund to be used for the construction of public parks and enhanced public right-of-way (ROW) improvements in the DCP area.
3. Parking: Per Section 142.0540 of the San Diego Municipal Code (SDMC), no parking is required for commercial uses on lots of record that are 10,000 SF or less without alley access; therefore no parking is required in the Project.

#### **PLANNED DEVELOPMENT PERMIT**

4. The CivicSD Board of Directors hereby grants a Centre City Planned Development Permit (CCPDP) pursuant to Section 156.0304(f) of the CCPDO for deviations from the following development regulations:

- a. CCPDO §156.0310(d)(3)(A) Maximum Tower Lot Coverage: Allow an increase in the maximum tower lot coverage from 50% to 59.2%.
- b. CCPDO §156.0310(d)(3)(E) Tower Setback from Interior Property Line: Allow reductions of the tower setback from the interior property to no less than 1'6" on the east elevation, 5'-6" on the west elevation, and 3'-3" on the south elevation, as shown on the approved Basic Concept/Schematic Drawings dated July 24, 2019.
- c. CCPDO §156.0313(b)(2)(B) Off-Street Loading: Allow the elimination of the requirement for an off-street loading bay.

## **NEIGHBORHOOD USE PERMIT**

5. The CivicSD Board of Directors hereby grants a Neighborhood Use Permit (NUP) for an pursuant to CCPDO Section 156.0308 for an outdoor use area on the rooftop subject to the following terms and conditions:
  - a. The rooftop outdoor use area shall not exceed 2,550 SF. The intended uses must be in conformance with permitted uses outlined in the CCPDO and all other relevant regulations in the SDMC. Any proposed change in use or expansion shall be reviewed and approved by CivicSD prior to initiating such changes.
  - b. The occupancy of the rooftop outdoor use area shall be limited to no later than 11:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday. Operation of the rooftop outdoor use area may extend to 30 minutes following the conclusion of an event at Petco Park if the event goes beyond the stipulated closing time.
  - c. The outdoor use area shall only be used for eating, drinking, and circulation. No live entertainment or dancing shall be permitted in the outdoor use area at any time.
  - d. Ambient recorded music shall be permitted in the outdoor use area anytime that the establishment is open for business. The speakers shall be small, equally distributed, and pointed inward so as to not become a nuisance to any adjacent uses.
  - e. Sound shall be monitored during and after business hours to ensure that audible noise remains at acceptable levels. Noise levels shall be in conformance with the Noise Abatement Standards of the SDMC and the City of San Diego Noise Ordinance. In the event that a noise complaint is filed, CivicSD shall evaluate the complaints and, if it is determined that the business is potentially creating a nuisance to the neighborhood, a duly noticed public hearing shall be scheduled. After receiving public testimony, the Hearing Officer may modify or revoke the permit.
  - f. The outdoor use areas shall meet all applicable disabled accessibility codes.



- g. The Permittee shall respond to complaints pertaining to the Permit by members of the community within 24 hours of receiving the complaint. A current point of contact shall be maintained with CivicSD for the premise to ensure compliance with this condition.

## **PLANNING AND DESIGN REQUIREMENTS**

6. Urban Design Standards: The proposed development, including its architectural design concepts and off-site improvements, shall be consistent with the CCPDO and Centre City Streetscape Manual (CCSM). These standards, together with the following specific conditions, will be used as a basis for evaluating the Project through all stages of the development process.
7. Architectural Standards – The architecture of the development shall establish a high quality of design, complement the design and character of the East Village neighborhood, and utilize a coordinated color scheme consistent with the approved Basic Concept/Schematic Drawings.
8. Form and Scale – The development shall consist of a 14-story hotel development not exceeding an overall height of 140-feet tall measured to the top of the roofline, with roof equipment enclosures, elevator penthouses, and mechanical screening above this height permitted per the CCPDO and the Federal Aviation Administration (FAA). All building elements shall be complementary in form, scale, and architectural style.
9. 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 one inch of finish sidewalk grade, as illustrated in the approved Basic Concept/Schematic Drawings. Any plaster materials shall consist of a hard troweled, or equivalent, smooth finish. Any stone materials shall employ larger modules and full-corner profiles to create a substantial and non-veneer appearance. Any graffiti coatings shall be extended the full height of the upgraded base materials or up to a natural design break such a cornice line. All downspouts, 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 of the California Code of Regulations (“Title 24”).  
  
All construction details shall be of the highest standard and executed to minimize weathering, eliminate staining, and not cause deterioration of materials on adjacent properties or the ROW. No substitutions of materials or colors shall be permitted without the prior written consent of the CivicSD. 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.
10. Street Level Design – Street level windows shall be clear glass and may be lightly tinted. Architectural features such as awnings and other design features which add human scale to the streetscape are encouraged where they are consistent with the design theme of the structure.

Exit corridors including garage entrances shall provide a finished appearance to the street with street level exterior finishes wrapping into the openings a minimum of ten feet.

All exhaust caps, lighting, sprinkler heads, and other elements on the undersides of all balconies and surfaces shall be logically composed and placed to minimize their visibility, while meeting code requirements. All soffit materials shall be high quality and consistent with adjacent elevation materials (no stucco or other inconsistent material), and incorporate drip edges and other details to minimize staining and ensure long-term durability.

11. Utilitarian Areas – Areas housing trash, storage, or other utility services shall be completely concealed from view of the ROW and adjoining developments, except for utilities required to be exposed by the City or utility company. The development shall provide trash and recyclable material storage areas per SDMC Sections 142.0810 and 142.0820. Such areas shall be provided within an enclosed building area and kept clean and orderly at all times.
12. Mail and Delivery Locations – It is the Owner's and/or Permittee's responsibility to coordinate mail service and mailbox locations with the United States Postal Service and to minimize curb spaces devoted to postal and loading use. The Owner and/or Permittee shall locate all mailboxes and parcel lockers outside of the ROW, 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.
13. Circulation and Parking – The Owner and/or Permittee shall prepare a plan which identifies the location of curbside parking control zones, parking meters, fire hydrants, valet services if any, trees, and street lights to the satisfaction of CivicSD. Such plan shall be submitted in conjunction with construction permits. All subterranean parking shall meet the requirements of the Building 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 public ROW.
14. Open Space and Development Amenities – A landscape plan that illustrates the relationship of the proposed on and off-site improvements and the location of water, and electrical hookups to the satisfaction of CivicSD shall be submitted with construction permits.
15. Roof Tops – A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted to the satisfaction of CivicSD with 100% Construction Drawings. Any roof-top mechanical equipment shall be grouped, enclosed, and screened from surrounding views (including views from above).
16. Lighting – A lighting plan which highlights the architectural qualities of the Project and also enhances the lighting of the public ROW shall be submitted with 100% Construction Drawings. All lighting shall be designed to avoid illumination of adjoining properties.
17. Signage – All signs shall comply with the City Sign Regulations and the CCPDO.

18. Noise Control – All mechanical equipment, including but not limited to, air conditioning, heating and exhaust systems, shall comply with the City Noise Ordinance and California Noise Insulation Standards as set forth in Title 24. Owner and/or Permittee shall provide evidence of compliance at 100% Construction Drawings.
19. Street Address – Building address numbers shall be provided that are visible and legible from the ROW.
20. 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 to the satisfaction of CivicSD with the construction permit drawings.

## **PUBLIC IMPROVEMENTS, LANDSCAPING AND UTILITY REQUIREMENTS**

21. Off-Site Improvements: The following public improvements shall be installed in accordance with the CCSM. The CCSM is currently being updated and the Owner and/or Permittee shall install the appropriate improvements according to the latest requirements at the time of Building Permit issuance:

	Ninth Avenue	Island Avenue
Street Trees	Brisbane Box	Chinese Evergreen Elm
Tree Grates	Special Grates	Special Grates
Sidewalk Paving	Ballpark Paving	Island Avenue Paving
Street Lights	Standard Lights	Standard Lights

22. Street Trees – Street tree selections shall be made according to the CCSM. All trees shall be planted at a minimum 36-inch box size with tree grates provided as specified in the CCSM, 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 development.
23. Street Lights – All existing lights shall be evaluated to determine if they meet current CivicSD and City requirements, and shall be modified or replaced if necessary.
24. Sidewalk Paving – Any specialized paving materials shall be approved through the execution of an Encroachment Removal and Maintenance Agreement (EMRA) with the City at the time of construction permit issuance.
25. Landscaping – All required landscaping shall be maintained in a disease, weed and litter free condition at all times. If any required landscaping (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent in size per the approved documents and to the satisfaction of the CivicSD within 30 days of damage or Certificate of Occupancy, whichever occurs first.



26. Planters – Planters shall be permitted to encroach into the ROW a maximum of two feet for sidewalk areas measuring at least twelve feet and less than fourteen feet in width. For sidewalk areas fourteen feet or wider, the maximum permitted planter encroachment shall be three feet. The planter encroachment shall be measured from the property line to the face of the curb to the wall surrounding the planter. A minimum six foot clear path shall be maintained between the face of the planter and the edge of any tree grate or other obstruction in the ROW.
27. On-Street Parking – The Owner and/or Permittee shall maximize the on-street parking wherever feasible.
28. Franchise Public Utilities – The Owner and/or Permittee shall be responsible for the installation or relocation of franchise utility connections including, but not limited to, gas, electric, telephone and cable, to the development and all extensions of those utilities in public streets. Existing franchise utilities located above grade serving the property and in the sidewalk ROW shall be removed and incorporated into the adjoining development. All franchise utilities shall be installed as identified in the Basic Concept Drawings. Any above grade devices shall be screened from view from the ROW.
29. Geology
- a. Prior to the issuance of any construction permits (either grading or building), the Owner/Permittee shall submit an addendum geotechnical investigation report that specifically addresses the proposed construction plans. The addendum geotechnical investigation report shall be reviewed for adequacy by the Geology Section of DSD.
  - b. The Owner/Permittee shall submit an interim as-graded geotechnical report that presents the results of detailed geologic mapping/logging of the entire basement excavation to demonstrate the lack of faults crossing the site prior to building inspection of foundation excavations. The interim as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of DSD.
  - c. The Owner/Permittee shall submit a final as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of DSD prior to exoneration of the bond and grading permit close-out.
30. Engineering
- a. All excavated material listed to be exported shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the Green Book), 2018 Edition and Regional Supplement Amendments adopted by Regional Standards Committee.
  - b. The drainage system proposed for the development, as shown on the site plan, is private and shall be approved by the City Engineer.

- c. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a ROW Permit for all proposed work in the public ROW.
- d. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement (EMRA) from the City Engineer for the proposed curb outlet, enhanced sidewalk, underground vault, and decorative metal panel on Island Avenue ROW.
- e. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, closure of existing driveways on Island Avenue.
- f. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, construction of new curb/gutter and sidewalk per current City Standards along Island Avenue satisfactory to the City Engineer.
- g. Prior to the issuance of any building permit, the Owner/Permittee shall submit a technical report based on the storm water standards in effect at the time of construction permit issuance that will be subject to final review and approval by the City Engineer.
- h. Prior to issuance of any building permit, the Owner/Permittee shall enter into a Maintenance Agreement for the on-going permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.
- i. Prior to issuance of any building permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards, Chapter 4 of the Storm Water Standards.

### 31. Public Utilities

- a. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond, the design and construction of a 10-inch public sewer main and a 12-inch water main within the Island Avenue ROW, in a matter satisfactory to the Public Utilities Director and the City Engineer.
- b. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private backflow prevention device(s) (BFPD) on each water service (domestic, fire, and irrigation) in a manner satisfactory to the Public Utilities Director and City Engineer. BFPDs shall be located above ground on private property, in line with the service, and immediately adjacent to the public ROW.
- c. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and be reviewed as part of the building permit plan check.

- d. All proposed public water and sewer facilities are to be in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines.
  - e. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.
32. Transportation: Prior to issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing driveways on Ninth Avenue and closure of two driveways on Island Avenue per current City Standards, satisfactory to the City Engineer. All improvements shall be completed and accepted by the City Engineer prior to first occupancy.

## **SUSTAINABILITY**

33. Cool/Green Roofs - The development must include roofing materials with a minimum three-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under the CALGreen. Compliance with this measure must be demonstrated prior to the issuance of the building permit.
34. Plumbing Fixtures and Fittings – Plumbing fixtures and fittings that do not exceed the maximum flow rate specified in Table A5.303.2.3.1 (voluntary measures) of the CALGreen; and Appliance and fixtures for commercial application that meet the provisions of Section A5.303.3 (voluntary measures) of the CALGreen. Compliance with this measure must be demonstrated prior to the issuance of the building permit.
35. Energy Performance Standard/Renewable Energy – The development must be designed to have an energy budget that meets the following performance standards when compared to the Title 24, Part 6 Energy Budget for the Standard Design Building as calculated by Compliance Software certified by the California Energy Commission (percent improvement over current code): 90% of the Title 24, Part 6 Energy Budget or 10% reduction from the Standard Design Building. The demand reduction may be provided through on-site renewable energy generation, such as solar, or by designing the Project to have an energy budget that meets the above-mentioned performance standards when compared to the Title 24, Part 6 Energy Budget for the Proposed Design Building (percent improvement over current code). Compliance with this measure must be demonstrated prior to the issuance of the building permit.
36. Bicycle Parking Spaces – The Project must provide more short-and long-term bicycle parking spaces than required in SDMC Chapter 14, Article 2 Division 5. Note: non-portable bicycle corrals within 600-feet of project frontage count. Compliance with this measure must be demonstrated prior to the issuance of the building permit.
37. Shower Facilities – The Project must include changing/shower facilities in accordance with the voluntary measures under the CALGreen (per the table under CAP Checklist Item #6 *Shower facilities*). Compliance with this measure must be demonstrated prior to the issuance of the building permit.



38. Transportation Demand Management: The Project is required to implement measures to reduce single-occupant vehicle trips for the Project, per Table 0313-D of Section 156.0313(o) of the CCPDO, achieving a minimum of 25 points, for the life of the Project. The Owner/Permittee shall demonstrate such measures prior to issuance of any Building Permit for the Project.
39. Environmental Impact Mitigation Monitoring and Reporting Program (MMRP): As required by CCPDO Section 156.0304(h), the development shall comply with all applicable Mitigation Monitoring and Reporting Program (MMRP) measures from the 2006 Final Environmental Impact Report (FEIR) for the DCP.

## **STANDARD REQUIREMENTS**

40. Development Impact Fees: The development will be subject to Centre City Development Impact Fees. The fee shall be determined in accordance with the fee schedule in effect at the time of building permit issuance. The Owner and/or 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. In addition, it shall be responsibility of the Owner and/or Permittee to provide all necessary documentation for receiving any "credit" for existing buildings to be removed. Development Impact Fees shall be calculated in accordance with fee schedule in effect at the time of building permit issuance, and in accordance with the SDMC.
41. Construction Fence: Owner and/or Permittee 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 development'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.
42. Development Identification Signs: Prior to commencement of construction on the site, the Owner and/or Permittee shall prepare and install, at its cost and expense, one sign on the barricade around the site which identifies the development. The sign shall be at least four feet by six feet and be visible to passing pedestrian and vehicular traffic. The signs shall at a minimum include: 1) Color rendering of the development, 2) Development name, 3) Developer, 4) Completion Date, 5) For information call \_\_\_\_\_. Additional development signs may be provided around the perimeter of the site. All signs shall be limited to a maximum of 160 sq. ft. per street frontage. Graphics may also be painted on any barricades surrounding the site. All signs and graphics shall be submitted to the CivicSD for approval prior to installation.
43. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an

Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

44. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
45. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
46. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. §1531 et seq.).
47. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner and/or Permittee and any successor(s) in interest.
48. This development shall comply with the standards, policies, and requirements in effect at the time of approval of this development, including any successor(s) or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by the City.
49. No permit for construction, operation, or occupancy of any facility or improvement described herein 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 San Diego County Recorder.
50. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
51. Construction plans shall be in substantial conformity to the approved Basic Concept/Schematic Drawings and associated Color and Materials Boards dated July 24, 2019, on file at CivicSD. Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s)/amendment(s) to the Project have been granted.
52. The Owner/Permittee shall defend, indemnify, and hold harmless CivicSD and the City (collectively referred to as "City"), its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold

harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

53. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit. If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained there.

This CCDP/CCPDP/NUP No. 2017-30 is granted by the CivicSD Board of Directors on July 24, 2019.

CIVIC SAN DIEGO:

OWNER / PERMITEE:

James Alexander  
Associate Planner

Date

Sajan Hansji  
EV Project, LLC

**Note: Notary acknowledgment must be attached per Civil Code Section 1189 et seq**



## EXHIBIT A

### PARCEL 1:

THAT PORTION OF LOT "B" IN BLOCK 109 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L.L. LOCKLING, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT "B", DISTANT THEREON 16.75 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT, SAID POINT BEING ALSO THE SOUTHWEST CORNER OF LAND CONVEYED TO NAGATHA GOMEZ BY DEED RECORDED JULY 3, 1937 IN BOOK 665, PAGE 367, OF OFFICIAL RECORDS; THENCE EAST ALONG THE SOUTH LINE OF SAID GOMEZ LAND A DISTANCE OF 46.62 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE CONTINUE EAST ALONG THE EASTERLY PROLONGATION OF SAID SOUTH LINE OF GOMEZ LAND A DISTANCE OF 3.38 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF LOT B A DISTANCE OF 1.3 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT, A DISTANCE OF 17 FEET; THENCE SOUTH PARALLEL WITH SAID WEST LINE 32 FEET TO SOUTH LINE OF SAID LOT; THENCE WEST ALONG SAID SOUTH LINE A DISTANCE OF 67 FEET TO 9TH AVENUE, THENCE NORTH ALONG 9TH AVENUE A DISTANCE OF 33.3 FEET TO THE POINT OF BEGINNING.

### PARCEL 2:

LOTS "A" AND "B" IN BLOCK 109 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L.L. LOCKLING, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THE WEST 46.64 FEET OF SAID LOT "A" AND THE WEST 46.64 FEET OF THE NORTHERLY 16.75 FEET OF SAID LOT "B".

ALSO EXCEPTING THAT PORTION OF SAID LOT "B" DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST OF LINE OF SAID LOT "B", DISTANT THEREON 16.75 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT, SAID POINT BEING ALSO THE SOUTHWEST CORNER OF LAND CONVEYED TO NAGATHA GOMEZ BY DEED RECORDED JULY 3, 1937 IN BOOK 665, PAGE 367, OF OFFICIAL RECORDS; THENCE EAST ALONG THE SOUTH LINE OF SAID GOMEZ LAND, A DISTANCE OF 46.62 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE CONTINUING EAST ALONG THE EASTERLY PROLONGATION OF SAID SOUTH LINE OF GOMEZ LAND A DISTANCE OF 3.38 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF LOT "B" A DISTANCE OF 1.3 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT, A DISTANCE OF 17 FEET; THENCE SOUTH PARALLEL WITH SAID WEST LINE 32 FEET TO THE SOUTH LINE OF SAID LOT; THENCE WEST ALONG SAID SOUTH LINE A DISTANCE OF 67 FEET TO 9TH AVENUE; THENCE NORTH ALONG 9TH AVENUE A DISTANCE OF 33.3 FEET TO THE POINT OF BEGINNING.

**CIVIC SAN DIEGO BOARD OF DIRECTORS  
RESOLUTION NO. 2019-11  
FIFTH & ASH SUITES  
CENTRE CITY DEVELOPMENT PERMIT/ CENTRE CITY PLANNED  
DEVELOPMENT PERMIT / NEIGHBORHOOD USE PERMIT  
NO. 2017-30**

WHEREAS, EV Project, LLC, Owner/Permittee, filed an application for Centre City Development Permit/Centre City Planned Development Permit/Neighborhood Use Permit (CCDP/CCPDP/NUP) No. 2017-30 on August 30, 2017 with Civic San Diego (“CivicSD”) for the construction of a hotel with 132 guest rooms, known as EV Ninth & Island (“Project”);

WHEREAS, a 6,900 square-foot (SF) site located on Island Avenue between Ninth and Tenth avenues in the East Village neighborhood of the Downtown Community Plan (DCP) area (“Downtown”) within the Centre City Planned District (CCPD), legally described in Exhibit A;

WHEREAS, on July 24, 2019, the CivicSD Board of Directors (CivicSD Board) held a duly noticed public hearing to consider CCDP/CCPDP/NUP 2017-30, including a staff report, permit and recommendation, and public testimony, pursuant to the Centre City Planned District Ordinance (CCPDO) and the San Diego Municipal Code (SDMC) of the City of San Diego; and,

WHEREAS, Development within the Downtown Community Planning area is covered under the following documents, all referred to as the “Downtown FEIR”: 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 Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the “CAP FEIR”: FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both “Program EIRs” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency and has been reviewed and considered by the decision maker before approving the project. Consistent with best practices suggested by CEQA Guidelines Section 15168, a Downtown 15168 Consistency Evaluation (“Evaluation”) has been completed for the project. The Evaluation concluded that the environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR; that the project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within both documents for the purposes of CEQA; and, that none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation is required under CEQA.

**NOW, THEREFORE, BE IT RESOLVED** that the CivicSD Board hereby finds and determines the following:

CENTRE CITY DEVELOPMENT PERMIT FINDINGS

- 1. The proposed development is consistent with the DCP, CCPDO, SDMC, and all other adopted plans and policies of the City of San Diego pertaining to the CCPD.*

The proposed Project provides a hotel development consistent with the development standards of the CCPDO and which furthers the goals and policies of the DCP. The Project will help to advance the orderly growth and activation of the East Village neighborhood and the Ballpark's evolution into a mixed-use use district, consistent with the DCP. The Project will not have a negative impact on the surrounding neighborhood. The proposed development is consistent with the DCP, CCPDO, LDC, and all other adopted plans and policies of the City of San Diego pertaining to the CCDP as the development advances the following goals and objectives of the DCP and CCPDO by:

- Provide for an overall balance of uses – employment, residential, cultural, government, and destination – as well as a full compendium of amenities and services.
- Foster a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them.
- Guide Ballpark's evolution into a mixed-use district, including the new Main Library and Park-to-Bay Link, with a regional entertainment and cultural focus.

CENTRE CITY PLANNED DEVELOPMENT PERMIT FINDINGS

- 1. The proposed development will not adversely affect the applicable land use plan;*

The Project is consistent with the objectives of the DCP, CCPDO, and the DDG, specifically in regards to architectural articulations, street level activation, and the use of high-quality materials around the Project. Additionally, the Project furthers the development of the Ballpark district as a mixed-use neighborhood. The Project provides design solutions that are consistent with the DDGs and are compatible with the neighborhood and surrounding uses. Therefore, the proposed development will not adversely affect any applicable land use plans.

- 2. The proposed development will not be detrimental to the public health, safety and welfare;*

The granting of the deviations and the approval of the Project will not have a detrimental impact upon the public's health, safety and general welfare. The Project is consistent the plans for the East Village neighborhood and will contribute to its evolution as a mixed-use district with a regional and entertainment focus by providing a visitor-serving amenity that helps create a vibrant and safe neighborhood. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

- 3. The proposed development will comply to the maximum extent feasible with the regulations of the CCPDO; except for any proposed deviation which are appropriate for this location*



*and will result in a more desirable project than would be achieved if design in conformance with the strict regulations of the CCPDO; and,*

The Project will meet all the requirements of the SDMC and CCPDO with the approval of the deviations that are allowable under a CCDP. The requested deviations will result in a more desirable project than would be achieved if designed in conformance with the strict regulations of the CCPDO by providing design flexibility to allow for (1) increase tower lot coverage, (2) reduced tower setbacks, and (3) the elimination of the off-street loading bay. These deviations are the result of the constrained, small lot size and the intention of maximizing the development potential of the site. Each deviation has a little or no impact on the neighborhood and serves to improve the design and functionality of the Project itself. The increase in tower lot coverage and decrease in tower setbacks allows for the maximization of the small lot size that is 6,900 SF and has approximately 55 feet of street frontage on Island Avenue. The elimination of the requirement for an off-street loading bay (and the fact that there is no off-street parking requiring a driveway) allows for a consistent pedestrian experience along the frontage of the Project and no breaks in the Project's street wall, which keeps the street level engaging and contributes to an active pedestrian experience for the neighborhood. Overall, the deviations are appropriate for this location and will result in a more desirable project than would otherwise be achieved with strict compliance with the development regulations.

4. *The development is consistent with the Downtown Design Guidelines (DDG) and exhibits superior architectural design.*

The proposed development is consistent with the DDG, specifically the architectural articulation of the facades and a ground floor design that successfully engages with the street. The Project also makes use of high-quality materials and a design that maximizes the use of the small lot while considering surrounding land uses. Overall, the Project exhibits a superior architectural design that will be a positive addition to the East Village neighborhood.

#### NEIGHBORHOOD USE PERMIT FINDINGS

1. *That the proposed use will not adversely affect the applicable land use plan*

The proposed Outdoor Use Area is located within the ER District of the DCP area. A variety of uses are permitted in this district, including office, residential, and hotel, which serves as a transition between the Core District and residential neighborhoods. An Outdoor Use Area within this district is permitted with approval of an NUP. This location is appropriate given the proximity of ballpark and other visitor-serving land uses. The Outdoor Use Area will provide additional activity and synergy for the public space that will contribute to creating a diverse mix of uses for the neighborhood and foster an active urban environment. The proposed rooftop Outdoor Use Area on Level 14 of the hotel will not adversely affect the applicable land use plan as the proposed use with approval of an NUP is consistent with the CCPDO and the following goals and policies of the DCP:

- Encourage the position of outdoor seating and/or cafes where appropriate;
- Foster a diverse mix of uses in each neighborhood to support urban lifestyles; and,

- Ensure an overall balance of uses that furthers downtown's role as the premier regional population, commercial, civic, cultural and visitor center.
- Guide Ballpark's evolution into a mixed-use district, including the new Main Library and Park-to-Bay Link, with a regional entertainment and cultural focus.

2. *That the proposed use will not be detrimental to the public health, safety and welfare; and,*

The proposed rooftop outdoor use area will not be detrimental to the public health, safety, and welfare of the community when operated with the recommended conditions of approval, which include requirements regarding noise, hours of operation, and additional standard conditions to ensure that the use is compatible with the surrounding neighborhood.

3. *That the proposed use will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.*

The Project will comply to the maximum extent feasible with the regulations of the CCPDO and City Land Development Code (LDC) with approval of an NUP.

NOW, BE IT FURTHER RESOLVED that, based on the findings, hereinbefore adopted by the CivicSD Board, CCDP/CCPDP/NUP No. 2017-30 is hereby **GRANTED** to the referenced Owner/Permittee in the form, exhibits, terms and conditions set forth in CCDP/CCPDP/NUP No. 2017-30, a copy of which is attached hereto and made part hereof.

**AYES:** \_\_\_\_\_ **NOES:** \_\_\_\_\_ **ABSTENTIONS:** \_\_\_\_\_

**CERTIFICATION**

I, Robert Robinson, Secretary of Civic San Diego, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Directors of Civic San Diego at a meeting held on July 24, 2019.

---

Robert Robinson \_\_\_\_\_ Date  
Secretary of the Board of Directors

## EXHIBIT A

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**DOWNTOWN  
FINAL ENVIRONMENTAL IMPACT REPORT  
CONSISTENCY EVALUATION  
FOR THE  
EV NINTH & ISLAND PROJECT**

**JULY 2019**

Prepared for: EV Project, LLC  
321 7th Avenue  
San Diego, CA 92101

Prepared by: Civic San Diego  
401 B Street, Suite 400  
San Diego, CA 92101



## **DOWNTOWN FEIR CONSISTENCY EVALUATION**

**1. PROJECT TITLE:** EV Ninth & Island ("Project")

**2. DEVELOPER:** EV Project, LLC ("Applicant")

**3. PROJECT LOCATION AND SETTING:** The Downtown Community Plan (DCP) area ("Downtown") includes approximately 1,500 acres within the metropolitan core of the City of San Diego, bounded by Laurel Street and Interstate 5 on the north; Interstate 5, Commercial Street, 16th Street, Sigsbee Street, Newton Avenue, Harbor Drive, and the extension of Beardsley Street on the east and southeast; and San Diego Bay on the south and west and southwest. The major north-south access routes to Downtown are Interstate 5, State Route 163, and Pacific Highway. The major east-west access route to Downtown is State Route 94. Surrounding areas include the community of Uptown and Balboa Park to the north, Golden Hill and Sherman Heights to the east, Barrio Logan and Logan Heights to the South and the City of Coronado to the west across San Diego Bay.

The Project site is an approximately 6,900 square-foot (SF) site located on the south side of Island Avenue between Ninth and Tenth avenues in the East Village neighborhood of Downtown. The site is currently occupied by a two-story, three-unit apartment building on Island Avenue and a two-story residential building on Ninth Avenue (the historic Hiatt House). The site slopes down slightly in elevation from the northeast corner to the southwest corner by approximately four feet. The Project site is in the Employment/Residential Mixed-Use (ER) land use district as designated in the Centre City Planned District Ordinance (CCPDO). Surrounding land uses include a 12-story hotel (Hotel Indigo) to the north, a 14-story residential building (Diamond Terrace) to the south, a three-story residential condominiums and six-story residential building (Urbana) to the east, and a two-story restaurant/brewery (Half Door Brewing Co.) to the west.

**4. PROJECT DESCRIPTION:** This Project consists of a 14-story, approximately 150-foot tall hotel development comprised of 132 guest rooms and zero parking spaces. The ground floor includes the lobby, a courtyard, and a kitchen with dining space. There is a basement for hotel staff offices and building operations. The upper floors (2-13) consist of 11 hotel guest rooms on each floor. The rooftop on level 14 contains a 2,550 SF outdoor bar and restaurant. The Base Maximum Floor Area Ratio (FAR) is 6.0, with a maximum allowable FAR with Bonuses of 8.0. The Project has an FAR of 8.0.

**5. CEQA COMPLIANCE:** Development within the Downtown area has been addressed by the following environmental documents, which were prepared prior to this Consistency Evaluation and are hereby incorporated by reference:

"Downtown Final Environmental Impact Report (FEIR)" consisting of the following documents:

FEIR for the DCP, CCPDO, 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 San Diego City Council (City Council) (Resolution No. R-301265), with date of final passage on March 14, 2006.

Addendum to the Downtown FEIR for the 11<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, Amendments to the DCP, CCPDO, Marina

Planned District Ordinance, and Mitigation, Monitoring and Reporting Program of the Downtown FEIR for the DCP, CCPDO, and the Redevelopment Plan for the Centre City Redevelopment Project certified by the Redevelopment Agency (Resolution No. R-04193) and by the City Council (Resolution No. R-302932), with date of final passage on July 31, 2007.

Second Addendum to the Downtown FEIR for the proposed amendments to the DCP, CCPDO, Marina Planned District Ordinance, and Mitigation, Monitoring and Reporting Program (MMRP) certified by the Redevelopment Agency (Resolution No. R-04508), with date of final passage on April 21, 2010.

Third Addendum to the Downtown FEIR for the RE District Amendments to the CCPDO certified by the Redevelopment Agency (Resolution No. R-04510), with date of final passage on April 21, 2010.

Fourth Addendum to the Downtown FEIR for the San Diego Civic Center Complex Project certified by the Redevelopment Agency (Resolution No. R-04544) with date of final passage on August 3, 2010.

Fifth Addendum to the Downtown FEIR for the Industrial Buffer Overlay Zone Amendments to the CCPDO certified by the City Council (Resolution No. R-308724) with a date of final passage on February 12, 2014.

Sixth Addendum to the Downtown FEIR for the India and Date Project certified by the City Council (Resolution No. R-309115) with a date of final passage on July 14, 2014.

The Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561).

“Climate Action Plan (CAP) FEIR” which consists of the following documents:

FEIR for the City of San Diego CAP certified by the City Council on December 15, 2015, (City Council Resolution R-310176).

Addendum to the CAP FEIR certified by the City Council on July 12, 2016 (City Council Resolution R-310595).

The Downtown FEIR and the CAP FEIR are “Program EIRs” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The aforementioned environmental documents are the most recent and comprehensive environmental documents pertaining to the proposed Project. The Downtown FEIR is available for review at the offices of the Civic San Diego (“CivicSD”) located at 401 B Street, Suite 400, San Diego, CA 92101 or at the CivicSD website at <http://civicsd.com/departments/planning/environmental-documents>. The CAP FEIR is available at the offices of the City of San Diego Planning Department located at 1010 Second Avenue, Suite 1200, San Diego, CA 92101 or on the City of San Diego website.

This Downtown FEIR Consistency Evaluation (“Evaluation”) has been prepared for the Project in compliance with State CEQA and Local Guidelines. Under these Guidelines, environmental review for subsequent proposed actions is accomplished using the Evaluation process, as allowed

by Sections 15168 and 15180 of the State CEQA Guidelines. The Evaluation includes the evaluation criteria as defined in Section 15063 of the State CEQA Guidelines.

Under this process, an Evaluation is prepared for each subsequent proposed action to determine whether the potential impacts were anticipated in the Downtown FEIR and the CAP FEIR. No additional documentation is required for subsequent proposed actions if the Evaluation determines that the potential impacts have been adequately addressed in the Downtown FEIR and CAP FEIR and subsequent proposed actions implement appropriate mitigation measures identified in the MMRP that accompanies the Downtown FEIR and CAP FEIR.

If the Evaluation 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 proposed action being proposed. Should a proposed action result in: a) new or substantially more severe significant impacts that are not adequately addressed in the Downtown FEIR or CAP FEIR, or b) there is a substantial change in circumstances that would require major revision to the Downtown FEIR or the CAP 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 Supplemental Environmental Impact Report (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 that 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 proposed action to be within the scope of the Project covered by the Downtown FEIR and CAP FEIR, and no new environmental document is required.

**6. PROJECT-SPECIFIC ENVIRONMENTAL ANALYSIS:** See attached Environmental Checklist and Section 9 *Evaluation of Environmental Impacts*.

**7. MITIGATION, MONITORING AND REPORTING PROGRAM:** As described in the Environmental Checklist and summarized in **Attachment A**, the following mitigation measures included in the MMRP, found in DCP Appendix A, will be implemented by the proposed Project:

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

**8. DETERMINATION:** In accordance with Sections 15168 and 15180 of the CEQA Guidelines, the potential impacts associated with future development within the Downtown are addressed in the Downtown FEIR and the CAP FEIR. These documents address the potential environmental effects of future development within Downtown based on build-out forecasts projected from the land use designations, density bonus, and other policies and regulations governing development intensity and density. Based on this analysis, the Downtown FEIR and the CAP FEIR, as listed in Section 6 above, 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)
- Noise: Interior Traffic Level Increase on Grid Streets (NOI-B.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)
- Noise: Exterior Traffic Noise in Residential Development (NOI-C.1) (D/C)
- Traffic: Impact on Surrounding Streets (TRF-A.1) (C)
- Traffic: Impact on Freeway Ramps and Segments (TRF-A.2) (C)

In certifying the Downtown FEIR, the City Council 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**

1. Develop Downtown as the primary urban center for the region.
2. Maximize employment opportunities within Downtown.
3. Develop full-service, walkable neighborhoods linked to the assets Downtown offers.
4. Increase and improve parks and public spaces.
5. Relieve growth pressure on outlying communities.
6. Maximize the advantages of Downtown's climate and waterfront setting.
7. Implement a coordinated, efficient system of vehicular, transit, bicycle, and pedestrian traffic.
8. Integrate historical resources into the new Downtown plan.
9. Facilitate and improve the development of business and economic opportunities located in Downtown.
10. Integrate health and human services into neighborhoods within Downtown.
11. Encourage a regular process of review to ensure that the DCP and related activities are best meeting the vision and goals of the DCP.

The proposed activity detailed and analyzed in this Evaluation is adequately addressed in the environmental documents noted above and there is no change in circumstance, substantial additional information, or substantial Project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity, this activity is not a separate project for purposes of review under 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 Evaluation and the Downtown FEIR and CAP FEIR:

1. No substantial changes are proposed in the build-out of Downtown evaluated in the Downtown FEIR or CAP FEIR, or with respect to the circumstances under which such



development will occur as a result of the development of the proposed Project, which will require important or major revisions in the Downtown FEIR or the CAP FEIR;

2. No new information of substantial importance to the build-out of Downtown has become available that shows the Project will have any significant effects not discussed previously in the Downtown FEIR or CAP FEIR; or that any significant effects previously examined will be substantially more severe than shown in the Downtown FEIR or CAP 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 Downtown FEIR or CAP EIR is necessary or required;
4. The proposed actions will have no significant effect on the environment, except as identified and considered in the Downtown FEIR or CAP FEIR. No new or additional project-specific mitigation measures are required for this Project; and
5. The proposed actions would not have any new effects that were not adequately covered in the Downtown FEIR or CAP FEIR, and therefore, the proposed Project is within the scope of the program approved under the Downtown FEIR and CAP FEIR listed in Section 5 above.

CivicSD, on behalf of the City of San Diego, administered the preparation of this Evaluation.

  
James Alexander, Associate Planner, Civic San Diego  
Lead Agency Representative/Preparer

7/9/19  
Date

# ENVIRONMENTAL CHECKLIST

## 9. 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 Downtown FEIR and CAP FEIR. Based on the assumption that the proposed activity is adequately addressed in the Downtown FEIR and CAP FEIR, the following table indicates how the impacts of the proposed activity relate to the conclusions of the Downtown FEIR and CAP 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 Downtown FEIR and CAP FEIR are identified and are summarized in **Attachment A** to this Evaluation. 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 Downtown FEIR and CAP 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)
- Noise: Exterior Traffic Noise in Residential Development (NOI-C.1) (D/C)
- Traffic: Impact on Surrounding Streets (TRF-A.1) (C)
- Traffic: Impact on Freeway Ramps and Segments (TRF-A.2) (C).

The following Overriding Considerations apply directly to the proposed Project:

- Develop Downtown as the primary urban center for the region.
- Maximize employment opportunities within Downtown.
- Develop full-service, walkable neighborhoods linked to the assets Downtown offers.
- Relieve growth pressure on outlying communities.
- Maximize the advantages of Downtown's climate and waterfront setting.
- Integrate historical resources into the new Downtown plan.
- Facilitate and improve the development of business and economic opportunities located in Downtown.

	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) <i>Substantially disturb a scenic resource, vista or view from a public viewing area, including a State scenic highway or view corridor designated by the DCP?</i></p> <p>Views of scenic resources including 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.</p> <p>The CCPDO includes several requirements that reduce a project's impact on scenic vistas; however the Project site is not located within a designated view corridor of the DCP or CCPDO. The Project would involve construction of a hotel development in the East Village neighborhood.</p> <p>Additionally, the site itself does not possess any significant scenic resources that could be impacted by the proposed Project therefore impacts to on-site scenic resources are not significant. Impacts associated with scenic vistas would be similar to the Downtown FEIR and would not be significant.</p>					<b>X</b>	<b>X</b>
<p>(b) <i>Substantially incompatible with the bulk, scale, color and/or design of surrounding development?</i></p> <p>The bulk, scale, and design of the Project would be compatible with existing and planned developments in this part of the East Village neighborhood. Development of the site would improve the area by providing a new, modern building on a currently underutilized site. The Project would utilize high quality materials and contemporary design that is responsive to the character of the neighborhood. A variety of mid, low and high-rise buildings are located on the blocks immediately surrounding the Project site</p>					<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>						
with which the scale of the proposed Project would be consistent. Therefore, project-level and cumulative impacts associated with this issue would not occur.						
<p>(c) <i>Substantially affect daytime or nighttime views in the area due to lighting?</i></p> <p>The Project would not involve a substantial amount of exterior lighting or include materials that would generate substantial glare. Furthermore, outdoor lighting that would be incorporated into the proposed project would be shielded or directed away so that direct light or glare does not adversely impact adjacent land uses. The City's Light Pollution Law SDMC Section 101.1300 et seq.) also protects nighttime views (e.g., astronomical activities) and light-sensitive land uses from excessive light generated by development in the Downtown area. The Project's conformance with these requirements would ensure that direct and cumulative impacts associated with this issue are not significant.</p>					<b>X</b>	<b>X</b>
<b>2. AGRICULTURAL RESOURCES:</b>						
<p>(a) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?</i></p> <p>Downtown is an urban environment that does not contain land designated as prime agricultural soil by the Soils Conservation Service. In addition, it does not contain prime farmland designated by the California Department of Conservation. Therefore, no impact to agricultural resources would occur.</p>					<b>X</b>	<b>X</b>
<p>(b) <i>Conflict with existing zoning for agricultural use, or a Williamson Act contract?</i></p> <p>Downtown 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</p>					<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>						
California Government Code. Therefore, impacts resulting from conflicts with existing zoning for agricultural use or a Williamson Act Contract would not occur.						
<b>3. AIR QUALITY:</b>						
<p>(a) <i>Conflict with or obstruct implementation of an applicable air quality plan, including the County's Regional Air Quality Strategies (RFS) or the State Implementation Plan?</i></p> <p>The proposed Project site is located within the San Diego Air Basin, which is under the jurisdiction of the San Diego Air Pollution Control District (SDAPCD). The San Diego Air Basin is designated by state and federal air quality standards as nonattainment for ozone and particulate matter (PM) less than 10 microns (PM10) and less than 2.5 microns (PM 2.5) in equivalent diameter. The SDAPCD has developed a Regional Air Quality Strategy (RAQS) to attain the state air quality standards for ozone.</p> <p>The Project is consistent with the land use and transit-supportive policies and regulations of the DCP and CCPDO; which are in accordance with those of the RAQS. Therefore, the proposed Project would not conflict with, but would help implement, the RAQS with its' compact, high intensity land use and transit-supportive design. Therefore, no impact to the applicable air quality plan would occur.</p>					<b>X</b>	<b>X</b>
<p>(b) <i>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></p> <p>The Project could involve the exposure of sensitive receptors to substantial air contaminants during short-term construction activities and over the long-term</p>			<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>operation of the Project. Construction activities associated with the Project could result in potentially significant impacts related to the exposure of sensitive receptors to substantial emissions of particulate matter. The potential for 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 <b>Downtown FEIR Mitigation Measure AQ-B.1-1</b> (Attachment A).</p> <p>The Project could also involve the 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 Downtown 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 Downtown FEIR analysis, the Project would not expose sensitive receptors to substantial air contaminants beyond the levels assumed in the Downtown FEIR. Additionally, the 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 Section 3.c.</p>						
(c) <i>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>		<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>Implementation of the 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 Project would involve short-term, potentially adverse impacts associated with the creation of dust and the generation of construction equipment emissions. The clearing, grading, excavation, and other construction activities associated with the Project would result in dust and equipment emissions that, when considered together, could endanger human health. Implementation of <b>Downtown FEIR Mitigation Measure AQ-B.1-1</b> (Attachment A) would reduce dust and construction equipment emissions generated during construction of the Project to a level below significance.</p> <p>The air emissions generated by automobile trips associated with the 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 Downtown FEIR. No uses are proposed that would significantly increase stationary-source emissions in Downtown; therefore, impacts from stationary sources is not significant.</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>						
<b>4. BIOLOGICAL RESOURCES:</b>						
<p>(a) <i>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></p> <p>Due to the highly urbanized nature of Downtown, there are no sensitive plants or animal species, habitats, or wildlife migration corridors. In addition, the ornamental trees and landscaping included in the Project are considered of no significant value to the native wildlife in their proposed location. Therefore, no impact associated with this issue could occur.</p>					<b>X</b>	<b>X</b>
<p>(b) <i>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?</i></p> <p>As identified in the Downtown FEIR, Downtown is not within a sub-region 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.</p>					<b>X</b>	<b>X</b>
<b>5. GEOLOGY AND SOILS:</b>						
<p>(a) <i>Substantial health and safety risk associated with seismic or geologic hazards?</i></p> <p>The Project site is in a seismically active region. There are no known active or potentially active faults located on the Project site. However, the site is located within the Downtown Special Fault Zone and a seismic event in this fault zone could cause significant ground shaking on the Project site. Therefore, the</p>					<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>potential exists for substantial health and safety risks on the Project site associated with a seismic hazard.</p> <p>Geocon, Inc. prepared a Geotechnical Investigation Report for the Project dated October 12, 2017 and updated through June 6, 2019, which states, “it is our opinion that the site is suitable for development of the proposed project,” with their recommendations incorporated into the plans. Geocon, Inc. conducted subsurface exploration of the site consisting of one small diameter hollow-stem auger borings to depths of approximately 100 feet below the existing ground surface. It is the professional opinion of Geocon, Inc. that there are no potentially active or active faults crossing the Project site.</p> <p>Although the potential for geologic hazards (landslides, liquefaction, slope failure, and seismically-induced settlement) is considered low due to the site’s moderate to non-expansive geologic structure, such hazards could nevertheless occur. 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 International Building Code (IBC), 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.</p>						
<b>6. GREENHOUSE GAS EMISSIONS:</b>						
<p>(a) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i></p> <p>The DCP provides for the growth and build-out of Downtown. The City’s CAP FEIR analyzed greenhouse gas (“GHG”) emissions on a citywide basis – inclusive of the anticipated assumptions for the</p>					<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>growth and build-out of Downtown. The City's CAP outlines measures that would support substantial progress towards the City's 2035 GHG emissions reduction targets, which are intended to keep the City in-line to achieve its share of 2050 GHG reductions. The CAP Consistency Checklist is utilized to uniformly implement the CAP for project-specific analyses of GHG emission impacts. The Project has been analyzed against the CAP Consistency Checklist and based on this analysis, it has been determined that the Project would be consistent with the CAP and would not contribute to cumulative GHG emissions that would be inconsistent with the CAP. As such, the Project would be consistent with the anticipated growth and build-out assumptions of both the DCP and the CAP. Therefore, this impact is considered not significant.</p>						
<p><i>(b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gas?</i></p> <p>As stated above in Section 6.a., construction and operation of the proposed Project would not result in a significant impact related to GHG emissions on the environment. The Project is consistent with the City's CAP and growth assumptions under the DCP as stated in Section 6.a. Additionally, the Project would be consistent with the recommendations within Policy CE-A.2 of the City of San Diego's General Plan Conservation Element. Therefore, the Project does not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. This impact is considered not significant.</p>					<b>X</b>	<b>X</b>
<b>7. HAZARDS AND HAZARDOUS MATERIALS:</b>						
<p><i>(a) Substantial health and safety risk related to onsite hazardous materials?</i></p>					<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>The Downtown 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-term construction or long term operation of a development. The 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 waste would ensure that potential health and safety impacts caused by exposure to on-site 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.</p> <p>However, the 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 on-site hazardous materials over the long term operation of the Project are not significant.</p>						
<p><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></p> <p>The 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) Case Listing. The Downtown FEIR states that significant impacts to human health and the</p>					<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>						
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 Downtown FEIR states that no mitigation measures would be required.						
<p><i>(c) Substantial safety risk to operations at San Diego International Airport?</i></p> <p>According to the Airport Land Use Compatibility Plan for San Diego International Airport (SDIA), the entire Downtown area is located within the SDIA Airport Influence Area. The Downtown FEIR identifies policies that regulate development within areas affected by Lindbergh Field including building heights, use and intensity limitations, and noise sensitive uses. The Project does not exceed the intensity of development assumed under the Downtown FEIR, nor does it include components that would in any way violate or impede adherence to these policies, thus impacts related to the creation of substantial safety risks at SDIA would not be significant, consistent with the analysis in the Downtown FEIR. Additionally, the Federal Aviation Administration (FAA) provided a Determination of No Hazard to Air Navigation for the Project on September 27, 2017. Therefore, there are no potential direct or cumulative impacts related to this issue.</p>					<b>X</b>	<b>X</b>
<p><i>(d) Substantially impair implementation of an adopted emergency response plan or emergency evacuation plan?</i></p> <p>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.</p>					<b>X</b>	<b>X</b>
<b>8. HISTORICAL RESOURCES:</b>						
<i>(a) Substantially impact a significant historical resource,</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>						
<p><i>as defined in §15064.5?</i></p> <p>The Project site contains the historic Hiatt House, which is a locally designated historic resource in the San Diego Register (HRB No. 590). However, the Project does not propose any changes or alterations to the historic Hiatt House. This is consistent with DCP Goals 9.1-G-1, “Protect historical resources to communicate Downtown’s heritage,” and 9.2-G-1, “Integrate historical resources into the Downtown fabric while achieving policies for significant development and population intensification.” Therefore, there is no impact concerning the historical resource and no mitigation measures are required.</p>						
<p><i>(b) Substantially impact a significant archaeological resource pursuant to §15064.5, including the disturbance of human remains interred outside of formal cemeteries?</i></p> <p>According to the Downtown FEIR, 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 Downtown, 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 and surface clearance activities associated with development of the Project and the basement level could have potentially adverse impacts to archaeological resources, including buried human remains.</p> <p>Implementation of <b>Downtown FEIR Mitigation Measure HIST-B.1-1</b>, (Attachment A) would minimize, but not fully mitigate, these potential</p>	<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>						
impacts. Since the potential for archaeological resources and human remains on the 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 Downtown FEIR. Furthermore, project-level significant impacts to important archaeological resources would contribute to the potentially significant and unmitigated cumulative impacts identified in the Downtown FEIR.						
<p><i>(c) Substantially impact a unique paleontological resource or site or unique geologic feature?</i></p> <p>The Project site is underlain by the San Diego Formation and Bay Point Formation, which has high paleontological resource potential. The Downtown 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 one basement level would involve excavation beyond the Downtown FEIR standard, resulting in potentially significant impacts to paleontological resources. Implementation of <b>Downtown FEIR Mitigation Measure PAL-A.1-1</b> (Attachment A) would ensure that the 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</p>			<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>						
also mitigate for any cumulative impacts.						
<b>9. HYDROLOGY AND WATER QUALITY:</b>						
<p>(a) <i>Substantially degrade groundwater or surface water quality?</i></p> <p>According to the Geotechnical Investigation Report for the Project prepared by Geocon, Inc. dated October 12, 2017, based on the results of the subsurface exploration, groundwater is anticipated to be at a depth of 34 feet below the existing ground surface, so no groundwater or seepage is expected to be encountered during construction of the proposed Project due to the shall depths of the planned excavations.</p> <p>Therefore, dewatering during construction is not anticipated, excluding the construction of soldier piers for the shoring system. Compliance with the requirements of either (1) the San Diego 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.</p>		<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>However, implementation of BMPs required by the local Standard Urban Storm water Mitigation Program (SUSMP) and Storm water 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.</p> <p>Despite not resulting in direct impacts to water quality, the Downtown FEIR found that the urban runoff generated by the cumulative development in Downtown would 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 Downtown FEIR to feasibly reduce this cumulative impact to below a level of significance. Consistent with the Downtown FEIR, the Project's contribution to the cumulative water quality impact would remain significant and unmitigated.</p>						
<p><i>(b) Substantially increase impervious surfaces and associated runoff flow rates or volumes?</i></p> <p>The Downtown FEIR found that implementation of the DCP would not result in a substantial increase in impervious surfaces within Downtown because the area is a highly urbanized area paved with pervious surfaces and very little vacant land (approximately 3 percent of the planning area). Redevelopment of Downtown is therefore anticipated to replace impervious surfaces that already exist and development of the small number of undeveloped sites would not result in a substantial increase in impermeable surface area or a significant impact on the existing storm drain system.</p> <p>The Project is also required to comply with the City of San Diego Best Management Practices (BMPs) required as part of the local Storm Water Pollution</p>					<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>						
Prevention Plan (SWPPP). Therefore, impacts associated within this issue are not significant. (Impacts associated with the quality of urban runoff are analyzed in Section 9a.)						
<p><i>(c) Substantially impede or redirect flows within a 100-year flood hazard area?</i></p> <p>The Project site is not located within a 100-year floodplain. Similarly, the Project would not affect off-site flood hazard areas, as no 100-year floodplains are located downstream. Therefore, impacts associated with these issues are not significant.</p>					<b>X</b>	<b>X</b>
<p><i>(d) Substantially increase erosion and sedimentation?</i></p> <p>The potential for erosion and sedimentation could increase during the short-term during site preparation and other construction activities. As discussed in the Downtown FEIR, 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.</p>					<b>X</b>	<b>X</b>
<b>10. LAND USE AND PLANNING:</b>						
<p><i>(a) Physically divide an established community?</i></p> <p>The Project does not propose any features or structures that would physically divide an established community. Impacts associated with this issue would not occur.</p>					<b>X</b>	<b>X</b>
<p><i>(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></p> <p>The land use designation for the site is Employment/Residential Mixed-Use (ER), which provides a transition between the Core District and</p>					<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>residential neighborhoods. A variety of uses are permitted in this district, including office, residential, hotel, research and development, educational, and medical facilities. The Project complies with the provisions of the ER District.</p> <p>The Project is seeking approval of a Planned Development Permit (PDP) to allow the Project to increase the maximum tower lot coverage, decrease the minimum tower setback, and eliminate the off-street loading bay. With approval of the PDP, the Project is consistent with the CCPDO.</p> <p>The Project would not conflict with other applicable land use plans, policies, or regulations. The Project complies with the goals and policies of the DCP and, with approval of the requested PDP, will meet all applicable development standards of the CCPDO and SDMC. Therefore, no significant direct or cumulative impacts associated with an adopted land use plan would occur.</p>						
<p><i>(b) Substantial incompatibility with surrounding land uses?</i></p> <p>Sources of land use incompatibility include lighting, industrial activities, shading, and noise. The 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 Project's emission of, and exposure to, lighting are not significant. In addition, the Downtown FEIR concludes that existing mandatory regulations addressing land use compatibility with industrial activities would ensure that residents of, and visitors to, the Project are not subject to potential land use incompatibilities (potential land use incompatibilities resulting from hazardous materials and air emissions</p>					<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>						
are evaluated elsewhere in this evaluation).  Potentially significant impacts associated with the Project's incompatibility with traffic noise on adjacent grid streets are discussed in Sections 12.b and 12.c. No impacts associated with incompatibility with surrounding land use would occur.						
(c) <i>Substantially impact surrounding communities due to sanitation and litter problems generated by transients displaced by downtown development?</i>  Although not expected to be a substantial direct impact of the Project because substantial numbers of transients are not known to congregate on-site, the Project, in tandem with other Downtown development 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 Downtown FEIR. Continued support of Homeless Outreach Teams (HOTs) and similar transient outreach efforts would reduce, but not 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.		<b>X</b>			<b>X</b>	
<b>11. MINERAL RESOURCES:</b>						
(a) <i>Substantially reduce the availability of important mineral resources?</i>  The Downtown FEIR states that the viable extraction of mineral resources is limited in Downtown due to its urban nature and the fact that the area is not recognized for having high mineral resource potential. Therefore, no impact is associated with this issue.					<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>						
<b>12. NOISE:</b>						
<p><i>(a) Substantial noise generation?</i></p> <p>The 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. The Downtown FEIR defines a significant long-term traffic noise increase as an increase of at least 3.0 dB (A) CNEL for street. The Downtown FEIR identified nine street segments in the Downtown area that would be significantly impacted as a result of traffic generation; however, none of these identified segments are in the direct vicinity of the Project site. Nevertheless, automobile trips generated by the Project, would, in combination with other development in Downtown significantly increase noise on several street segments resulting in cumulatively significant noise impacts. The Downtown FEIR concludes that there are no feasible mitigation measures available to reduce the significant noise increase in noise on affected roadways and this impact remains significant and unavoidable.</p>		<b>X</b>			<b>X</b>	
<p><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></p> <p>Under the CCPDO, this development is not required to contain a common outdoor open space area.</p>					<b>X</b>	<b>X</b>
<p><i>(c) Substantial interior noise within habitable rooms (e.g. levels in excess of 45 dBA CNEL)?</i></p> <p>Traffic noise levels could exceed 65 dB (A) CNEL in the Project area and interior noise levels within habitable rooms facing adjacent streets could experience interior noise levels in excess of 45 dB (A) CNEL (the standard set forth in the Downtown FEIR). However, adherence to Title 24 of the California</p>					<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>						
Building Code and implementation of <b>Downtown FEIR Mitigation Measure NOI-B.1-1</b> would reduce interior noise levels to below 45 dB (A). Therefore, direct project-level impacts associated with this issue would be mitigated to a level less than significant.						
<b>13. POPULATION AND HOUSING:</b>						
<p><i>(a) Substantially induce population growth in an area?</i></p> <p>The Downtown FEIR concludes that build-out of Downtown would not induce substantial population growth that results in adverse physical changes. The Project is consistent with the DCP and CCPDO and does not exceed those analyzed throughout the Downtown FEIR. Therefore, project-level and cumulative impacts are not significant.</p>					<b>X</b>	<b>X</b>
<p><i>(b) Substantial displacement of existing housing units or people?</i></p> <p>The Project site is currently occupied by a two-story building, originally constructed in 1935 as a hotel, used for a variety of commercial uses over time, and most recently used as a three-unit residential building. The Project proposes to demolish the existing building. Although the loss of the three units is a direct impact on the displacement of existing housing units, they were not originally constructed as housing units or used as housing units for the majority of the life of the building. Downtown is rapidly growing, with approximately 17,892 housing units created since 2001 and the goal of 38,600 housing units by 2040. The loss of three dwelling units has no potential impacts to the population goals of the DCP; therefore the cumulative impact is not significant.</p>	<b>X</b>					<b>X</b>
<b>14. PUBLIC SERVICES AND UTILITIES:</b>						
<i>(a) Substantial adverse physical impacts associated with</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>						
<p><i>the provision of new schools?</i></p> <p>The population of school-aged children attending public schools is dependent on current and future residential development. In and of itself, the Project would not generate a sufficient number of students to warrant construction of a new school facility. However, the Downtown FEIR concludes that the additional student population anticipated at build out of the Downtown would require the construction of at least one additional school, and that additional capacity could potentially be accommodated in existing facilities. The specific future location of new facilities is unknown at the present time.</p> <p>Pursuant to CEQA Section 15145, analysis of the physical changes in the Downtown, which may occur from future construction of these public facilities, would be speculative and no further analysis of their impacts is required. Construction of any additional schools would be subject to CEQA. Environmental documentation prepared pursuant to CEQA would identify potentially significant impacts and project specific mitigation measures. Therefore, implementation of the Project would not result in direct or cumulative impacts associated with this issue.</p>						
<p><i>(b) Substantial adverse physical impacts associated with the provision of new libraries?</i></p> <p>The Downtown FEIR concludes that, cumulatively, development in Downtown would generate the need for a new Central Library and possibly several smaller libraries in Downtown. In and of itself, the proposed Project would not generate additional demand necessitating the construction of new library facilities. However, according to the analysis in the Downtown FEIR, future development projects are considered to contribute to the cumulative need for new library facilities Downtown identified in the Downtown</p>					<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>						
FEIR. Nevertheless, the specific future location of these facilities (except for the Central Library) is unknown at present. Pursuant to Section 15145 of CEQA, analysis of the physical changes in Downtown, which may occur from future construction of these public facilities, would be speculative and no further analysis of their impacts is required. Construction of any additional library facilities would be subject to CEQA. Environmental documentation prepared pursuant to CEQA would identify potentially significant impacts and appropriate mitigation measures. Therefore, approval of the Project would not result in direct or cumulative impacts associated with this issue.						
<p><i>(c) Substantial adverse physical impacts associated with the provision of new fire protection/ emergency facilities?</i></p> <p>The Project would not generate a level of demand for fire protection/emergency facilities beyond the level assumed by the Downtown FEIR. However, the Downtown FEIR reports that the San Diego Fire Department is in the process of securing sites for two new fire stations in Downtown. Pursuant to CEQA Section 15145, analysis of the physical changes in Downtown 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.</p>					<b>X</b>	<b>X</b>
<p><i>(d) Substantial adverse physical impacts associated with the provision of new law enforcement facilities?</i></p> <p>The Downtown FEIR analyzes impacts to law enforcement service resulting from the cumulative development of Downtown and concludes the</p>					<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>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 Downtown FEIR analysis, the Project would not generate a level of demand for law enforcement facilities beyond the level assumed by the Downtown FEIR. However, the need for a new facility could be identified in the future. Pursuant to CEQA Section 15145, analysis of the physical changes in Downtown 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.</p>						
<p><i>(e) Substantial adverse physical impacts associated with the provision of new water transmission or treatment facilities?</i></p> <p>The Public Utilities Department provides water service to Downtown and delivers more than 200,000 million acre-feet annually to over 1.3 million residents. During an average year the Department's water supply is made up of 10 to 20 percent of local rainfall, with the remaining amount imported from regional water suppliers including the San Diego County Water Authority (SDCWA) and the Metropolitan Water District (MWD). Potable water pipelines are located underneath the majority of Downtown's streets mimicking the above-ground street grid pattern.</p> <p>According to the Downtown FEIR, in the short term, planned water supplies and transmission or treatment facilities are adequate for development of Downtown. Water transmission infrastructure necessary to transport water supply to Downtown is already in place. Build out of the 2006 DCP, was considered in the updated 2015 SDCWA Urban Water Management</p>					<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>Plan (UWMP). The Metropolitan Water District (MWD) and the SDCWA have developed water supply plans to improve reliability and reduce dependence on existing imported supplies. MWD's Regional Urban Water Management Plan (RUWMP) and Integrated Water Management Plan (IWMP), and the SDCWA 2015 UWMP and annual water supply report include water infrastructure projects that meet long-term supply needs through securing water from the State Water Project, Colorado River, local water supply development, and recycled water. The SDCWA 2015 UWMP demonstrates that there will be sufficient water supplies available to meet demands for existing and planned future developments that are projected to occur by 2040.</p> <p>California Water Code Section 10910 requires projects analyzed under CEQA to assess water demand and compare that finding to the jurisdiction's projected water supply.</p> <p>Senate Bill 610 (SB 610) requires the preparation of a Water Supply Assessment (WSA) when a development project exceeds a threshold of 500 equivalent dwelling units. The Project does not exceed this threshold. Thus, the proposed project does not trigger the requirements of SB 610 and is consistent with the DCP, direct and cumulative impacts related to water supply would be considered not significant.</p>						
<p>(f) <i>Substantial adverse physical impacts associated with the provision of new storm water facilities?</i></p> <p>The Downtown FEIR concludes that the cumulative development of Downtown would not impact the existing Downtown storm drain system. Since implementation of the Project would not result in a significant increase of impervious surfaces, the amount of runoff volume entering the storm drain system would not create demand for new storm water facilities. Direct and cumulative impacts associated</p>					<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>						
with this issue are considered not significant.						
<p>(g) <i>Substantial adverse physical impacts associated with the provision of new wastewater transmission or treatment facilities?</i></p> <p>The Downtown FEIR concludes that new wastewater treatment facilities would not be required to address the cumulative development of Downtown. In addition, sewer improvements that may be needed to serve the Project are categorically exempt from environmental review under CEQA as stated in the Downtown FEIR. Therefore, impacts associated with this issue would not be significant.</p>					<b>X</b>	<b>X</b>
<p>(h) <i>Substantial adverse physical impacts associated with the provision of new landfill facilities?</i></p> <p>The Downtown FEIR concludes that cumulative development within 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 the existing use of the site, implementation of a mandatory Waste Management Plan and compliance with the applicable provisions of the SDMC would ensure that both short-term and long-term project-level impacts are not significant.</p> <p>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 Downtown FEIR. The location and size of a new landfill is unknown at this time. Pursuant to Section 15145 of CEQA, analysis from the physical changes that may occur from future construction of landfills would be speculative and no further analysis of their</p>					<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>						
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.						
<b>15. PARKS AND RECREATIONAL FACILITIES:</b>						
<p>(a) <i>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></p> <p>The Downtown FEIR discusses impacts to parks and other recreational facilities and the maintenance thereof and concludes that build out of the DCP would not result in significant 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 Downtown FEIR analysis, the Project would not generate a level of demand for parks and recreational facilities beyond the level assumed by the Downtown FEIR. Therefore, substantial deterioration of existing neighborhood or regional parks would not occur or be substantially accelerated as a result of the Project. No significant impacts with this issue would occur.</p>					<b>X</b>	<b>X</b>
<b>16. TRANSPORTATION/TRAFFIC:</b>						
<p>(a) <i>Cause the LOS on a roadway segment or intersection to drop below LOS E?</i></p> <p>The Downtown FEIR states that projects generating greater than 2,400 average daily trips (ADT) would result in potentially significant impacts to the level of service (LOS) of roadway segment or intersection and requires implementation of mitigation measures at the</p>		<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>Project level to mitigate the impact. The ADT for the proposed Project is approximately 924 and would not exceed the daily and peak hour thresholds established in the DCP for triggering a traffic study.</p> <p>Traffic generated by the Project in combination with traffic generated by other Downtown development would contribute to the significant cumulative impacts projected in the Downtown FEIR to occur on a number of Downtown roadway segments and intersections, and street within neighborhoods surrounding the Downtown at buildout of Downtown. However, the project's direct impacts on the Downtown roadway segments or intersections would not be significant. The Downtown FEIR includes mitigation measures to address impacts associated with buildout of Downtown, but the Downtown FEIR acknowledges that 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. Pursuant to <b>Downtown FEIR Mitigation Measure TRAF-A.1.1-2</b>, the applicant will also be required to pay development impact fees to fund a fair share fee towards transportation improvements for Downtown. As required by <b>Downtown FEIR Mitigation Measure TRAF-A.1.1-3</b>, the City adopted the Downtown Community Public Facilities Financing Plan (PFFP) in 2015 that established a transportation fee. The transportation fee is intended to fund street, transit, bicycle, pedestrian improvements, promenades, and below grade parking structures, as further set forth in the Downtown Community PFFP.</p>						
<p><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></p> <p>The Downtown FEIR concludes that development within Downtown will result in significant cumulative impacts to freeway segments and ramps serving</p>		<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>						
Downtown. Since the land use designation of the Project is consistent with the land use designation assumed in the Downtown FEIR analysis, the Project would contribute on a cumulative-level to the substandard LOS F identified in the Downtown FEIR on all freeway segments in Downtown and several ramps serving Downtown. <b>Downtown FEIR Mitigation Measure TRAF-A.1.1-1</b> would reduce these impacts to the extent feasible, but not to below the level of significance. The Downtown FEIR concludes that the uncertainty of implementing freeway improvements as well as increasing ramp capacities limits the ability to fully mitigate impacts. Thus, the Project's cumulative-level impacts to freeways would remain significant and unavoidable, consistent with the analysis of the Downtown FEIR. The Project would not have a direct impact on freeway segments and ramps.						
<p>(c) <i>Substantially discourage the use of alternative modes of transportation or cause transit service capacity to be exceeded?</i></p> <p>The proposed Project, in and of itself, does not include any features that would discourage the use of alternative modes of transportation. The Project's lack of on-site parking and proximity to several other community-serving uses, including nearby shopping and recreational activities also encourage walking. Additionally, visitors of the Project would be encouraged to use alternative transportation means as there are several bus lines within a five-minute walk. Therefore, the Project will cause no significant impacts related to alternative modes of transportation or cause transit service capacity to be exceeded.</p>					<b>X</b>	<b>X</b>
<b>17. MANDATORY FINDINGS OF SIGNIFICANCE:</b>						
(a) <i>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</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>						
<p><i>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></p> <p>As indicated in the Downtown 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 Downtown. Additionally, the Project does not have the potential to eliminate important examples of major periods of California history or pre-history at the Project level. No other aspects of the Project would substantially degrade the environment. Cumulative impacts are described in Section 17(b) below.</p>						
<p><i>(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></p> <p>As acknowledged in the Downtown FEIR, the buildout of Downtown would result in cumulative impacts associated with: air quality, historical resources, paleontological resources, physical changes associated with transient activities, noise, parking, traffic, and water quality. This Project would contribute to those impacts. Implementation of the mitigation measures identified in the Downtown FEIR would reduce some significant impacts; however, the impacts would remain significant and immitigable as identified in the Downtown FEIR and the Statement of Overriding Considerations adopted by the City. This Project’s contribution would not be greater than anticipated by the Downtown FEIR and therefore no</p>		<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>						
further analysis is required.						
<p>(c) <i>Does the Project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?</i></p> <p>As acknowledged in the FEIR, the build-out of Downtown would result in cumulative impacts associated with: air quality, historical resources, paleontological resources, physical changes associated with transient activities, noise, traffic, and water quality. This Project would contribute to those impacts. However, the impacts associated with this Project would be no greater than those assumed in the Downtown FEIR and therefore no further environmental review is required under CEQA.</p>	<b>X</b>	<b>X</b>				

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
AIR QUALITY (AQ)				
Impact AQ-B.1	Dust and construction equipment engine emissions generated during grading and demolition would impact local and regional air quality. (Direct and Cumulative)			
	<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>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 mph, all ground disturbing activities shall be halted until winds that are forecast to abate below this threshold.</li><li>Dust suppression techniques shall be implemented including, but not limited to, the following:<ol style="list-style-type: none"><li>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 Civic San Diego.</li><li>On-site access points shall be paved as soon as feasible or watered periodically or otherwise stabilized.</li><li>Material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.</li><li>The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times.</li></ol></li><li>Vehicles on the construction site shall travel at speeds less than 15 mph.</li><li>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>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 track-out extending for more than fifty (50) feet from the access point shall be swept or washed within thirty (30) minutes of deposition.</li></ol>	Prior to Demolition or Grading Permit (Design)	Developer	City

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Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>6. All diesel-powered vehicles and equipment shall be properly operated and maintained.</p> <p>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.</p> <p>8. The construction contractor shall utilize electric or natural gas-powered equipment in lieu of gasoline or diesel-powered engines, where feasible.</p> <p>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.</p> <p>10. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.</p> <p>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 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.</p> <p>12. If construction equipment powered by alternative fuel sources (liquefied natural gas/compressed natural gas) is available at comparable cost, the developer shall specify that such equipment be used during all construction activities on the development site.</p> <p>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.</p> <p>14. During demolition activities, safety measures as required by City/County/State for removal of toxic or hazardous materials shall be utilized.</p> <p>15. Rubble piles shall be maintained in a damp state to minimize dust generation.</p> <p>16. During finish work, low-VOC paints and efficient transfer systems shall be utilized, to the extent possible.</p> <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. During finish work, low-VOC paints and efficient transfer systems shall be utilized, to the extent possible.</p>			

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Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
HISTORICAL RESOURCES (HIST)				
Impact HIST-B.1	Development in Downtown could impact significant buried archaeological resources. (Direct and Cumulative)			
	<p><b>Mitigation Measure HIST-B.1-1:</b> If the potential exists for direct and/or indirect impacts to significant buried archaeological resources, the following measures shall be implemented in coordination with a Development Services Department designee and/or City Staff to the HRB (“City Staff”) in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC. Prior to issuance of any permit that could directly affect an archaeological resource, City Staff shall assure that all elements of the MMRP are performed in accordance with all applicable City regulations and guidelines by an Archaeologist meeting the qualifications specified in Appendix B of the San Diego LDC, Historical Resources Guidelines. City Staff shall also require that the following steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with pre-historic Native American activities. Archeological resources which also meet the definition of historical resources or unique archaeological resources under CEQA or the SDMC shall be treated in accordance with the following evaluation procedures and applicable mitigation program:</p> <p>Step 1–Initial Evaluation</p> <p>An initial evaluation for the potential of significant subsurface archaeological resources shall be prepared to the satisfaction of City Staff as part of an Environmental Secondary Study for any activity which involves excavation or building demolition. The initial evaluation shall be guided by an appropriate level research design in accordance with the City’s LDC, Historical Resources Guidelines. The person completing the initial review shall meet the qualification requirements as set forth in the Historical Resources Guidelines and shall be approved by City Staff. The initial evaluation shall consist, at a minimum, of a review of the following historical sources: The 1876 Bird’s Eye View of San Diego, all Sanborn Fire Insurance Company maps, appropriate City directories and maps that identify historical properties or archaeological sites, and a records search at the South Coastal Information Center for archaeological resources located within the property boundaries. Historical and existing land uses shall also be reviewed to assess the potential presence of significant prehistoric and historic archaeological resources. The person completing the initial review shall also consult with and consider input from local individuals</p>	Prior to Demolition or Grading Permit (Design)  Prior to Certificate of Occupancy (Implementation)	Developer	City Staff



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Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>and groups with expertise in the historical resources of the San Diego area. These experts may include the University of California, San Diego State University, San Diego Museum of Man, Save Our Heritage Organization, local historical and archaeological groups, the Native American Heritage Commission (NAHC), designated community planning groups, and other individuals or groups that may have specific knowledge of the area. Consultation with these or other individuals and groups shall occur as early as possible in the evaluation process.</p> <p>When the initial evaluation indicates that important archaeological sites may be present on a project site but their presence cannot be confirmed prior to construction or demolition due to obstructions or spatially limited testing and data recovery, the applicant shall prepare and implement an archaeological monitoring program as a condition of development approval to the satisfaction of City Staff. If the NAHC Sacred Lands File search is positive for Native American resources within the project site, then additional evaluation must include participation of a local Native American consultant in accordance with CEQA Sections 15064.5(d), 15126.4(b)(3) and Public Resources Code Section 21083.2.</p> <p>No further action is required if the initial evaluation demonstrates there is no potential for subsurface resources. The results of this research shall be summarized in the Secondary Study.</p> <p><b>Step 2–Testing</b></p> <p>A testing program is required if the initial evaluation demonstrates that there is a potential for subsurface resources. The testing program shall be conducted during the hazardous materials remediation or following the removal of any structure or surface covering which may be underlain by potential resources. The removal of these structures shall be conducted in a manner which minimizes disturbance of underlying soil. This shall entail a separate phase of investigations from any mitigation monitoring during construction.</p> <p>The testing program shall be performed by a qualified Historical Archaeologist meeting the qualifications specified in Appendix B of the San Diego LDC, HRG. The Historical Archaeologist must be approved by City Staff prior to commencement. Before commencing the testing, a treatment plan shall be submitted for City Staff approval that reviews the initial evaluation results and includes a research design. The research design shall be prepared in accordance with the City’s HRG and include a discussion of field methods, research questions against which discoveries shall be evaluated for significance, collection strategy, laboratory and analytical approaches, and curation arrangements. All tasks shall be in conformity with best practices in the field of historic urban archaeology.</p>			

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	<p>A recommended approach for historic urban sites is at a minimum fills and debris along interior lot lines or other areas indicated on Sanborn maps.</p> <p>Security measures such as a locked fence or surveillance shall be taken to prevent looting or vandalism of archaeological resources as soon as demolition is complete or paved surfaces are removed. These measures shall be maintained during archaeological field investigations. It is recommended that exposed features be covered with steel plates or fill dirt when not being investigated.</p> <p>The results of the testing phase shall be submitted in writing to City Staff and shall include the research design, testing results, significance evaluation, and recommendations for further treatment. Final determination of significance shall be made in consultation with City Staff , and with the Native American community, if the finds are prehistoric. If no significant resources are found and site conditions are such that there is no potential for further discoveries, then no further action is required. If no significant resources are found but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required and shall be conducted in accordance with the provisions set forth in Step 4 - Monitoring. If significant resources are discovered during the testing program, then data recovery in accordance with Step 3 shall be undertaken prior to construction. If the existence or probable likelihood of Native American human remains or associated grave goods area discovered through the testing program, the Qualified Archaeologist shall stop work in the area, notify the City Building Inspector, City staff, and immediately implement the procedures set forth in CEQA Guidelines Section 15064.5 and the California PRC Section 5097.98 for discovery of human remains. This procedure is further detailed in the Mitigation, Monitoring and Reporting Program (Step 4). City Staff must concur with evaluation results before the next steps can proceed.</p> <p><b>Step 3–Data Recovery</b></p> <p>For any site determined to be significant, a Research Design and Data Recovery Program shall be prepared in accordance with the City’s Historical Resources Guidelines, approved by City Staff, and carried out to mitigate impacts before any activity is conducted which could potentially disturb significant resources. The archaeologist shall notify City Staff of the date upon which data recovery will commence ten (10) working days in advance.</p> <p>All cultural materials collected shall be cleaned, catalogued and permanently curated with an appropriate institution. Native American burial resources shall be treated in the manner agreed to by the Native American representative or be reinterred on the site in an area not subject to</p>			

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	<p>further disturbance in accordance with CEQA section 15164.5 and the Public Resources Code section 5097.98. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate. All newly discovered archaeological sites shall be recorded with the South Coastal Information Center at San Diego State University. Any human bones and associated grave goods of Native American origin encountered during Step 2-Testing, shall, upon consultation, be turned over to the appropriate Native American representative(s) for treatment in accordance with state regulations as further outlined under Step 4-Monitoring (Section IV. Discovery of Human Remains).</p> <p>A draft Data Recovery Report shall be submitted to City Staff within twelve months of the commencement of the data recovery. Data Recovery Reports shall describe the research design or questions, historic context of the finds, field results, analysis of artifacts, and conclusions. Appropriate figures, maps and tables shall accompany the text. The report shall also include a catalogue of all finds and a description of curation arrangements at an approved facility, and a general statement indicating the disposition of any human remains encountered during the data recovery effort (please note that the location of reinternment and/or repatriation is confidential and not subject to public disclosure in accordance with state law). Finalization of draft reports shall be subject to City Staff review.</p> <p>Step 4 – Monitoring</p> <p>If no significant resources are encountered, but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required and shall be conducted in accordance with the following provisions and components:</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 NTP for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first Precon Meeting, whichever is applicable, City Staff shall verify that the requirements for Archaeological Monitoring and Native American monitoring, where the project may impact Native American resources, have been noted on the appropriate construction documents.</li> </ol>			

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	<p>B. Letters of Qualification have been submitted to City Staff</p> <ol style="list-style-type: none"> <li>1. The applicant shall submit a letter of verification to City Staff identifying the PI for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego HRG. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour Hazardous Waste Operations and Emergency Response training with certification documentation.</li> <li>2. City Staff will provide a letter to the applicant confirming that the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.</li> <li>3. Prior to the start of work, the applicant must obtain written approval from City Staff 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 City Staff that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.</li> <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 City Staff requesting a reduction to the 1/4 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, Native American consultant/monitor (where Native American resources may be impacted), CM and/or Grading Contractor, RE, the Native American representative(s) (where Native American resources may be impacted), BI, if appropriate, and City Staff. The qualified Archaeologist and the Native American consultant/monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions</li> </ol>			

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	<p>concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.</p> <p>(a) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with City Staff, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</p> <p>2. Archaeological Monitoring Plan (AMP)</p> <p>(a) Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Plan (with verification that the AMP has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) which describes how the monitoring would be accomplished for approval by City Staff and the Native American monitor. The AMP shall include an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11 by 17 inches) to City Staff identifying the areas to be monitored including the delineation of grading/excavation limits.</p> <p>(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).</p> <p>(c) Prior to the start of any work, the PI shall also submit a construction schedule to City Staff through the RE indicating when and where monitoring will occur.</p> <p>(d) The PI may submit a detailed letter to City Staff 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 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>A. Monitor(s) Shall be Present During Grading/Excavation/Trenching</p> <p>1. The Archaeological monitor shall be present full-time during all soil disturbing and grading/excavation /trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager</p>			

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	<p>is responsible for notifying the RE, PI, and City Staff of changes to any construction activities.</p> <ol style="list-style-type: none"> <li>2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME, and provide that information to the PI and City Staff. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Processes detailed in Sections III.B-C, and IVA-D shall commence.</li> <li>3. The archeological and Native American consultant/monitor shall document field activity via the 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 City Staff.</li> <li>4. The PI may submit a detailed letter to City Staff 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 that 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 all soil disturbing activities, including but not limited to, digging, trenching, excavating, or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources 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 City Staff by phone of the discovery, and shall also submit written documentation to City Staff within 24 hours by fax or email with photos of the resource in context, if possible.</li> </ol>			



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	<p>4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.</p> <p>C. Determination of Significance</p> <p>1. The PI and Native American consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource.</p> <p>If Human Remains are involved, follow protocol in Section IV below.</p> <p>(a) The PI shall immediately notify City Staff by phone to discuss significance determination and shall also submit a letter to City Staff indicating whether additional mitigation is required.</p> <p>(b) If the resource is significant, the PI shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor when applicable, and obtain written approval from City Staff and the Native American representative(s), if applicable. 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 the resource is not significant, the PI shall submit a letter to City Staff indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.</p> <p><b>IV. Discovery of Human Remains</b></p> <p>If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures set forth in CEQA Section 15064.5(e), 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> <p>1. Archaeological Monitor shall notify the RE or BI as appropriate, City Staff, and the PI, if the Monitor is not qualified as a PI. City Staff will notify the appropriate</p>			

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	<p>Senior Planner in the Environmental Analysis Section of the Development Services Department to assist with the discovery process.</p> <p>2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.</p> <p>B. Isolate discovery site</p> <p>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 provenance of the remains.</p> <p>2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.</p> <p>3. If a field examination is not warranted, the Medical Examiner will 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> <p>1. The Medical Examiner will notify the NAHC within 24 hours. By law, <b>ONLY</b> the Medical Examiner can make this call.</p> <p>2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.</p> <p>3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e) and the California Public Resources and Health &amp; Safety Codes.</p> <p>4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.</p> <p>5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and if:</p>			

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	<p>(a) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;</p> <p>(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, THEN,</p> <p>(c) In order to protect these sites, the Landowner shall do one or more of the following:</p> <p style="padding-left: 40px;">(1) Record the site with the NAHC;</p> <p style="padding-left: 40px;">(2) Record an open space or conservation easement on the site;</p> <p style="padding-left: 40px;">(3) Record a document with the County.</p> <p>6. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.</p> <p>D. If Human Remains are not Native American</p> <p style="padding-left: 20px;">1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.</p> <p style="padding-left: 20px;">2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).</p> <p style="padding-left: 20px;">3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with City Staff, the applicant/landowner and the San Diego Museum of Man.</p> <p><b>V. Night and/or Weekend Work</b></p>			

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Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>A. If night and/or work is included in the contract</p> <ol style="list-style-type: none"> <li>1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon Meeting.</li> <li>2. The following procedures shall be followed. <ol style="list-style-type: none"> <li>(a) No Discoveries In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVr and submit to City Staff via fax by 8 am of the next business day.</li> <li>(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. Discovery of human remains shall always be treated as a significant discovery.</li> <li>(c) Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.</li> <li>(d) The PI shall immediately contact City Staff, or by 8 am of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</li> </ol> </li> </ol> <p>B. If night and/or weekend 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 City Staff immediately.</li> </ol> <p>C. All other procedures described above shall apply, as appropriate.</p> <p><b>VI. Post Construction</b></p>			

Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>A. Submittal of Draft Monitoring Report</p> <ol style="list-style-type: none"> <li>The PI shall submit two copies of the Draft Monitoring Report (even if negative) prepared in accordance with the HRG and Appendices which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to City Staff, for review and approval within 90 days following the completion of monitoring,               <ol style="list-style-type: none"> <li>For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.</li> <li>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 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.</li> </ol> </li> <li>City Staff shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</li> <li>The PI shall submit revised Draft Monitoring Report to City Staff for approval.</li> <li>City Staff shall provide written verification to the PI of the approved report.</li> <li>City Staff 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>The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.</li> <li>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> </ol>			

**Downtown FEIR/SEIR  
Mitigation Monitoring and Reporting Program**

Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>3. The PI shall submit a Collections Management Plan to City Staff for review and approval for any project which results in a substantial collection of historical artifacts.</p> <p>C. Curation of artifacts: Accession Agreement and Acceptance Verification</p> <p>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 City Staff and the Native American representative, as applicable.</p> <p>2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and City Staff.</p> <p>3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance in accordance with section IV – Discovery of Human Remains, subsection 5.(d).</p> <p>D. Final Monitoring Report(s)</p> <p>1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to City Staff (even if negative), within 90 days after notification from City Staff 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 City Staff which includes the Acceptance Verification from the curation institution.</p>			



Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
PALEONTOLOGICAL RESOURCES (PAL)				
Impact PAL-A.1	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><b>Mitigation Measure PAL-A.1-1:</b> In the event the Secondary Study indicates the potential for significant paleontological resources, the following measures shall be implemented as determined appropriate by Civic San Diego.</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 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 Civic San Diego 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 Civic San Diego</p> <ol style="list-style-type: none"> <li>1. The applicant shall submit a letter of verification to Civic San Diego identifying the 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. Civic San Diego 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 Civic San Diego 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 Civic San Diego that a site-specific records search has been completed. Verification includes, but is 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.</li> <li>2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.</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, CM and/or Grading Contractor, RE, BI, if appropriate, and Civic San Diego. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions</li> </ol>			
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Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>concerning the paleontological monitoring program with the Construction Manager and/or Grading Contractor.</p> <p>a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with Civic San Diego, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</p> <p>2. Identify Areas to be Monitored</p> <p>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 11 by 17 inches) to Civic San Diego 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).</p> <p>3. When Monitoring Will Occur</p> <p>a. Prior to the start of any work, the PI shall also submit a construction schedule to Civic San Diego through the RE indicating when and where monitoring will occur.</p> <p>b. The PI may submit a detailed letter to Civic San Diego 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 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> <p>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 Civic San Diego of changes to any construction activities.</p>			

**Downtown FEIR/SEIR  
Mitigation Monitoring and Reporting Program**

Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>2. The monitor shall document field activity via the 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 Civic San Diego.</p> <p>3. The PI may submit a detailed letter to Civic San Diego during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.</p> <p>B. Discovery Notification Process</p> <p>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.</p> <p>2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</p> <p>3. The PI shall immediately notify Civic San Diego by phone of the discovery, and shall also submit written documentation to Civic San Diego within 24 hours by fax or email with photos of the resource in context, if possible.</p> <p>C. Determination of Significance</p> <p>1. The PI shall evaluate the significance of the resource.</p> <p>a. The PI shall immediately notify Civic San Diego by phone to discuss significance determination and shall also submit a letter to Civic San Diego indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.</p> <p>b. If the resource is significant, the PI shall submit a Paleontological Recovery Program and obtain written approval from Civic San Diego. 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 (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as</p>			

**Downtown FEIR/SEIR  
Mitigation Monitoring and Reporting Program**

Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<p>appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to Civic San Diego unless a significant resource is encountered.</p> <p>d. The PI shall submit a letter to Civic San Diego 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.</p> <p><b>IV. Night Work</b></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 precon meeting.</li> <li>2. The following procedures shall be followed. <ol style="list-style-type: none"> <li>a. No Discoveries <p>(1)In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVr and submit to Civic San Diego via fax by 9 a.m. the following morning, if possible.</p> </li> <li>b. Discoveries <p>(1)All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.</p> </li> <li>c. Potentially Significant Discoveries <p>(1)If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.</p> </li> <li>d. The PI shall immediately contact Civic San Diego, or by 8 a.m. 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> <p>B. If night work becomes necessary during the course of construction</p>			

**Downtown FEIR/SEIR  
Mitigation Monitoring and Reporting Program**

Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<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 Civic San Diego immediately.</li> </ol> <p>C. All other procedures described above shall apply, as appropriate.</p> <p><b>V. 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 Paleontological Monitoring Program (with appropriate graphics) to Civic San Diego 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> <li>2. Civic San Diego 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 Civic San Diego for approval.</li> <li>4. Civic San Diego shall provide written verification to the PI of the approved report.</li> <li>5. Civic San Diego 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>			



Downtown FEIR/SEIR Mitigation Monitoring and Reporting Program				
Significant Impact(s)	Mitigation Measure(s)	Implementation		
		Time Frame	Responsibility	Verification Responsibility
	<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> <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 Civic San Diego.</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 Civic San Diego (even if negative), within 90 days after notification from Civic San Diego 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 Civic San Diego which includes the Acceptance Verification from the curation institution.</li> </ol>			





# EV 9TH & ISLAND

CIVIC ENTITLEMENT  
JULY 24, 2019



OWNER/CLIENT

EV PROJECT LLC  
321 7TH AVENUE  
SAN DIEGO, CA 92101



ARCHITECT

DELAWIE  
1515 MORENA BOULEVARD,  
SAN DIEGO, CALIFORNIA 92110  
T: +619.299.6690  
FTERNASKY@DELAWIE.COM  
FRANK TERNASKY (PRINCIPAL)





# EV 9TH & ISLAND

## CIVIC SAN DIEGO DEVELOPMENT PLAN SUBMITTAL

### PROJECT DESCRIPTION

A PROPOSED HOTEL CONSISTING OF (14) FOURTEEN STORIES WITH A TOTAL AREA OF 55,200 SF. THE BUILDING WILL BE A CONCRETE FRAMED STRUCTURE WITH METAL STUD IN-FILL WALLS. THE HOTEL IS A HIGH-RISE STRUCTURE WITH AN OVERALL HEIGHT OF 137'-8" TO THE UPPERMOST OCCUPIED LEVEL AND CONTAINS 132 GUESTROOMS, A LOBBY, BREAKFAST AREA, A FITNESS ROOM AND A ROOFTOP BAR. VALET PARKING FOR THE HOTEL WILL BE PROVIDED VIA A THIRD-PARTY AGREEMENT WITH LAZ PARKING, TO BE LOCATED IN EXISTING PARKING LOTS IN THE DIRECT VICINITY OF THE SITE. THE BUILDING'S EXTERIOR CLADDING WILL CONSIST OF SOLID WALL PANELS OF FINISHED CONCRETE OR CEMENT PLASTER, A VARIETY OF PREFINISHED METAL PANELS AND GLAZING MODULAR SYSTEMS. AT STREET LEVEL, THE HOTEL WILL HAVE GUEST AREAS WITHIN THE LOBBY AND AT AN INTERNAL LOBBY COURTYARD WITH CAFE STYLE AND COMMUNAL SEATING. THE PROJECT SITE ALSO CONTAINS A HISTORIC HOUSE WHICH WILL REMAIN. THE OTHER BUILDINGS THAT WILL BE DEMOLISHED WERE BUILT IN 1935 WHICH, AFTER A FULL REVIEW WITH THE HISTORIC RESOURCE BOARD, WERE NOT DEEMED HISTORIC.

ARCHITECTURAL NARRATIVE:  
THE DESIGN FOR SAN DIEGO'S NEW HOTEL IS ROOTED IN THE CONTEMPORARY RESURGENCE OF DEVELOPMENT IN EAST VILLAGE. BY PLACING AN EMPHASIS ON STREET LEVEL/ROOF INTERACTION THE PROJECT FITS INTO ITS LOCATION BY ENGAGING THE URBAN ACTIVITY THAT DEFINES THE DOWNTOWN EXPERIENCE. LOCATED NEXT TO THE HALF DOOR BREWING COMPANY, THIS NEW INFILL PROJECT IS A COMPLIMENTARY STYLE WITH MODERN FINISHES, STOREFRONT GLASS THROUGHOUT AND A DESIGN FOCUSED AROUND PROPORTION WITHIN BUILDING MASSING.

IN DESIGNING THE HAMPTON INN HOTEL SEVERAL KEY FACTORS WERE CONSIDERED AND EMPLOYED, MOST NOTABLY THE TALL SLENDER FRONT EXTERIOR FAÇADE WITH BALCONIES, WHICH GIVES THE HOTEL A MORE RESIDENTIAL HIGH-RISE CONDO FEEL. THIS, COUPLED WITH NATURAL BUILDING MATERIALS, ALLOWS THE HOTEL'S STACKED GUEST ROOM LAYOUTS TO DISSOLVE INTO AN OVERALL BUILDING FORM. ADDING A PARTIALLY COVERED ROOFTOP BAR CANOPY WHICH EXTENDS DOWN THE FRONT FACE OF THE BUILDING ADDS VISUAL INTEREST TO THE OVERALL BUILDING FORM. IN ADDITION, WE CAREFULLY ADDED WINDOWS TO THE EAST AND WEST ZERO LOT LINES TO HELP BREAK UP AND CREATE INTEREST WITHIN THE BLANK FAÇADES.

### PROJECT SUMMARY

OCCUPANCY CLASSIFICATION (CBC CH.3)		R1
BUILDING HEIGHT LIMIT		UNLIMITED
CONSTRUCTION TYPE		TYPE I
BASE ALLOWABLE AREA		UNLIMITED
BUILDING AREA (SF)	LEVEL	GROSS AREA (FOR FAR PURPOSES)
	BASEMENT	0
	GROUND FLOOR	4,586
	LEVELS 02-12	4,103 X 12 FLOORS (49,238)
	ROOF	1,376
		<u>55,200 SF TOTAL</u>
PARKING REQUIREMENTS		0 PARKING SPACES REQUIRED; VALET PARKING WILL BE PROVIDED VIA A THIRD-PARTY AGREEMENT WITH LAZ PARKING
DEVIATION		CCPDO SECTION 156.0310 TOWER SETBACK CCPDO SECTION 142.1010 OFF STREET LOADING

### CIVIC REQUIREMENTS

PROJECT NAME:	HOTEL
PROJECT ADDRESS:	923 ISLAND AVENUE SAN DIEGO, CA 92101
OWNER:	EV PROJECT LLC 321 7TH AVE SAN DIEGO, CA 92101
APN:	535-126-0200 & 535-126-0300
LEGAL DESCRIPTION:	LOTS "A" & "B" IN BLOCK 109 OF HORTONS ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO STATE OF CALIFORNIA ACCORDING TO MAP THERE-OF MADE NY L.L. LOCKLING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
ZONING INFO:	EMPLOYMENT/RESIDENTIAL MIXED US (ER) DISTRICT.
EXISTING USE:	(3) THREE UNIT APARTMENT (1935 YEAR BULIT)
PROPOSED USE:	HOTEL: 132 GUESTROOMS
FAR CALCULATIONS:	LOT ALLOWABLE FAR CALCULATION LOT AREA: 6,900 SF * MAX BASE FAR (6.0) MAX FAR: 8.0* + FAR PAYMENT MAX. ALLOWABLE SF: 55,200 SF BONUS PROGRAM (1.0) + LEED GREEN BUILDING BONUS (1.0) = 8.0 MAX FAR



### PROJECT LOCATION

923 ISLAND AVENUE  
SAN DIEGO, CA 92101

### APPLICABLE CODES

1. TITLE 24,PART 1 BUILDING STANDARDS ADMINISTRATIVE CODE
2. TITLE 24,PART 2 CALIFORNIA BUILDING CODE (CBC)
3. TITLE 24,PART 3 CALIFORNIA ELECTRICAL CODE
4. TITLE 24,PART 4 CALIFORNIA MECHANICAL CODE
5. TITLE 24,PART 5 CALIFORNIA PLUMBING CODE
6. TITLE 24,PART 6 CALIFORNIA ENERGY CODE
7. TITLE 24,PART 9 CALIFORNIA FIRE CODE
8. TITLE 24,PART 11 CALIFORNIA GREEN BUILDING STANDARDS
9. TITLE 19 PUBLIC SAFETY, STATE FIRE MARSHALL
10. AMERICANS WITH DISABILITIES ACT (ADA) LATEST EDITION/

### PROJECT TEAM

OWNER/CLIENT	EV PROJECT LLC 321 7TH AVENUE SAN DIEGO, CA 92101 T: 619.376.1805 SAM@JSTREETHOSPITALITY.COM SAM BEARD (DESIGN DIRECTOR)
ARCHITECT	DELAWIE 1515 MORENA BOULEVARD, SAN DIEGO, CALIFORNIA 92110 T: +619.299.6690 FTERNASKY@DELAWIE.COM FRANK TERNASKY (PRINCIPAL)
ACOUSTICAL	ROTHERMEL + ASSOCIATES 1226 BOUQUET CIRCLE THOUSAND OAKS, CA 91362 T: +805.368.6906 MER.AKUSTIX@VERIZON.NET MARK ROTHERMEL (PRINCIPAL)
ENVIRONMENTAL	RINCON 2215 FARADAY AVENUE, SUITE A CARLSBAD, CALIFORNIA 92008 T: +760.918.9444 RGARDNER@RINCONCONSULTANTS.COM RYAN GARDNER (PROJECT MANAGER)
GEOTECHNICAL	GEOCON 6970 FLANDERS DRIVE SAN DIEGO, CALIFORNIA 92121-2974 T: +858.558-6100 BORJA@GEOCONINC.COM NOEL BORJA (SENIOR STAFF ENGINEER)

### PROJECT SHEET INDEX

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FIRE NOTES

FIRE APPARATUS ACCESS ROADS AND WATER SUPPLIES FOR FIRE PROTECTION, SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING TIME OF CONSTRUCTION CFC 501.4

PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER SAN DIEGO MUNICIPAL CODE SECTION §95.0209

FIRE COMMAND CENTER SHALL COMPLY WITH NFPA 72 AND SHALL CONTAIN THE FEATURES LISTED IN CFC 2013, SECTION 508.

POST INDICATOR VALVES, FIRE DEPARTMENT CONNECTIONS, AND ALARM BELL ARE TO BE LOCATED ON THE ADDRESS/ACCESS SIDE OF THE STRUCTURE.

FD POLICY 10-09 - HIGH RISE BUILDINGS FDC SHALL HAVE FOUR 2 1/2 INCH INLETS. HIGH RISE BUILDINGS SHALL HAVE TWO REMOTELY LOCATED FDC'S FOR EACH ZONE. HIGH RISE AND OTHER BUILDINGS EQUIPPED WITH HOSE VALVES OF THE PRESSURE REGULATING TYPE (PRV'S) SHALL PROVIDE A SIGN INDICATING THE MINIMUM PRESSURE THE FIRE APPARATUS REQUIRED TO PUMP TO PUMP INTO THE FDC. (EXAMPLE: FD MINIMUM PUMP PRESSURE 225 PSI). A WEATHER-RESISTANT SIGN SECURED WITH A CORROSION RESISTANT CHAIN OR FASTENER SHALL INDICATE THE ADDRESS, PORTION OF THE BUILDING SERVED.

CBC SEC. 3002.4A - GENERAL STRETCHER REQUIREMENTS - ALL BUILDINGS AND STRUCTURES WITH ONE OR MORE PASSENGER SERVICE ELEVATORS SHALL BE PROVIDED WITH NOT LESS THAN ONE MEDICAL EMERGENCY SERVICE ELEVATOR TO ALL LANDINGS MEETING THE PROVISIONS OF SECTION 3002.4A

AT LEAST ONE FIRE EXTINGUISHER WITH A MINIMUM RATING OF 2-A-10-BC SHALL BE PROVIDED WITHING 75 FEET MAXIMUM TRAVEL DISTANCE FOR EACH 6,000 SQUARE FEET OR PORTION THEREOF ON EACH FLOOR. CFC SEC. 906

STRUCTURES UNDER CONSTRUCTION, ALTERATION OR DEMOLITION SHALL BE PROVIDED WITH NOT LESS THAN ONE APPROVED PORTABLE FIRE EXTINGUISHER IN ACCORDANCE WITH SECTION 906 AND SIZED FOR NOT LESS THAN ORDINARY HAZARD (2A10BC) AS FOLLOWS:  
1. AT EACH STAIRWAY ON ALL FLOOR LEVELS WHERE COMBUSTIBLE MATERIALS HAVE ACCUMULATED.  
2. IN EVERY STORAGE AND CONSTRUCTION SHED.  
3. ADDITIONAL PORTABLE FIRE EXTINGUISHERS SHALL BE PROVIDED WHERE SPECIAL HAZARDS EXIST INCLUDING, BUT NOT LIMITED TO, THE STORAGE AND USE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS

STAIRWAYS EXITING DIRECTLY TO THE EXTERIOR OF A BUILDING FOUR OR MORE STORIES IN HEIGHT SHALL BE PROVIDED WITH A MEANS FOR EMERGENCY ENTRY FOR FIRE DEPARTMENT ACCESS.

CFC 504.3 - NEW BUILDINGS FOUR OR MORE STORIES ABOVE GRADE PLANE, EXCEPT THOSE WITH A ROOF SLOPE GREATER THAN FOUR UNITS VERTICAL IN 12 UNITS HORIZONTAL SHALL BE PROVIDED WITH A STAIRWAY TO THE ROOF.

A TELEPHONE OR OTHER TWO WAY COMMUNICATIONS SYSTEM CONNECTED TO AN APPROVED CONSTANTLY ATTENDED STATION SHALL BE PROVIDED AT NOT LESS THAN EVERY 5TH FLOOR IN EACH STAIRWAY WHERE THE DOORS TO THE STAIRWAY ARE LOCKED. CBC 403.5.3.1

A CLASS I (OR I AND II OR III) STANDPIPE OUTLET CONNECTION IS REQUIRED IN OCCUPANCIES OF 4 OR MORE STORIES AT EVERY FLOOR-LEVEL CONNECTION OF EVERY REQUIRED STAIRWAY ABOVE OR BELOW GRADE. OUTLETS AT STAIRWAYS SHALL BE LOCATED WITHIN THE EXIT ENCLOSURE OR, IN THE CASE OF PRESSURIZED ENCLOSURES, WITHIN THE VESTIBULE OR EXTERIOR BALCONY, GIVING ACCESS TO THE STAIRWAY. THERE SHALL BE AT LEAST 1 OUTLET ABOVE THE ROOF LINE WHEN THE ROOF HAS A SLOPE OF LESS THAN 4 /12 UNITS HORIZONTAL. IN BLDGS WHERE MORE THAN 1 STANDPIPE IS PROVIDED, THE STANDPIPES SHALL BE INTERCONNECTED.

EVERY BUILDING FOUR STORIES OR MORE IN HEIGHT SHALL BE PROVIDED WITH NOT LESS THAN ONE STANDPIPE FOR USE DURING CONSTRUCTION INSTALLED IN ACCORDANCE WITH CFC 3313.1. STANDPIPE SHALL BE INSTALLED WHEN THE PROGRESS OF CONSTRUCTION IS NOT MORE THAN 40 FEET IN HEIGHT ABOVE THE LOWEST LEVEL OF FIRE DEPARTMENT ACCESS. CFC 3313.1

EMERGENCY SYSTEMS CONFORMING WITH CFC SECTION 604 AND THE CALIFORNIA ELECTRICAL CODE SHALL BE PROVIDED

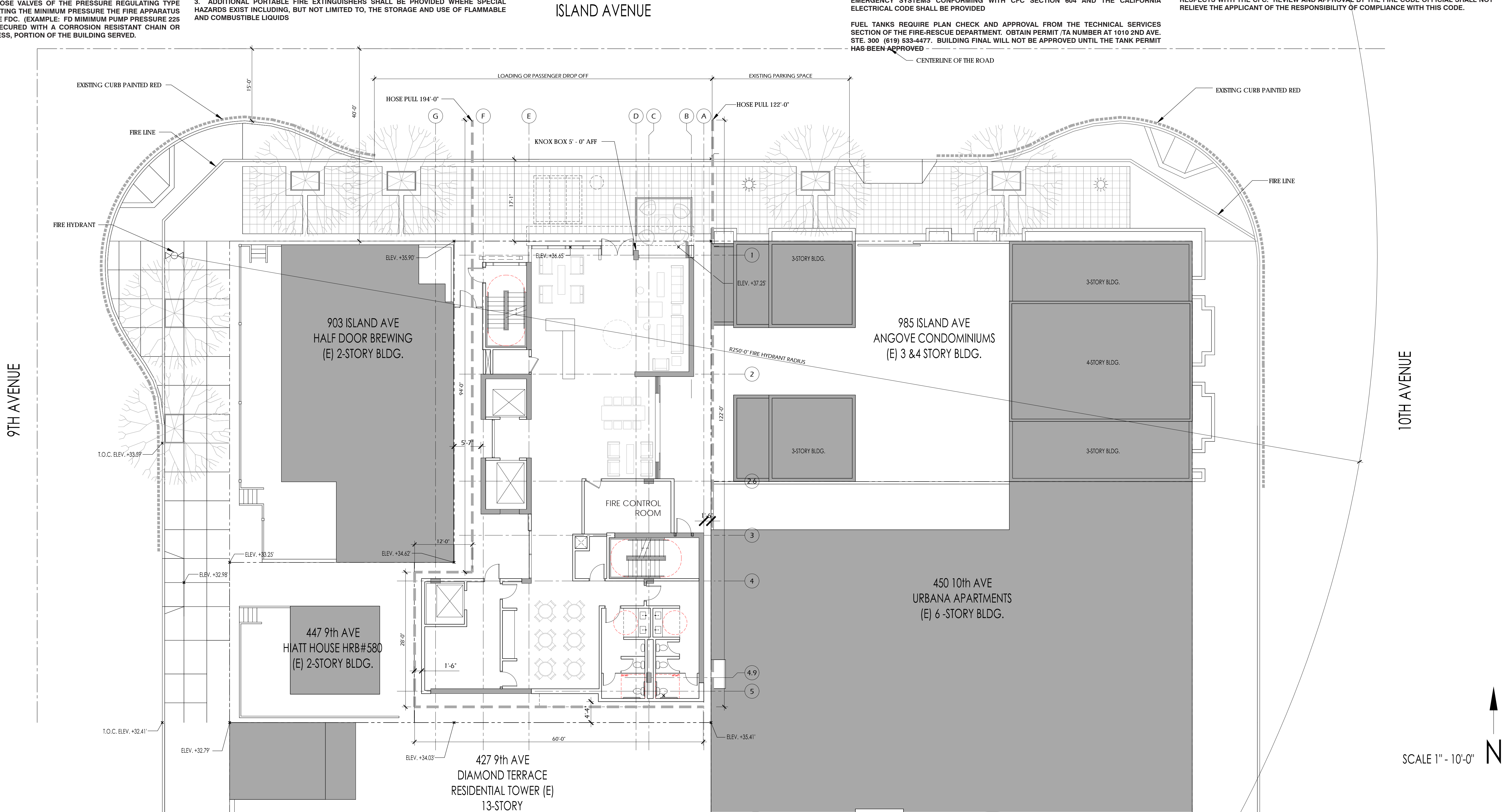
FUEL TANKS REQUIRE PLAN CHECK AND APPROVAL FROM THE TECHNICAL SERVICES SECTION OF THE FIRE-RESCUE DEPARTMENT. OBTAIN PERMIT /TA NUMBER AT 1010 2ND AVE. STE. 300 (619) 533-4477. BUILDING FINAL WILL NOT BE APPROVED UNTIL THE TANK PERMIT HAS BEEN APPROVED

VEGETATION SHALL BE SELECTED AND MAINTAINED IN SUCH A MANNER AS TO ALLOW IMMEDIATE ACCESS TO ALL HYDRANTS, VALVES, FIRE DEPARTMENT CONNECTIONS, PULL STATIONS, EXTINGUISHERS, SPRINKLER RISERS, ALARM CONTROL PANELS, RESCUE WINDOWS, AND OTHER DEVICES OR AREAS USED FOR FIREFIGHTING PURPOSES. VEGETATION OR BUILDING FEATURES SHALL NOT OBSTRUCT ADDRESS NUMBERS OR INHIBIT THE FUNCTIONING OF ALARM BELLS, HORNS OR STROBES.

DECORATIVE MATERIALS SHALL BE MAINTAINED IN A FLAME-RETARDANT CONDITION. CFC SEC. 804

ALL BUILDINGS AND SITES UNDERGOING CONSTRUCTION, ALTERATION, OR DEMOLITION SHALL COMPLY WITH THE REQUIREMENTS OF CHAPTER 33 OF THE CFC.

CFC 105.4.4 - CONSTRUCTION DOCUMENTS APPROVED BY THE FIRE CODE OFFICIAL ARE APPROVED WITH THE INTENT THAT SUCH CONSTRUCTION DOCUMENTS COMPLY IN ALL RESPECTS WITH THE CFC. REVIEW AND APPROVAL BY THE FIRE CODE OFFICIAL SHALL NOT RELIEVE THE APPLICANT OF THE RESPONSIBILITY OF COMPLIANCE WITH THIS CODE.







DECORATIVE SCREEN  
SC-01 -BLACKENED STEEL



BLDG. STUCCO  
S-01 SNOWBALL



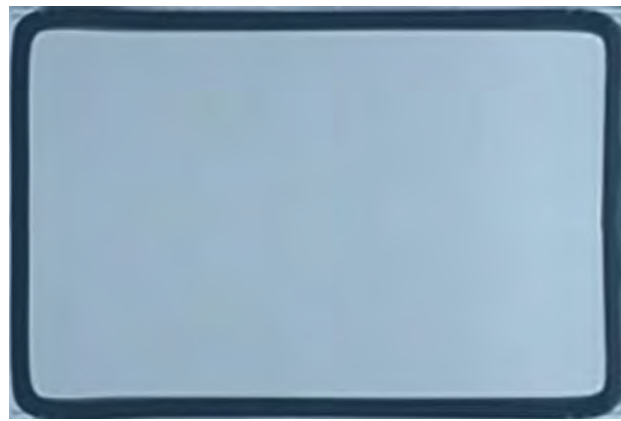
BLDG. STUCCO  
S-02 TUXEDO



TRANSLUCENT PANEL  
T-01 - TRANSLUCENT PANEL



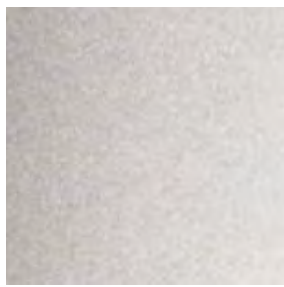
BLDG. GLAZING  
GL-01 - CLEAR



BLDG. GLAZING  
GL-02 - OPTIBLUE



BLDG. METAL  
M-01 COSMIC GREY



BLDG. METAL  
M-02 - GRAHAM WHITE



BLDG. CONC.  
CN-01 & CN-02

9TH & ISLAND HOTEL - MATERIAL BOARD



1515 Morena Blvd.  
San Diego, CA 92110

T (619) 299-6690  
F (619) 299-5513



DECEMBER, 2017



LEED v4 for BD+C: New Construction and Major Renovation

Project Checklist

Project Name: EV 9th & Island Hotel  
Date: Oct-17

Y	?	N			
1			Credit	Integrative Process	1
14	0	3		Location and Transportation	16
1			Credit	LEED for Neighborhood Development Location	16
		1	Credit	Sensitive Land Protection	1
1		1	Credit	High Priority Site	2
5			Credit	Surrounding Density and Diverse Uses	5
5			Credit	Access to Quality Transit	5
1			Credit	Bicycle Facilities	1
		1	Credit	Reduced Parking Footprint	1
1			Credit	Green Vehicles	1
5	0	5		Sustainable Sites	10
Y			Prereq	Construction Activity Pollution Prevention	Required
1			Credit	Site Assessment	1
		2	Credit	Site Development - Protect or Restore Habitat	2
		1	Credit	Open Space	1
3			Credit	Rainwater Management	3
1		1	Credit	Heat Island Reduction	2
		1	Credit	Light Pollution Reduction	1
4	1	6		Water Efficiency	11
Y			Prereq	Outdoor Water Use Reduction	Required
Y			Prereq	Indoor Water Use Reduction	Required
Y			Prereq	Building-Level Water Metering	Required
1	1		Credit	Outdoor Water Use Reduction	2
3		3	Credit	Indoor Water Use Reduction	6
		2	Credit	Cooling Tower Water Use	2
		1	Credit	Water Metering	1
9	6	11		Energy and Atmosphere	33
Y			Prereq	Fundamental Commissioning and Verification	Required
Y			Prereq	Minimum Energy Performance	Required
Y			Prereq	Building-Level Energy Metering	Required
Y			Prereq	Fundamental Refrigerant Management	Required
			Credit	Enhanced Commissioning	6
7	6	7	Credit	Optimize Energy Performance	18
			Credit	Advanced Energy Metering	1
			Credit	Demand Response	2
1		2	Credit	Renewable Energy Production	3
1			Credit	Enhanced Refrigerant Management	1
		2	Credit	Green Power and Carbon Offsets	2
6	3	4		Materials and Resources	13
Y			Prereq	Storage and Collection of Recyclables	Required
Y			Prereq	Construction and Demolition Waste Management Planning	Required
1	2	2	Credit	Building Life-Cycle Impact Reduction	5
		1	Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2
		1	Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
1		1	Credit	Building Product Disclosure and Optimization - Material Ingredients	2
2			Credit	Construction and Demolition Waste Management	2
12	1	1		Indoor Environmental Quality	16
Y			Prereq	Minimum Indoor Air Quality Performance	Required
Y			Prereq	Environmental Tobacco Smoke Control	Required
			Credit	Enhanced Indoor Air Quality Strategies	2
3			Credit	Low-Emitting Materials	3
		1	Credit	Construction Indoor Air Quality Management Plan	1
2			Credit	Indoor Air Quality Assessment	2
		1	Credit	Thermal Comfort	1
2			Credit	Interior Lighting	2
3			Credit	Daylight	3
1			Credit	Quality Views	1
1			Credit	Acoustic Performance	1
4	2	0		Innovation	6
3	2		Credit	Innovation	5
1			Credit	LEED Accredited Professional	1
2	2	0		Regional Priority	4
1			Credit	Regional Priority: Specific Credit	1
1			Credit	Regional Priority: Specific Credit	1
		1	Credit	Regional Priority: Specific Credit	1
		1	Credit	Regional Priority: Specific Credit	1
57	15	30		TOTALS	Possible Points: 110
Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110					



MATERIAL BOARD / LEED SILVER CHECK LIST  
EV 9TH & ISLAND  
DESIGN SUBMITTAL



G01



TITLE REPORT LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF LOT "B" IN BLOCK 109 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L.L. LOCKLING, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT "B", DISTANT THEREON 16.75 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT, SAID POINT BEING ALSO THE SOUTHWEST CORNER OF LAND CONVEYED TO NAGATHA GOMEZ BY DEED RECORDED JULY 3, 1937 IN BOOK 665, PAGE 367, OF OFFICIAL RECORDS; THENCE EAST ALONG THE SOUTH LINE OF SAID GOMEZ LAND A DISTANCE OF 46.62 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE CONTINUE EAST ALONG THE EASTERLY PROLONGATION OF SAID SOUTH LINE OF GOMEZ LAND A DISTANCE OF 3.38 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF LOT B A DISTANCE OF 1.3 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT, A DISTANCE OF 17 FEET; THENCE SOUTH PARALLEL WITH SAID WEST LINE 32 FEET TO SOUTH LINE OF SAID LOT; THENCE WEST ALONG SAID SOUTH LINE A DISTANCE OF 67 FEET TO 9TH AVENUE; THENCE NORTH ALONG 9TH AVENUE A DISTANCE OF 33.3 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

LOTS "A" AND "B" IN BLOCK 109 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L.L. LOCKLING, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THE WEST 46.64 FEET OF SAID LOT "A" AND THE WEST 46.64 FEET OF THE NORTHERLY 16.75 FEET OF SAID LOT "B".

ALSO EXCEPTING THAT PORTION OF SAID LOT "B" DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST OF LINE OF SAID LOT "B", DISTANT THEREON 16.75 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT, SAID POINT BEING ALSO THE SOUTHWEST CORNER OF LAND CONVEYED TO NAGATHA GOMEZ BY DEED RECORDED JULY 3, 1937 IN BOOK 665, PAGE 367, OF OFFICIAL RECORDS; THENCE EAST ALONG THE SOUTH LINE OF SAID GOMEZ LAND, A DISTANCE OF 46.62 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE CONTINUING EAST ALONG THE EASTERLY PROLONGATION OF SAID SOUTH LINE OF GOMEZ LAND A DISTANCE OF 3.38 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF LOT "B" A DISTANCE OF 1.3 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT, A DISTANCE OF 17 FEET; THENCE SOUTH PARALLEL WITH SAID WEST LINE 32 FEET TO THE SOUTH LINE OF SAID LOT; THENCE WEST ALONG SAID SOUTH LINE A DISTANCE OF 67 FEET TO 9TH AVENUE; THENCE NORTH ALONG 9TH AVENUE A DISTANCE OF 33.3 FEET TO THE POINT OF BEGINNING.

MISCELLANEOUS NOTES

N1

There is direct access to 447 9th Avenue via 9th Avenue, being a public right-of-way.

N2

The current record descriptions of adjoiners were not provided to the surveyor, per the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys. (effective February 16, 2016).

N3

Fence ownership, if any, was not determined under the scope of this survey.

N4

The posted addresses on site is 447 9th Avenue.

N5

At the time of this survey, there was no observable surface evidence of earth moving work, building construction or building additions within recent months.

N6

At the time of this survey, there was no observable evidence of the subject property being used as a solid waste dump, sump or sanitary landfill.

N7

At the time of this survey, there was no observable evidence of any recent changes in street right-of-way lines either completed or proposed, and available from the controlling jurisdiction.

N8

The Property surveyed and shown hereon is the same property described in Schedule A of First American Title Insurance Company Title Report with File No. NCS-832758-SA1, with an effective date of January 17, 2017 at 7:30 a.m.

N9

No cemeteries, grave sites, or burial grounds were observed on the Property.

N10

No railroad tracks, spurs or sidings were observed on the Property.

N11

No designated onsite parking spaces were observed.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE 7.00 FOOT OFFSET LINE ON THE SOUTH SIDE OF ISLAND AVENUE BETWEEN FOUND MONUMENTS AS SHOWN ON RECORD OF SURVEY 22541, RECORDS OF SAN DIEGO COUNTY, BEING NORTH 89 DEGREES 53 MINUTES 06 SECONDS WEST.

UTILITY NOTE

THE LOCATIONS OF UTILITIES SHOWN ON THE SURVEY ARE FROM VISIBLE EVIDENCE AND FIELD COLLECTION.

SURVEYOR'S NOTES

- RECORD DOCUMENTS:  
RECORD OF SURVEY 22541, SAN DIEGO COUNTY, CALIFORNIA  
MAP NO. 15265, FILED 02/15/2006  
RECORD OF SURVEY 21411, FILED 02/28/2013
- SURVEYOR MAKES NO GUARANTEE FOR ANY NON-VISIBLE RIGHTS-OF-WAY OR EASEMENTS NOT DISCLOSED IN SCHEDULE B OF REFERENCED TITLE COMMITMENT.
- BEARING AND DISTANCES SHOWN ARE RECORD (CALCULATED) AND MEASURED UNLESS NOTED OTHERWISE.
- ALL PROPERTY CORNERS WERE SEARCHED FOR - NOT ALL WERE FOUND.

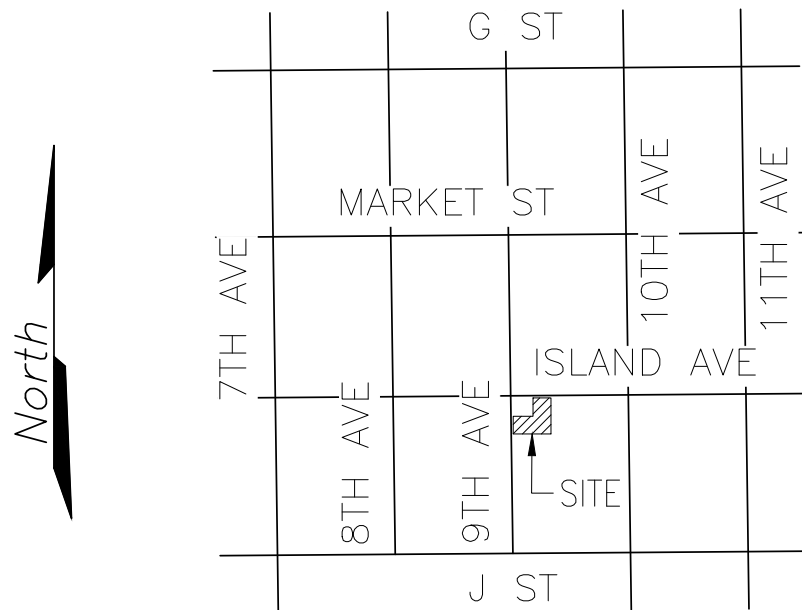
FLOOD ZONE

BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE X OTHER FLOOD AREAS SHADED (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.) ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE SAN DIEGO COUNTY, COMMUNITY PANEL NO. 06073C1885G, REVISION DATE MAY 16, 2012.

SURVEYOR'S OBSERVATIONS OF ENCROACHMENTS

A

There were no encroachments observed on the subject property.



VICINITY MAP

NOTE: CURRENT 2-LOTS HAVE AN IN-PLACE LOT TIE AGREEMENT. THIS PROJECT WILL INCLUDE A LOT-LINE ADJUSTMENT TO COMBINE & SPLIT INTO (2) TWO SEPARATE LOTS.

ALTA/NSPS LAND TITLE SURVEY

447 9TH AVENUE  
SAN DIEGO, CA 92101

PARTNER PROJECT NUMBER 17-180432

CERTIFICATION

TO: GLORIA POORE, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY, AS TO PARCEL 1 AND GLORIA J. POORE AND BENJAMIN R. HARROLL, WIFE AND HUSBAND AS JOINT TENANTS, AS TO PARCEL 2  
FIRST AMERICAN TITLE INSURANCE COMPANY  
PARTNER ENGINEERING AND SCIENCE, INC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 7a, 7b1, 7c, 8, 9, 13, 14, 16, 17 AND 20, TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 04/12/17.

DATE OF PLAT OR MAP: 04/21/17  
DATE OF LAST REVISION:

Mary F. Kennedy  
Survey Manager  
EPS Group, Inc.  
mary.kennedy@epsgruopinc.com  
On Behalf of Partner Engineering and Science  
Reference # 17-001.014

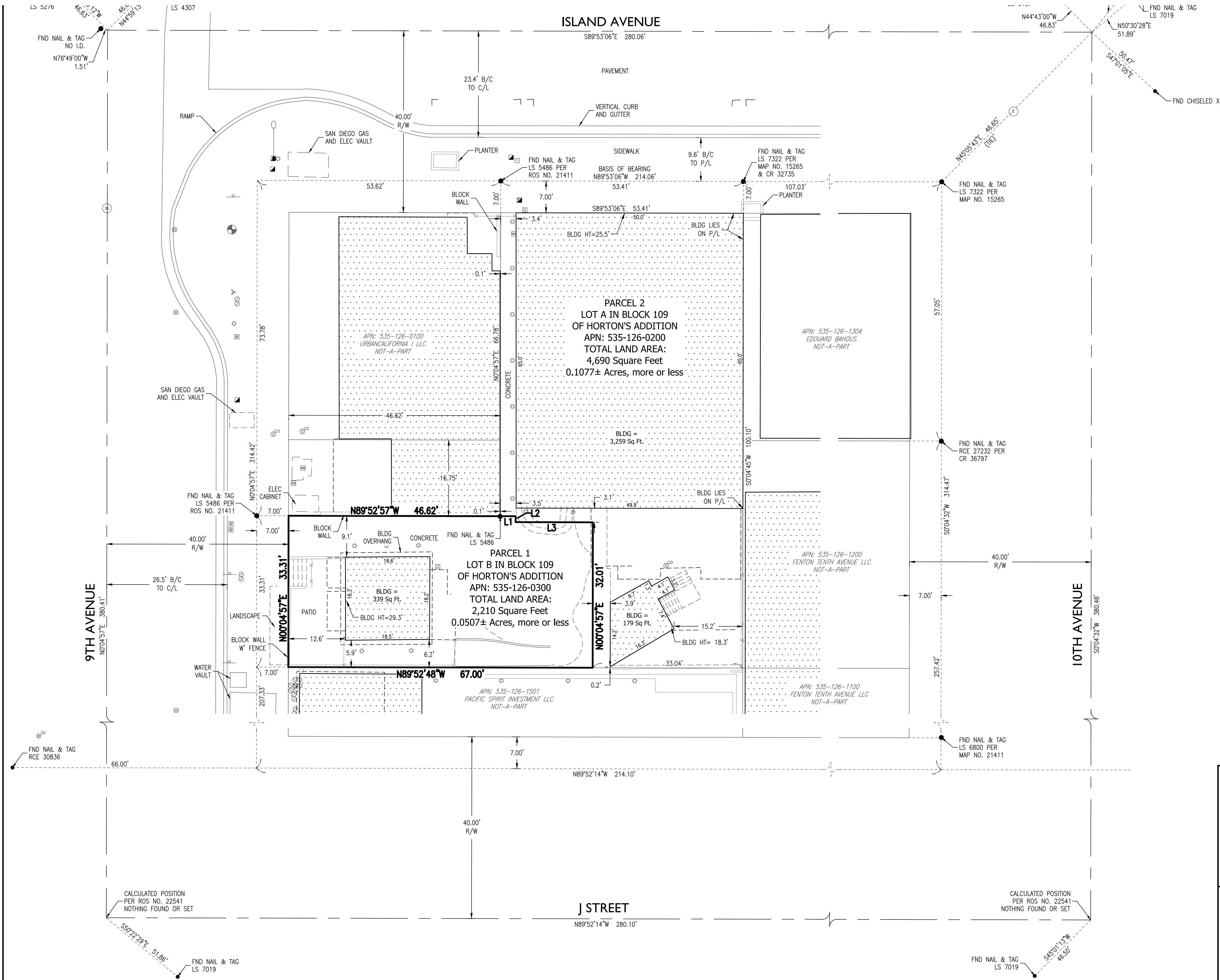


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OF PARTNER ENGINEERING

**PARTNER**  
Engineering and Science, Inc.

1761 E. GARRY AVENUE  
SANTA ANA, CA 92705  
T 714-763-4656  
sshore@partneresi.com





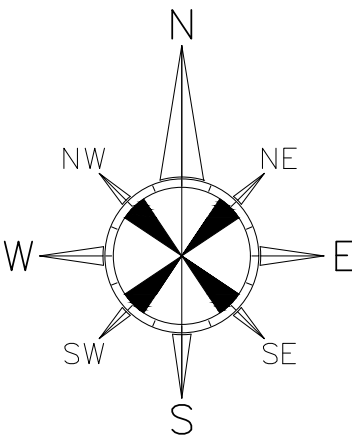
LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°52'57"W	3.38'
L2	N00°04'57"E	1.30'
L3	N89°52'57"W	17.00'

NOTE: CURRENT 2-LOTS HAVE AN IN-PLACE LOT TIE AGREEMENT. THIS PROJECT WILL INCLUDE A LOT-LINE ADJUSTMENT TO COMBINE & SPLIT INTO (2) TWO SEPARATE LOTS.

LEGEND

- FOUND MONUMENT AS NOTED
- SS SANITARY SEWER MANHOLE
- E ELECTRIC MANHOLE
- FIRE HYDRANT
- ⊗ WATER VALVE
- ⊗ WATER METER
- TRANS ELECTRIC TRANSFORMER
- T TELEPHONE PEDESTAL
- BP BACKFLOW PREVENTER
- SIGN
- STREET LIGHT
- ⊗ CABLE TV PEDESTAL
- ⊗ GAS METER
- ⊗ GV GAS VALVE
- FIRE DEPARTMENT CONNECTION
- ⊗ SEWER CLEANOUT
- ⊗ ELECTRIC METER
- ROS RECORD OF SURVEY
- NO. NUMBER
- CR CORNER RECORD
- FND FOUND
- B/C BACK OF CURB
- P/L EDGE OF PAVEMENT
- C/L CENTER LINE
- R/W RIGHT OF WAY

- PROPERTY LINE
- CENTER LINE
- - - EASEMENT LINE



DATE OF PLAT OR MAP: 04/21/17  
DATE OF LAST REVISION:

Mary F. Kennedy  
Survey Manager  
EPS Group, Inc.  
mary.kennedy@epsgruopinc.com  
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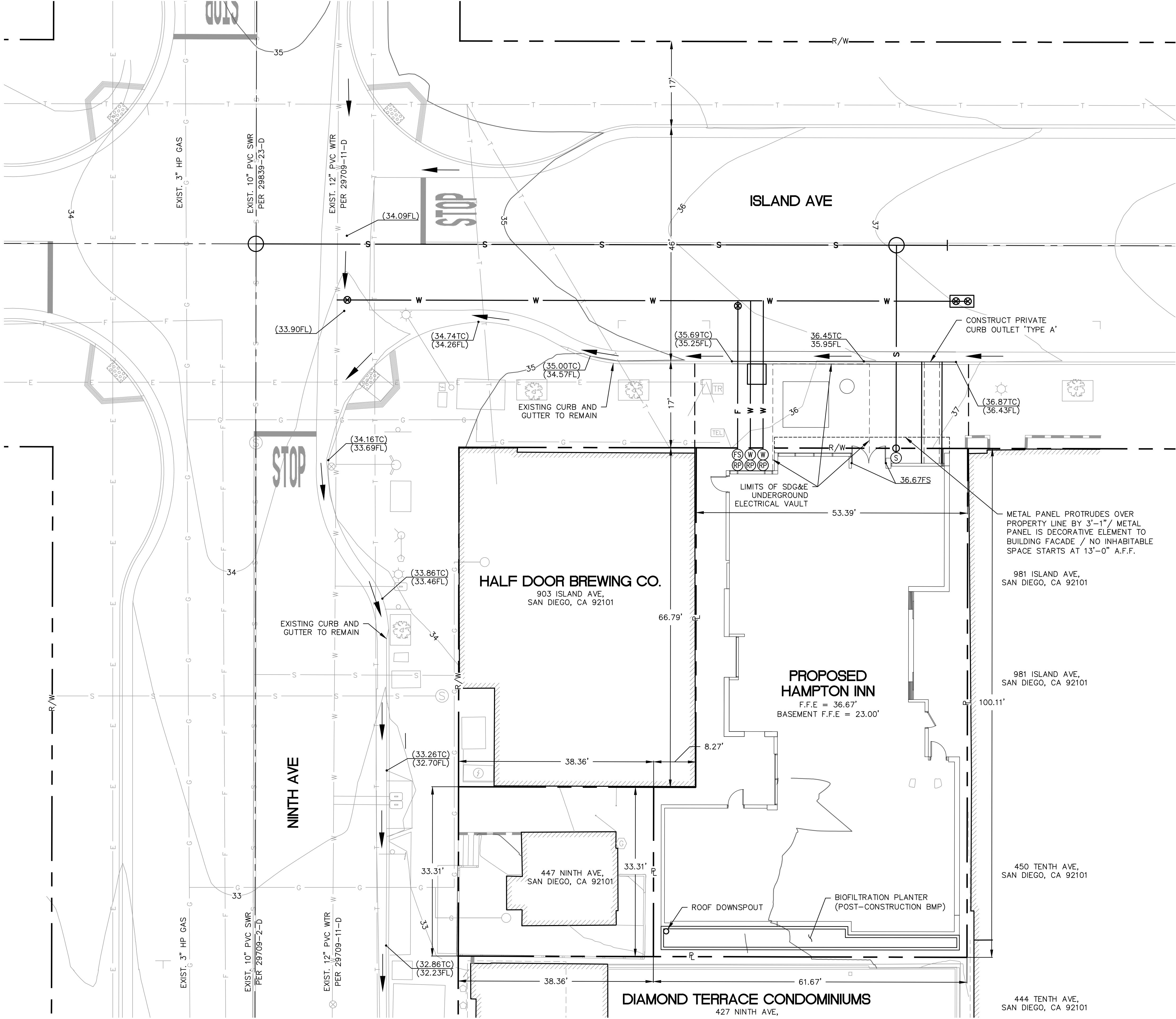


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sshore@partneresi.com





LEGEND

EXISTING IMPROVEMENTS

- BACKFLOW PREVENTER
- BUILDING LINE
- BUILDING OVERHANG
- CABLE PULL BOX
- CABLE RISER
- ELECTRICAL LINE
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELECTRIC RISER
- ELECTRIC VAULT
- GAS LINE
- METAL FENCE
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- FIRE SERVICE VALVES
- GAS METER
- GAS VALVE
- GAS VAULT
- LIGHT
- PROPERTY LINE
- RIGHT OF WAY LINE
- SEWER LINE
- SEWER CLEANOUT
- SEWER MANHOLE
- SIGN
- STORM DRAIN MANHOLE
- STREET LIGHT
- TELEPHONE LINE
- TELEPHONE PULL BOX
- TREE
- WALL
- WATER LINE
- WATER METER
- WATER VALVE
- WATER VAULT

PROPOSED IMPROVEMENTS

- BACKFLOW PREVENTER
- BLOW-OFF ASSEMBLIES
- BUILDING
- CURB & GUTTER
- CURB OUTLET
- FIRE SERVICE LINE
- FLOW ARROW
- SEWER CLEANOUT
- SEWER LINE
- SEWER MANHOLE
- WATER METER
- WATER SERVICE LINE
- WATER VALVE

SITE ADDRESS

923 ISLAND AVE & 447 NINTH AVE,  
SAN DIEGO, CA 92101

ASSESSORS PARCEL NUMBER

535-126-02 & 535-126-03

LEGAL DESCRIPTION

A PORTION OF LOTS 'A' AND 'B', BLOCK 109, HORTON'S  
ADDITION.

TOPOGRAPHY SOURCE

THE SOURCE OF TOPOGRAPHIC INFORMATION IS A SURVEY  
COMPLETED BY NASLAND ENGINEERING ON MAY 18TH, 2018.

BENCHMARK

CITY OF SAN DIEGO VERTICAL CONTROL PER BENCHMARK  
LOCATED AT THE NORTHWEST CORNER OF NINTH AVENUE  
AND F STREET.

ELEVATION = 55.931'

GRADING QUANTITIES

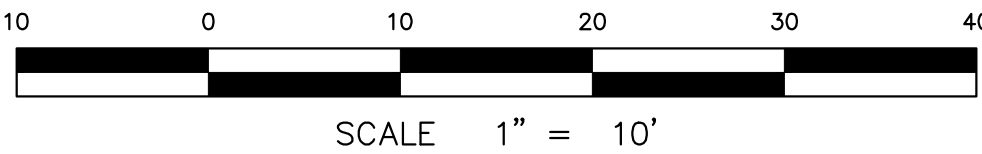
GRADED AREA . . . . . 5,620 SF  
CUT QUANTITIES . . . . . 3,150 CYD  
FILL QUANTITIES . . . . . 0 CYD  
IMPORT/EXPORT . . . . . 3,150 CYD

MAX. CUT DEPTH 15 FT  
MAX. CUT SLOPE RATIO (2:1MAX) N/A  
MAX. FILL DEPTH N/A FT  
MAX FILL SLOPE RATIO (2:1MAX) N/A

THIS PROJECT PROPOSES TO EXPORT 3,150 CUBIC YARDS OF MATERIAL FROM THIS SITE. ALL  
EXPORT MATERIAL SHALL BE DISCHARGED TO A LEGAL DISPOSAL SITE. THE APPROVAL OF THIS  
PROJECT DOES NOT ALLOW PROCESSING AND SALE OF THE MATERIAL ALL SUCH ACTIVITIES REQUIRE  
A SEPARATE CONDITIONAL USE PERMIT.

NOTE:

EARTHWORK QUANTITIES DO NOT REFLECT ANY SPECIAL CONDITIONS THAT MAY BE ENCOUNTERED  
DURING CONSTRUCTION AND ARE FOR REFERENCE ONLY. SINCE THE ENGINEER CANNOT CONTROL THE  
EXACT METHOD OR MEANS USED BY THE CONTRACTOR DURING GRADING OPERATIONS, NOR CAN THE  
ENGINEER GUARANTEE THE EXACT SOIL CONDITIONS OVER THE ENTIRE SITE, THE ENGINEER ASSUMES  
NO RESPONSIBILITY FOR THE FINAL EARTHWORK QUANTITIES. THE CONTRACTOR SHALL BE  
RESPONSIBLE FOR DETERMINING HIS OWN EARTHWORK QUANTITIES FOR BIDDING, CONTRACT, AND  
CONSTRUCTION PURPOSES.



PLAN DATE IDENTIFIER	
DATE OF LAST CHANGE TO THIS PLAN	
10/04/2018	BY: MN
DATE OF THIS PLOT	
04/04/2019	



GRADING PLAN  
EV 9TH & ISLAND  
DESIGN SUBMITTAL



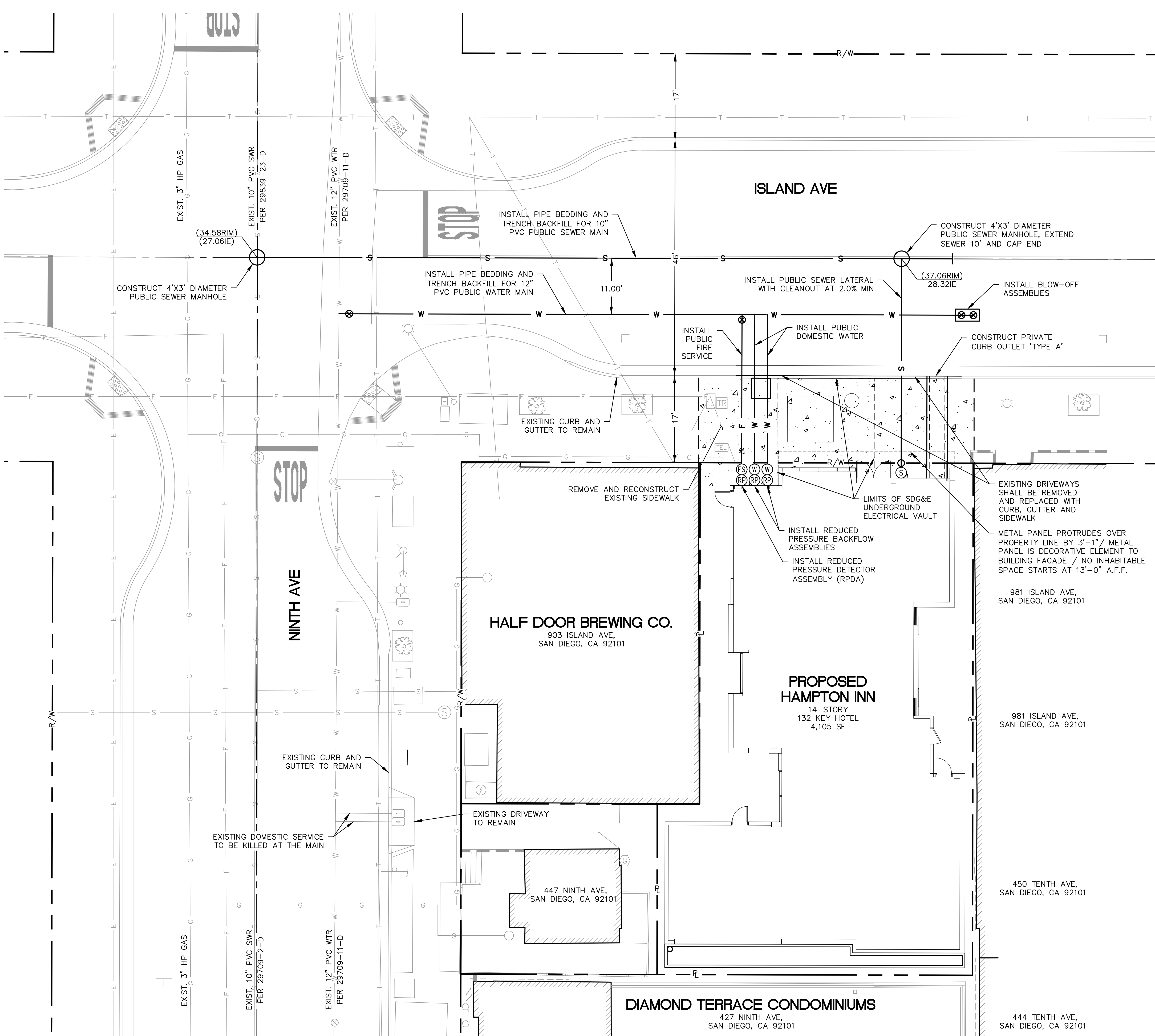
Civil Engineering  
Surveying  
Land Planning

T (858) 292-7770  
4740 Ruffner Street  
San Diego, CA 92111  
nasland.com



G.04





LEGEND

EXISTING IMPROVEMENTS

	BACKFLOW PREVENTER
	BUILDING LINE
	BUILDING OVERHANG
	CABLE PULL BOX
	CABLE RISER
	ELECTRICAL LINE
	ELECTRIC MANHOLE
	ELECTRIC METER
	ELECTRIC RISER
	ELECTRIC VAULT
	GAS LINE
	METAL FENCE
	FIRE DEPARTMENT CONNECTION
	FIRE HYDRANT
	FIRE SERVICE VALVES
	GAS METER
	GAS VALVE
	GAS VAULT
	LIGHT
	PROPERTY LINE
	RIGHT OF WAY LINE
	SEWER LINE
	SEWER CLEANOUT
	SEWER MANHOLE
	SIGN
	STORM DRAIN MANHOLE
	STREET LIGHT
	TELEPHONE LINE
	TELEPHONE PULL BOX
	TREE
	WALL
	WATER LINE
	WATER METER
	WATER VALVE
	WATER VAULT

PROPOSED IMPROVEMENTS

	BACKFLOW PREVENTER
	BLOW-OFF ASSEMBLIES
	BUILDING
	CURB & GUTTER
	CURB OUTLET
	FIRE SERVICE LINE
	SEWER CLEANOUT
	SEWER LINE
	SEWER MANHOLE
	WATER METER
	WATER SERVICE LINE
	WATER VALVE

DESIGN REQUIREMENTS

STREET TREES

- FIFTEEN (15') FEET MINIMUM FROM STREET LIGHTS.
- FIVE (5') FEET MINIMUM FROM DRIVEWAY APRON FLARES.
- TWENTY (20) FEET MINIMUM FROM THE FRONT OF ANY TRAFFIC SIGNAL OR STOP SIGN.
- TEN (10) FEET MINIMUM FROM THE BACK OF ANY TRAFFIC SIGNAL OR STOP SIGN.
- FIVE (5') FEET MINIMUM FROM UNDERGROUND UTILITIES (ELECTRICAL, GAS).
- TEN (10') FEET MINIMUM FROM SEWER AND WATER LINES.

STREET LIGHTS

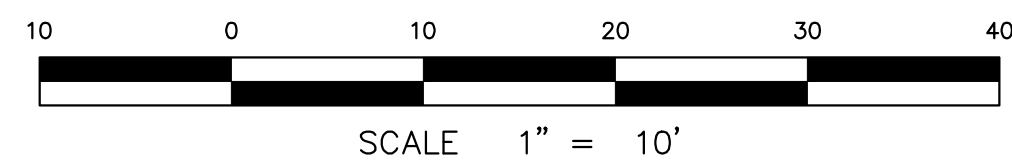
- SHALL BE LOCATED APPROXIMATELY SEVENTY-FIVE (75) TO NINETY-FIVE (95) FEET APART; WITH THREE LIGHTS LOCATED ON EACH 200-FOOT BLOCK FRONTAGE AND FOUR LIGHTS LOCATED ON EACH 300-FOOT BLOCK FRONTAGE.

UNDERGROUND UTILITIES

- UTILITY LATERALS SHALL BE A MINIMUM OF FIVE (5') FEET SEPARATION FROM EACH OTHER (WATER TO SEWER, WATER TO ELECTRICAL, SEWER TO ELECTRICAL, ETC.)
- UTILITY LATERALS SHALL BE A MINIMUM OF THREE (3') FEET FROM DRIVEWAY APRON FLARES.
- FIRE SERVICE AND DOMESTIC SERVICE ARE ALLOWED TO BE CLOSER TOGETHER AS LONG AS THEY ARE APPROVED BY THE WATER AND FIRE DEPARTMENTS.

NOTES

- ALL EXISTING UNUSED SEWER LATERALS SHALL BE PLUGGED AT THE PROPERTY LINE BY THE CONTRACTOR.
- CONTRACTOR TO VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCING CONSTRUCTION.
- CONTRACTOR TO MAINTAIN A MINIMUM OF 12" VERTICAL SEPARATION BETWEEN EXISTING AND PROPOSED SERVICES/LATERALS AND ALL OTHER FACILITIES.
- RELOCATE EXISTING UNDERGROUND UTILITIES AS REQUIRED.
- THE PRIVATE WATER SYSTEM WILL BE DESIGNED IN ACCORDANCE WITH THE CALIFORNIA PLUMBING CODE AND A SEPARATE PLUMBING PERMIT IS REQUIRED FOR CONSTRUCTION AND INSPECTION OF THE SYSTEM.
- THE PRIVATE FIRE SYSTEM WILL BE DESIGNED IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE, CALIFORNIA FIRE CODE, AND NFPA 24. PRIVATE FIRE SERVICE MAINS AND THEIR APPURTENANCE SHALL BE SINGLE LINE DRAWINGS SHOWING ALL OF THE APPLICABLE REQUIREMENTS OF THE CODES SPECIFIED ABOVE.
- CONTRACTOR TO PRESERVE ANY EXISTING 'CONTRACTORS STAMP' ON THE ADJACENT SIDEWALK.
- CONTRACTOR TO REMOVE EXISTING DRIVEWAYS FRONTING THE PROJECT.
- THE PROJECT BUILDING FOOTPRINT/HABITABLE SPACE IS ALL LOCATED WITHIN PRIVATE PROPERTY.



PLAN DATE IDENTIFIER	
DATE OF LAST CHANGE TO THIS PLAN	BY: MM
04/04/2019	
DATE OF THIS PLAN	
04/04/2019	



SITE PLAN  
EV 9TH & ISLAND  
DESIGN SUBMITTAL



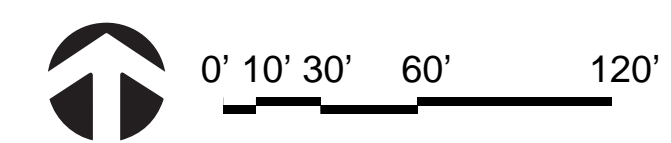
Civil Engineering  
Surveying  
Land Planning

T (858) 292-7770  
4740 Ruffner Street  
San Diego, CA 92111  
nasland.com

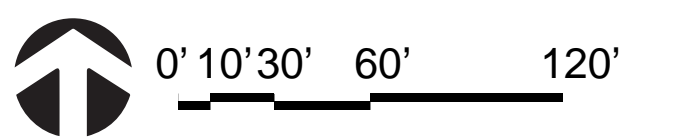
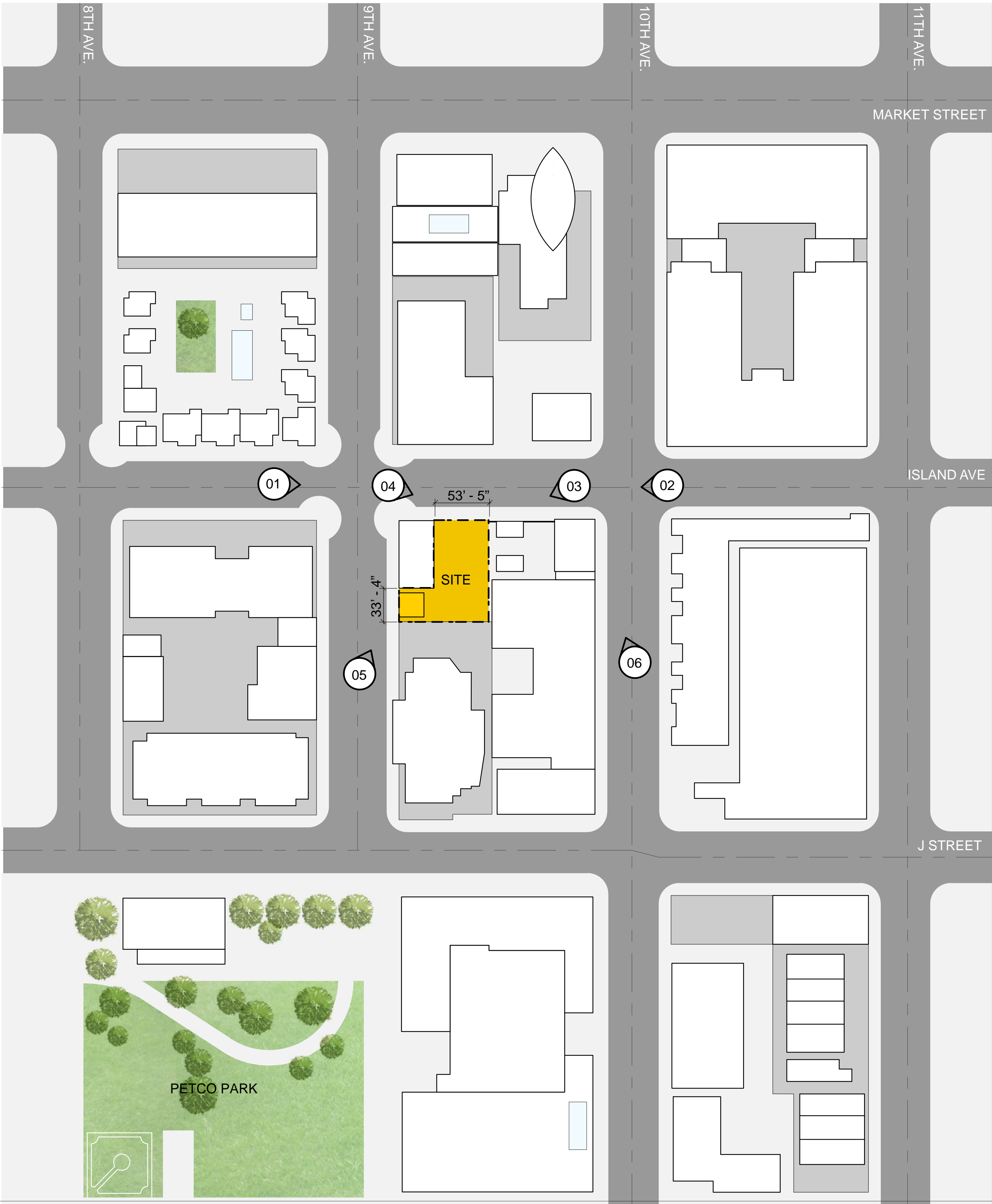
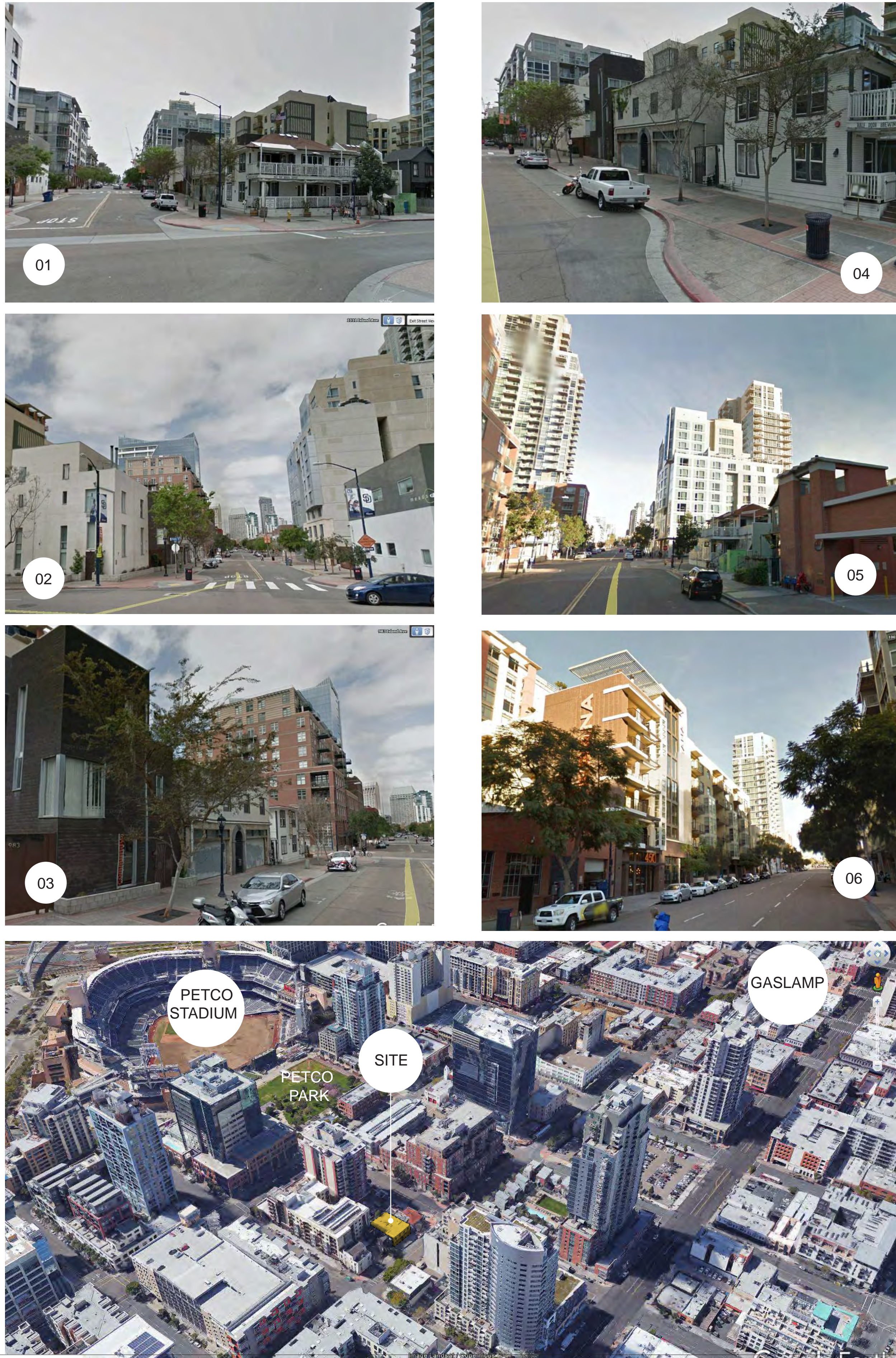


G.05

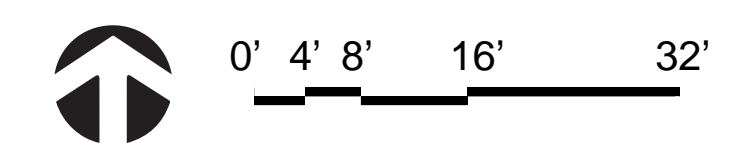
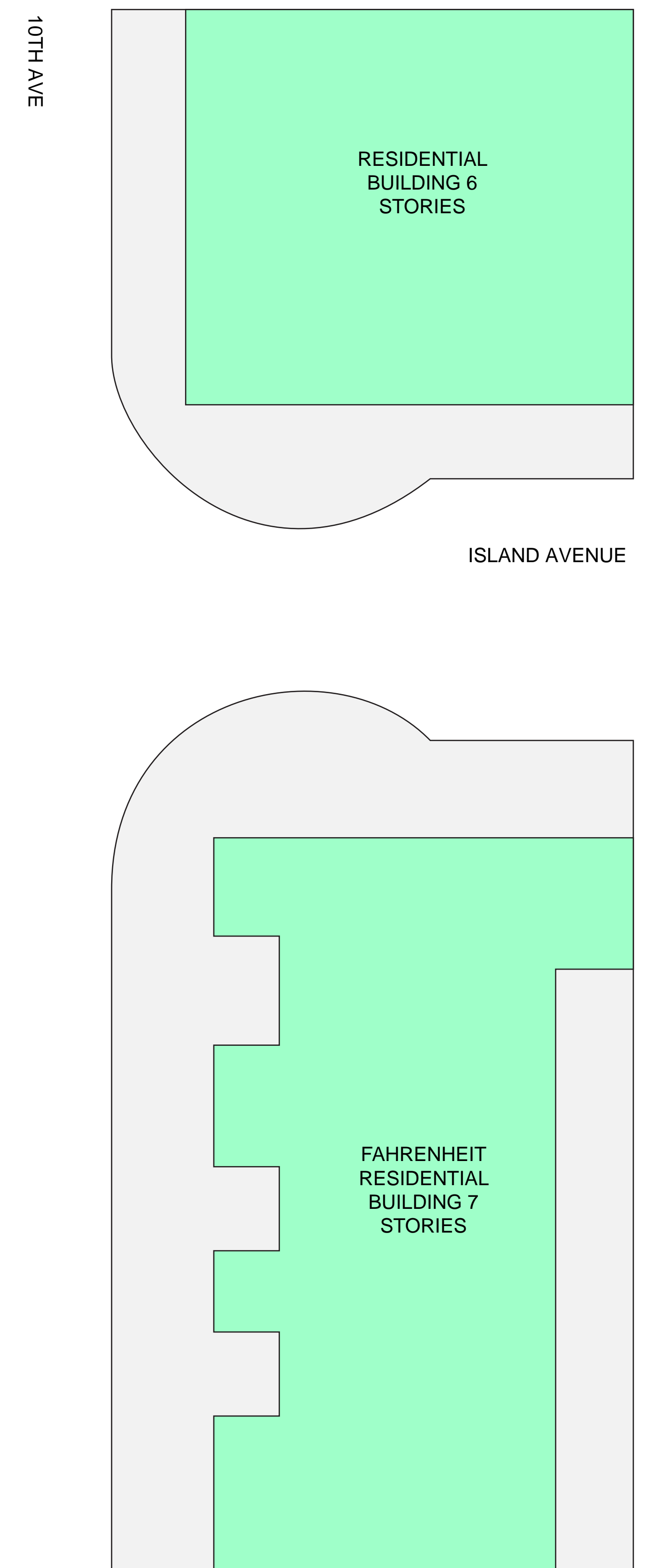
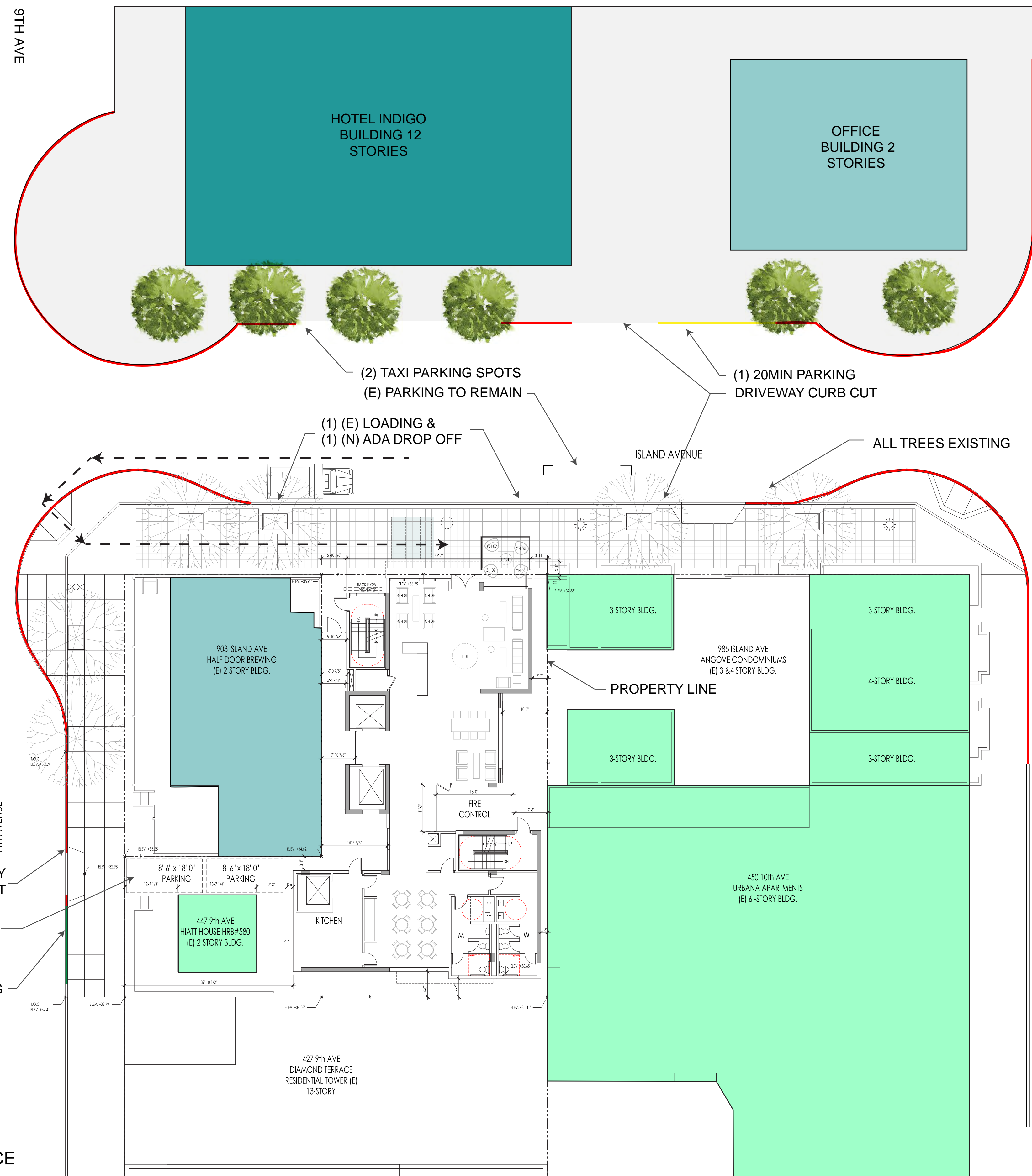
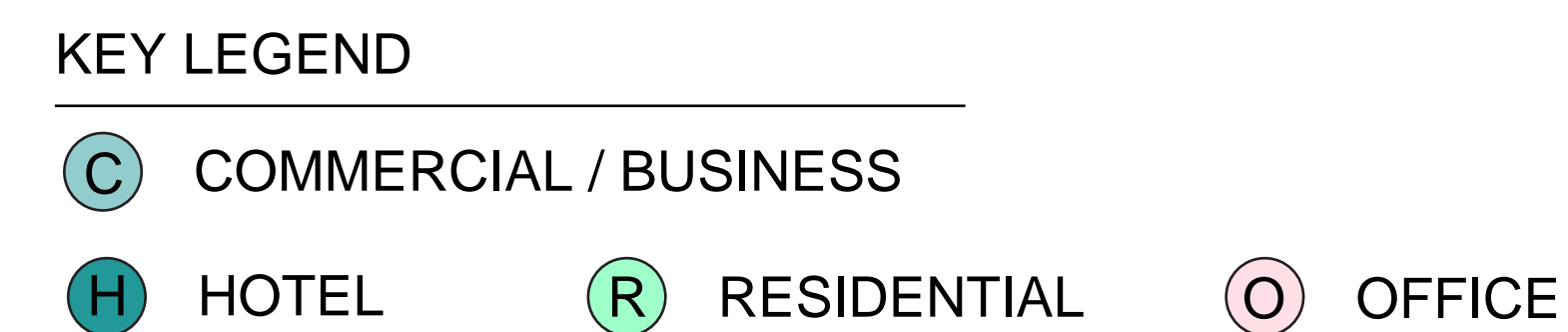
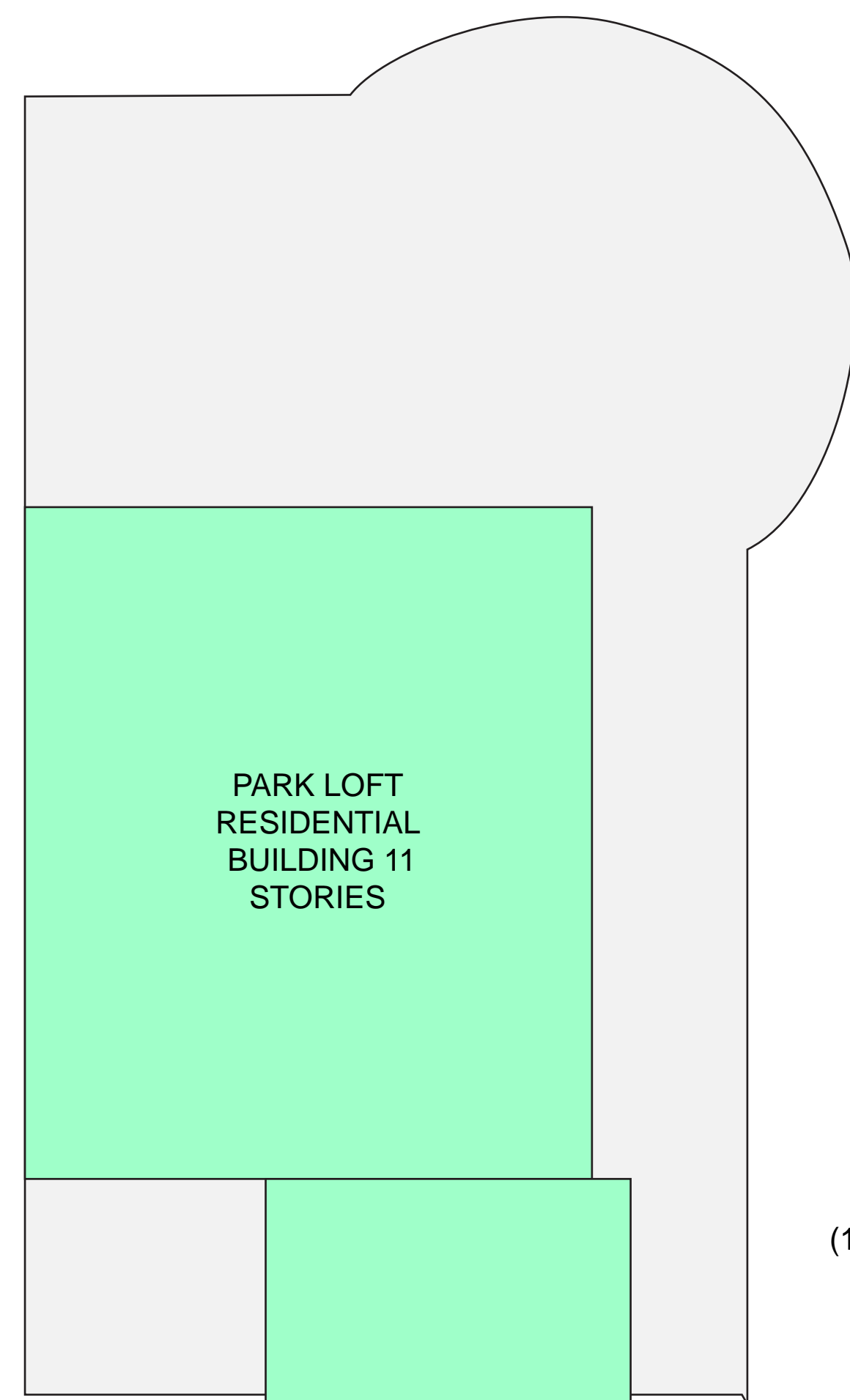
















June 13, 2019

Hotel Parking

Dear Mr. Schwartz,

Thank you for taking the time to meet and discuss the current hotel projects you are working on at both 9<sup>th</sup> & Island as well as 6th & G. As you now know, the parking demand for hotels has decreased each year for the past seven years. Please see below for the average decrease we have seen for the portfolio of hotels we have managed during this time frame. The decline in drive in has almost all been linked to ride share programs like Lyft and Uber. In our professional opinion, this decline will continue in Downtown San Diego for the next several years. Please see below for our forecasted drive-in ratio for the next several years.

**Hotel Drive In-Ratio Forecast:**

Actual	2013	37.3	
Actual	2014	36.3	-2.68%
Actual	2015	35.4	-2.48%
Actual	2016	33.9	-4.24%
Actual	2017	31.5	-7.08%
Actual	2018	30.1	-4.44%
Actual	2019	28.6	-4.98%
Forecast	2020	27.3	-4.50%
Forecast	2021	26.1	-4.50%

**Parking Availability:**

Within one mile of each potential development site, there are over 35,000 parking spaces. Not all spaces are available for public use but there are certainly ample spaces available for a hotel to utilize. The hotel model is quite complimentary to a Downtown environment as most hotel patrons check in after 5pm and leave the following morning by 9am. If there is a time of day that Downtown San Diego is at its highest occupancy, it is during the Monday through Friday daytime hours. With the hotel model, a large majority of the cars would be leaving while the standard business work force starts driving into Downtown. The marriage between any hotel vehicles and a shared parking facility is a fitting one. Attached you will find a listing of local parking facilities.

**Precedence:**

In addition to drive-in ratio’s shrinking and ample parking in the Downtown area, there are currently four hotels that successfully operate under the premise on no onsite parking. The Courtyard (530 Broadway), The Hotel Palomar (1047 Fifth Ave), Horton Grand Hotel (311 Island Ave) and the Andaz Hotel (600 F St). LAZ currently operates three of these hotels. The hotels that LAZ manages have been operating in this capacity since their existence and have never had to turn away a hotel patron due to a lack of parking availability. These hotels in size are all of similar and mostly in greater size than any of the potential hotels that J Street is planning. It is our strong belief that the model used all four of these hotels is a blueprint for the future of hotel parking arrangements.

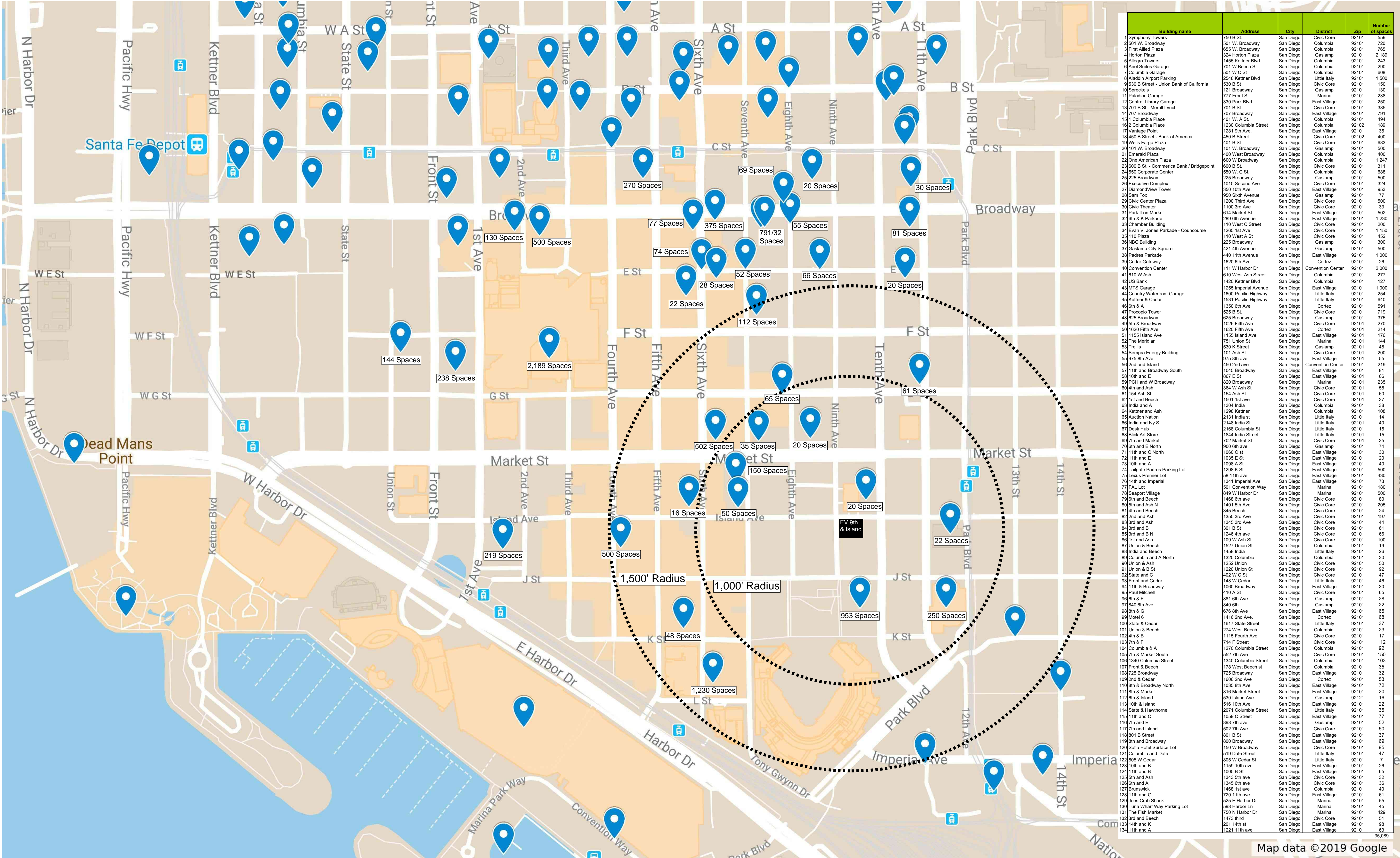
**IN SUMMARY:**

The market for hotel parking has been radically changing and we expect this trend to continue moving forward. LAZ strongly believes that the need for onsite parking at a hotel is not a necessary for future development due to the amount of parking spaces within proximity to the proposed development sites and the ever-shrinking demand in the area. We have seen this model work at several current hotels for the last decade and strongly believe this will hold true for all the current planned J Street hotel sites. We welcome any questions you may have, please let us know if there is anything further we can do to be of help.

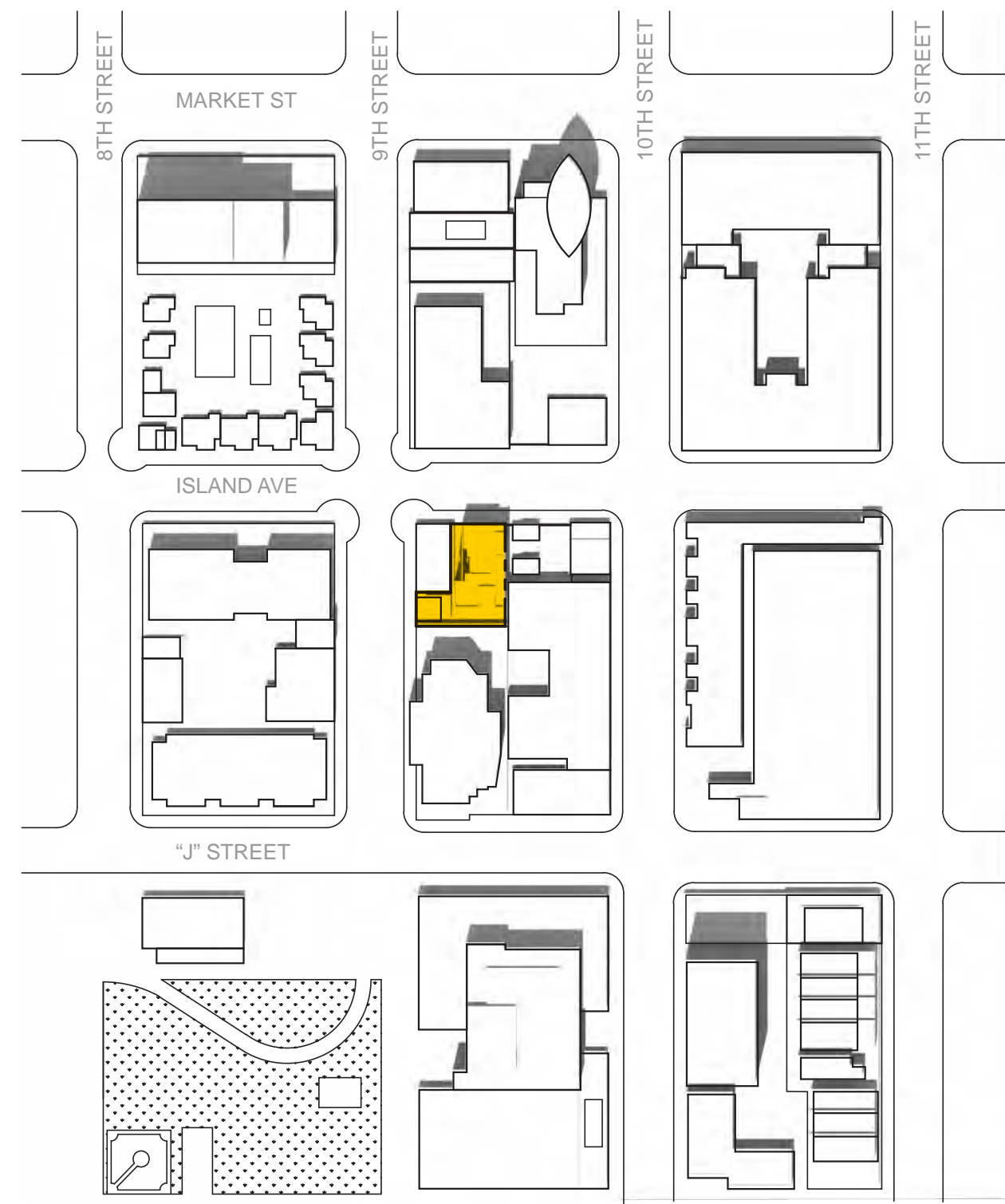
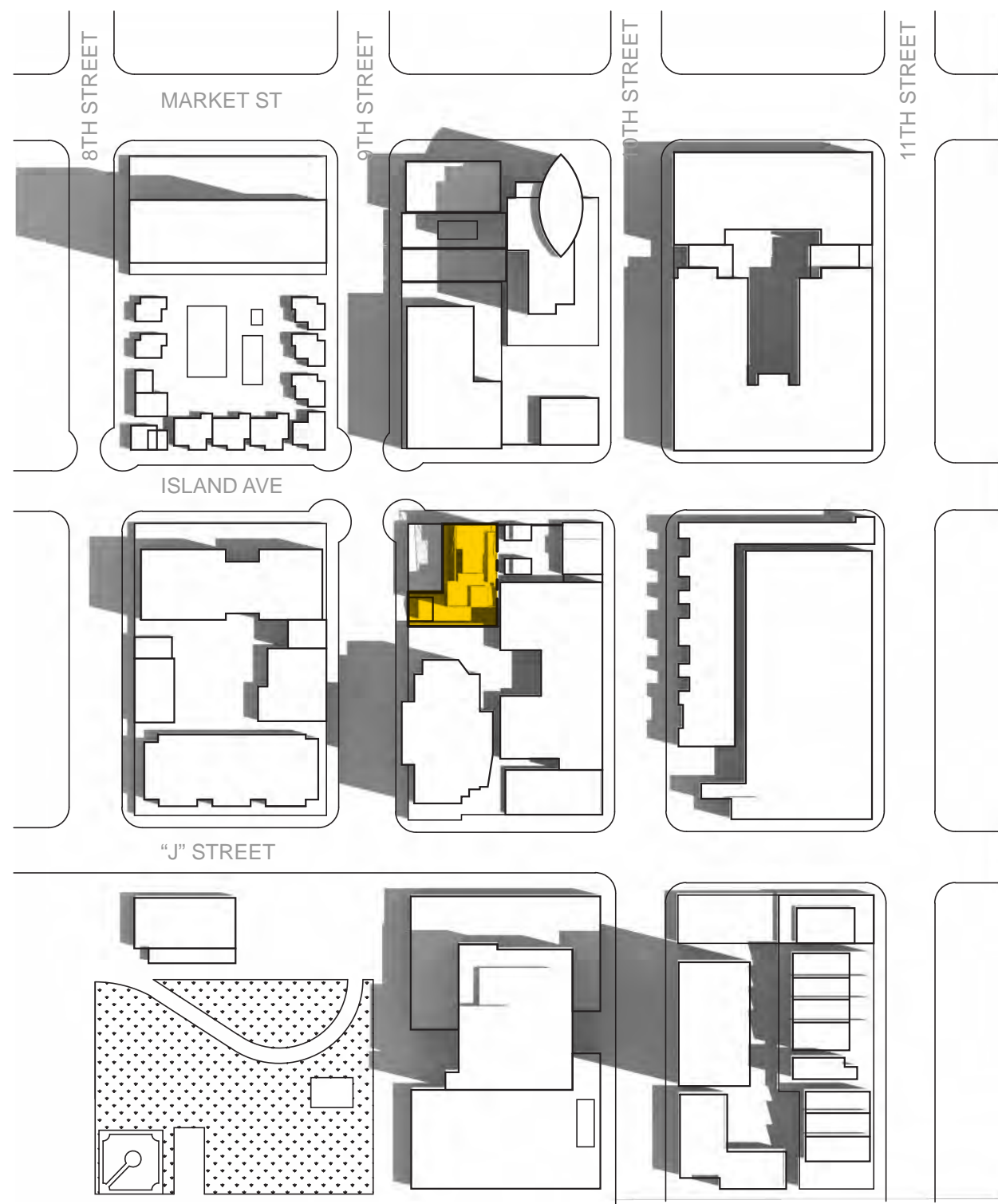
Respectfully Yours,

Mark Fitzgerald  
General Manager  
Mobile: (619) 855-0252  
Email: [mfitzgerald@lazparking.com](mailto:mfitzgerald@lazparking.com)



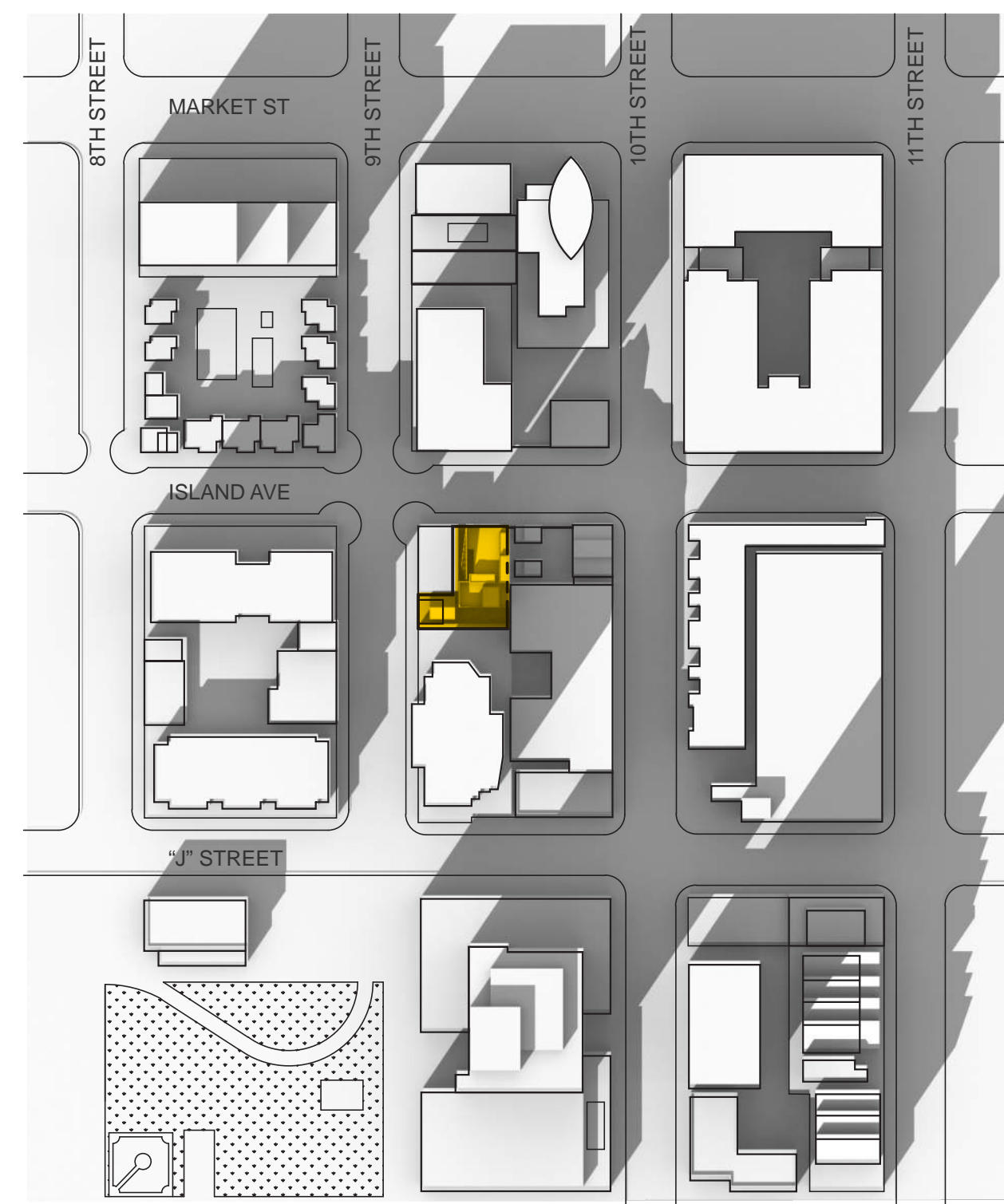
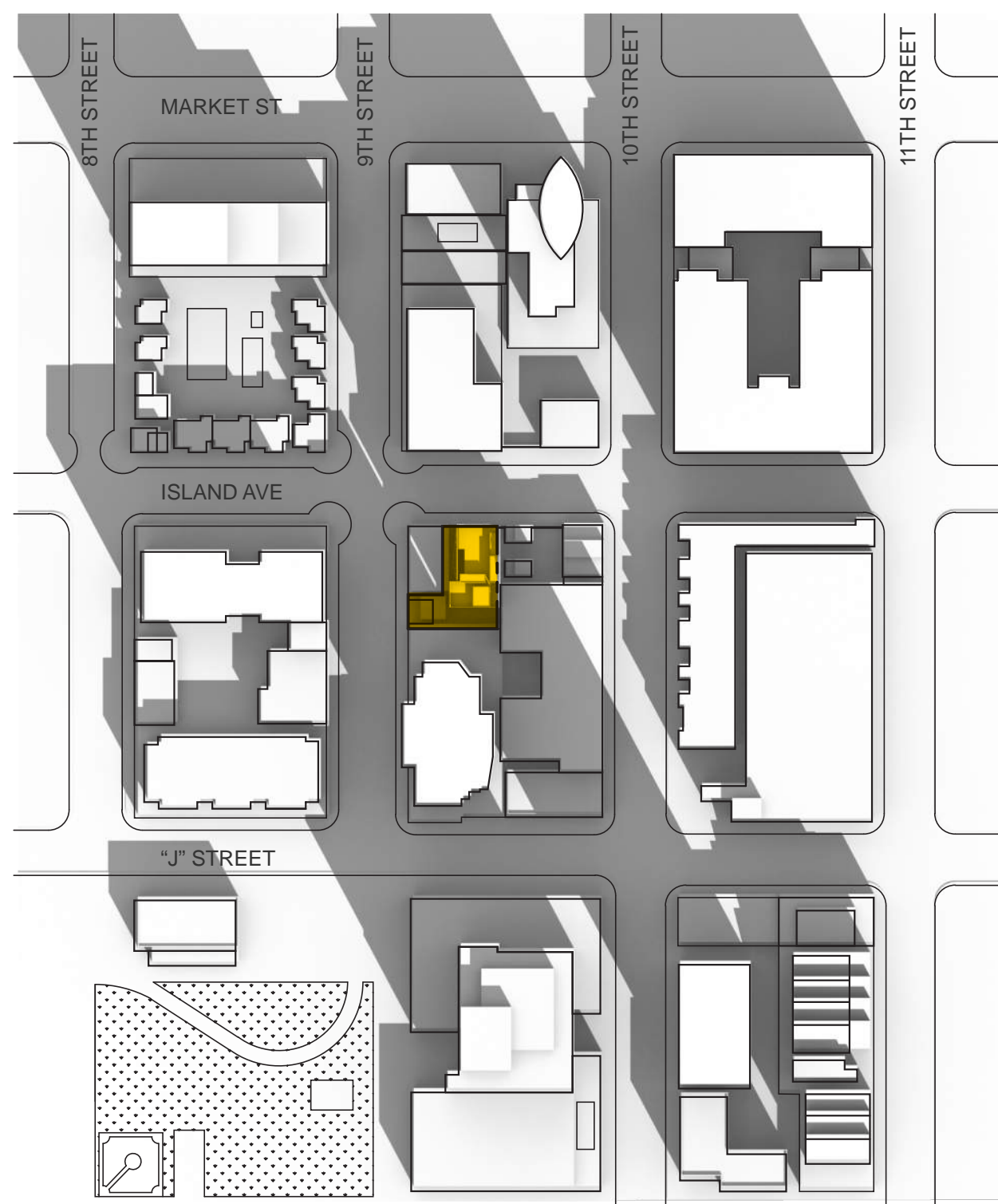






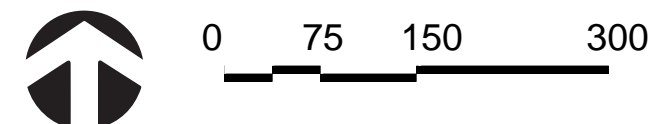
SUMMER SOLSTICE  
JUNE 20, 2017

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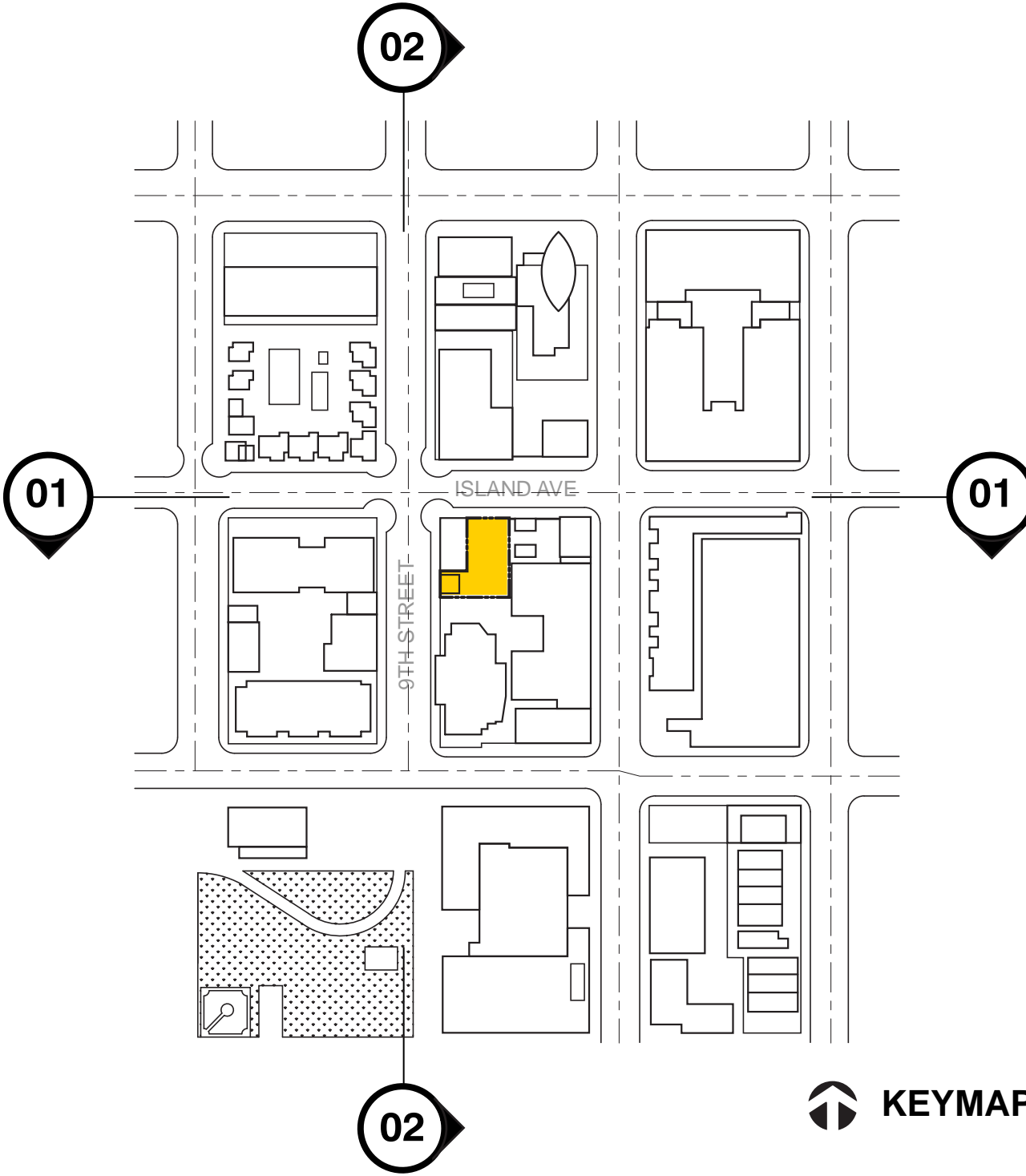
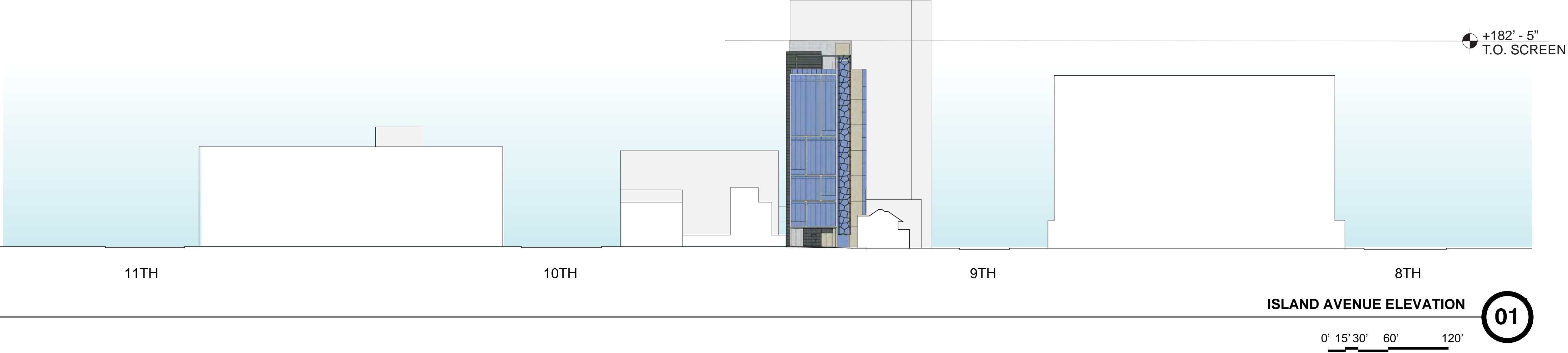
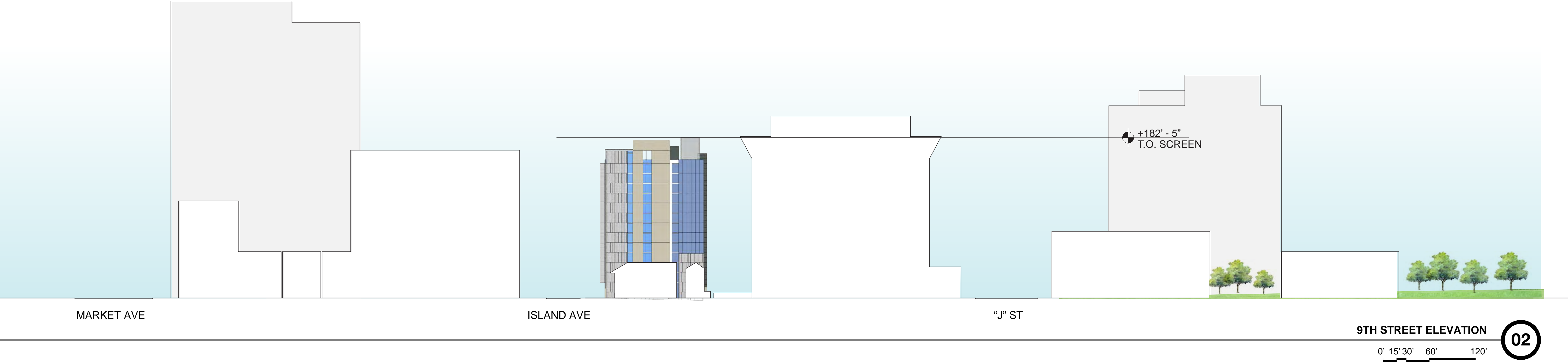


WINTER SOLSTICE  
DECEMBER 21, 2017

10:00 AM 12:00 PM 2:00 PM 4:00 PM







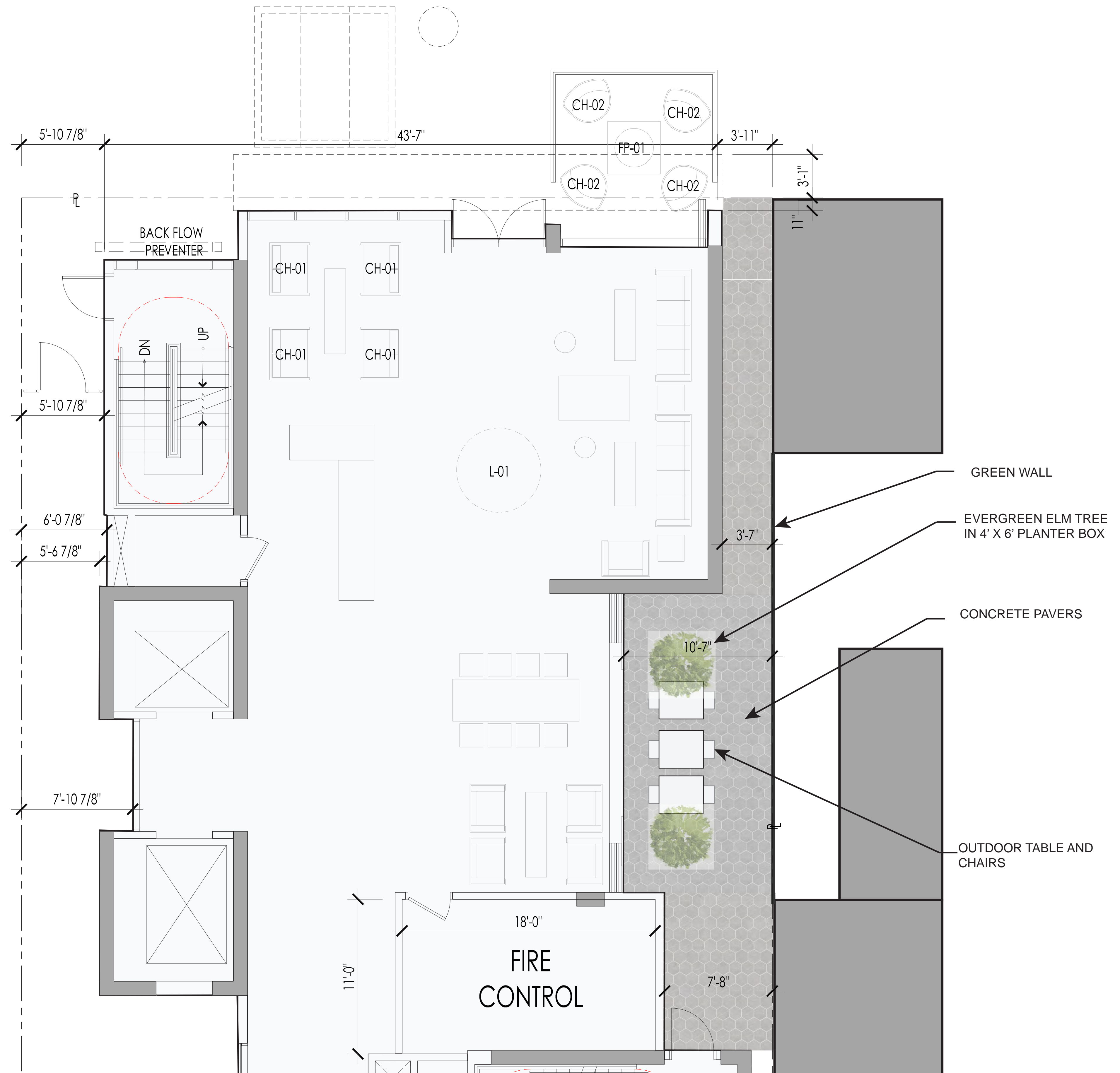
VICINITY ELEVATIONS  
EV 9TH & ISLAND  
DESIGN SUBMITTAL



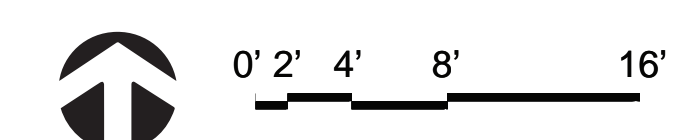


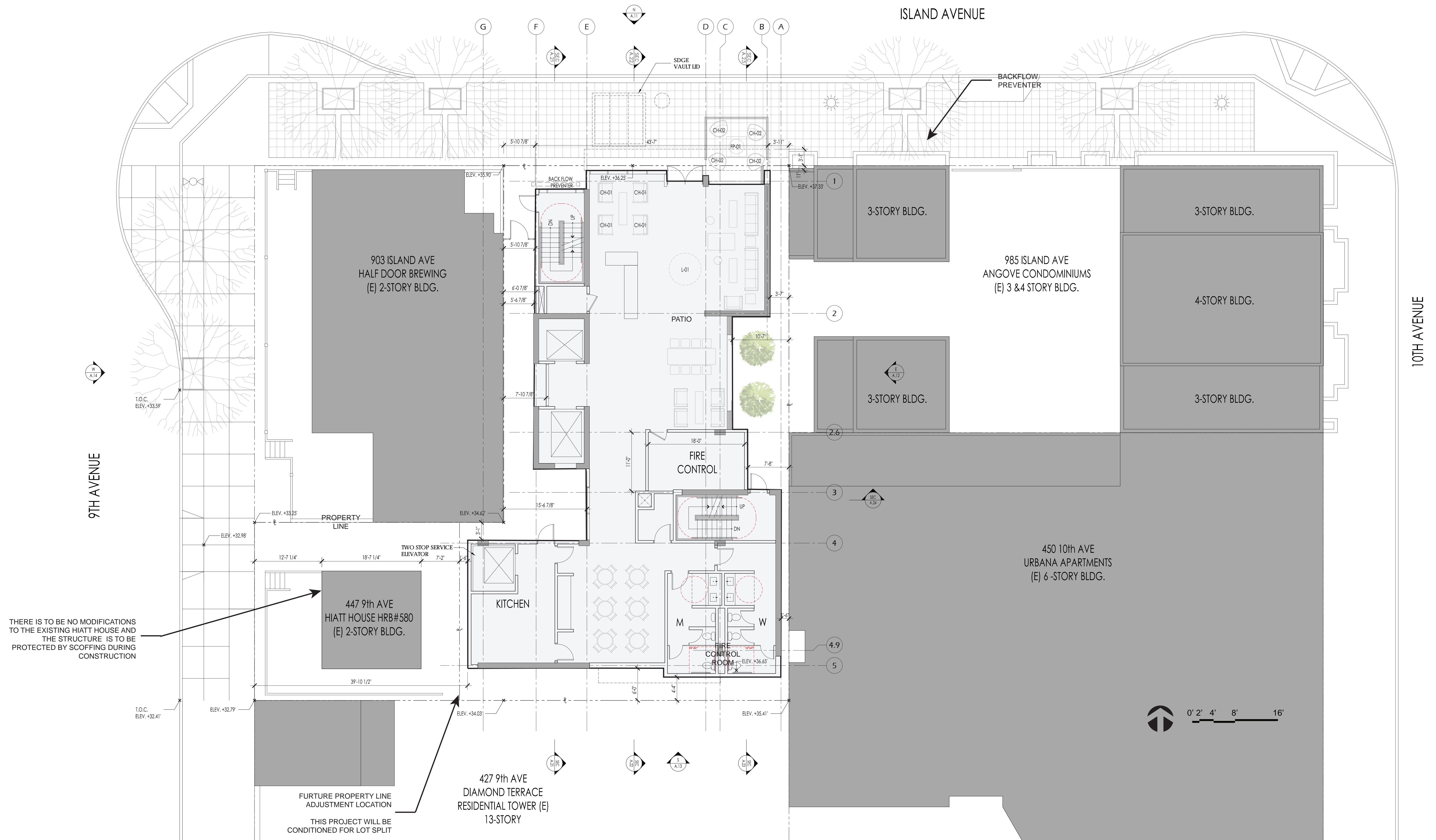


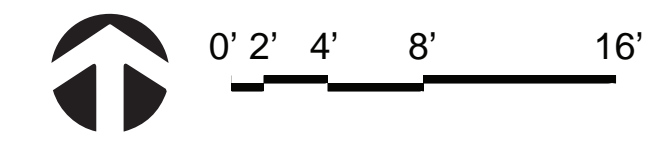




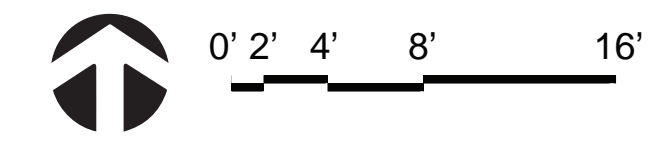


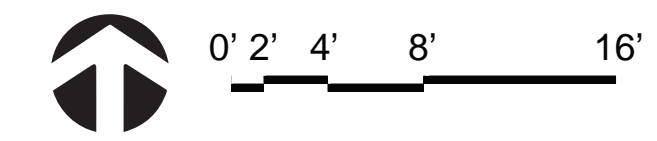


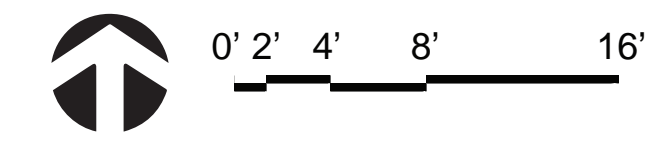




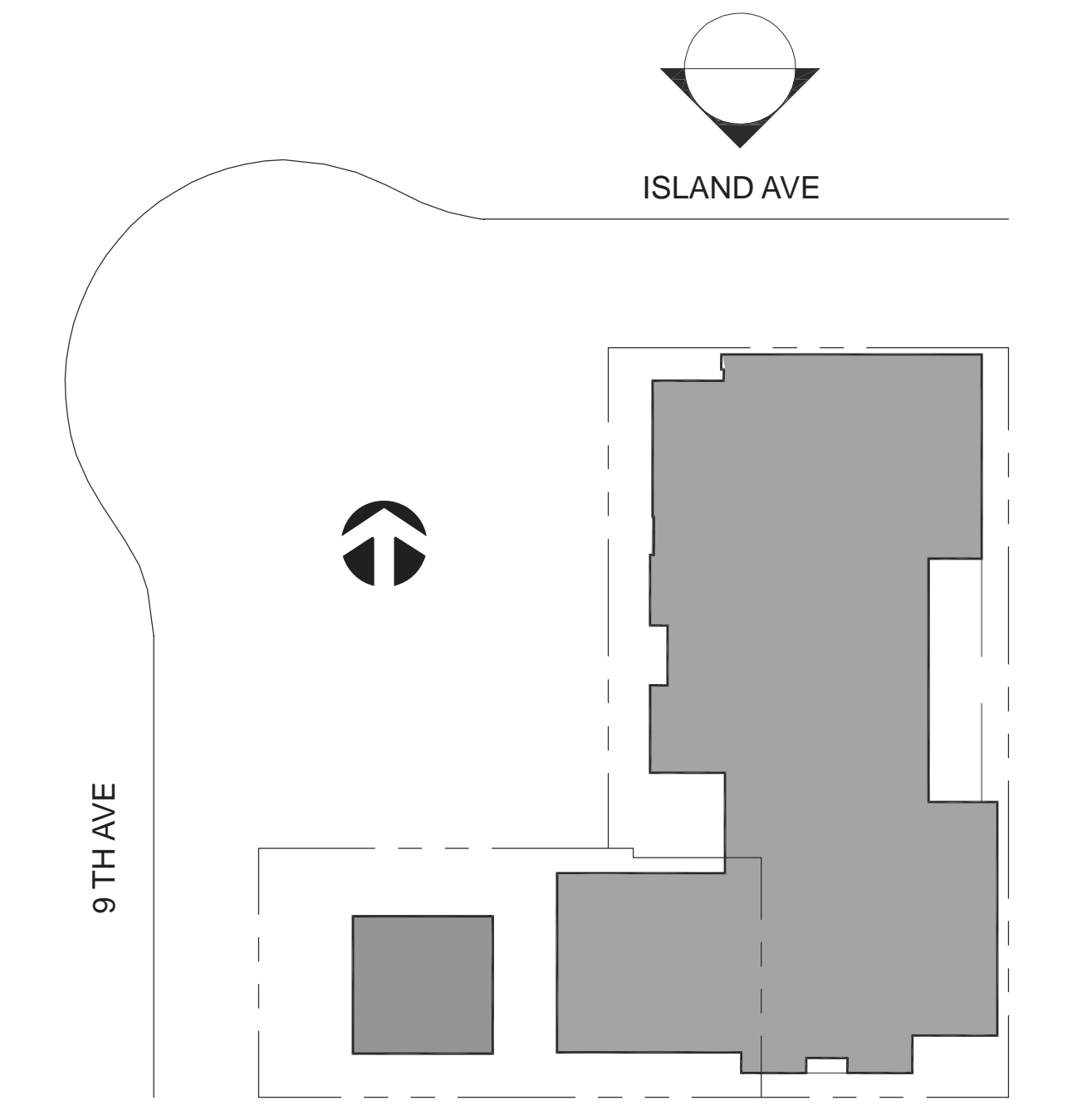
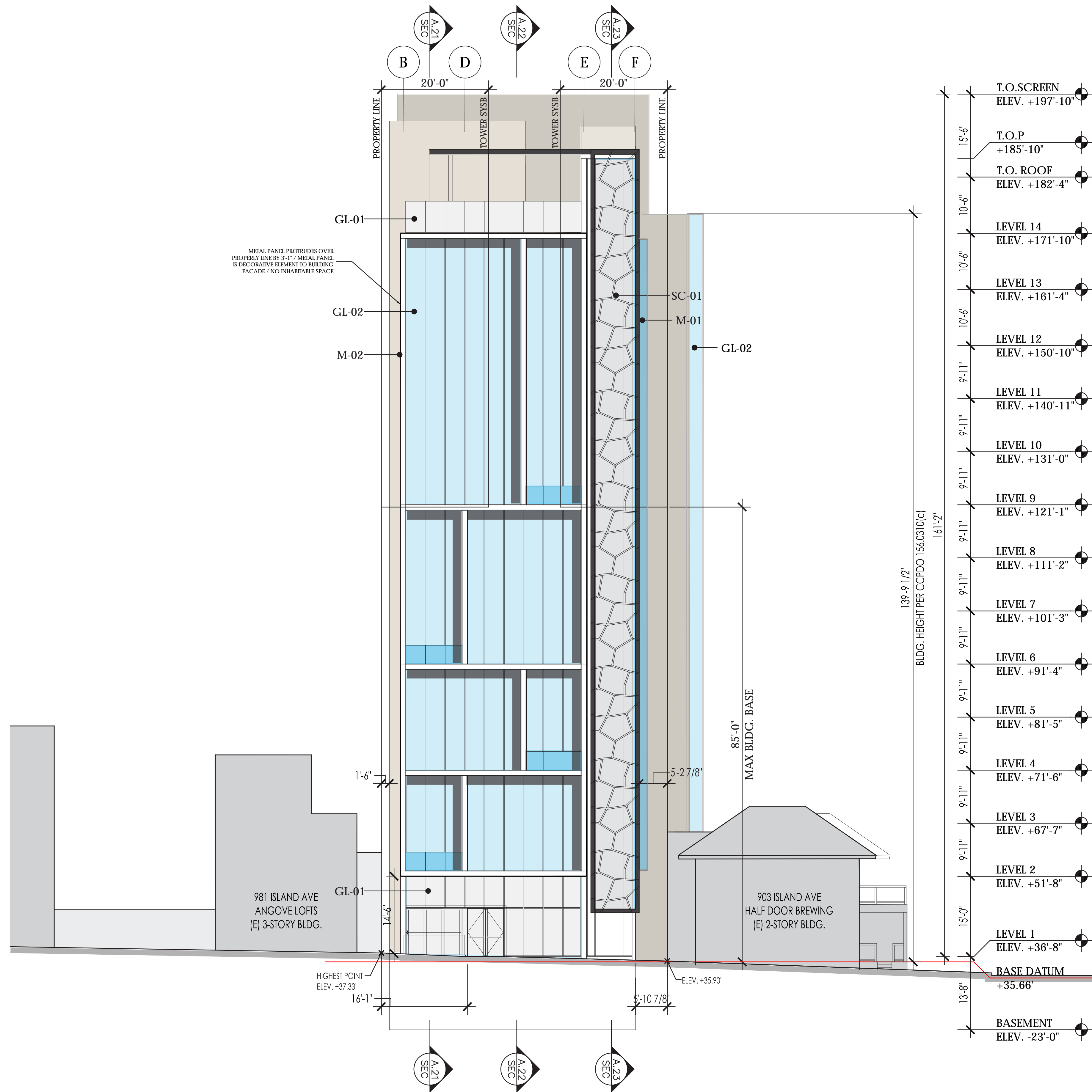






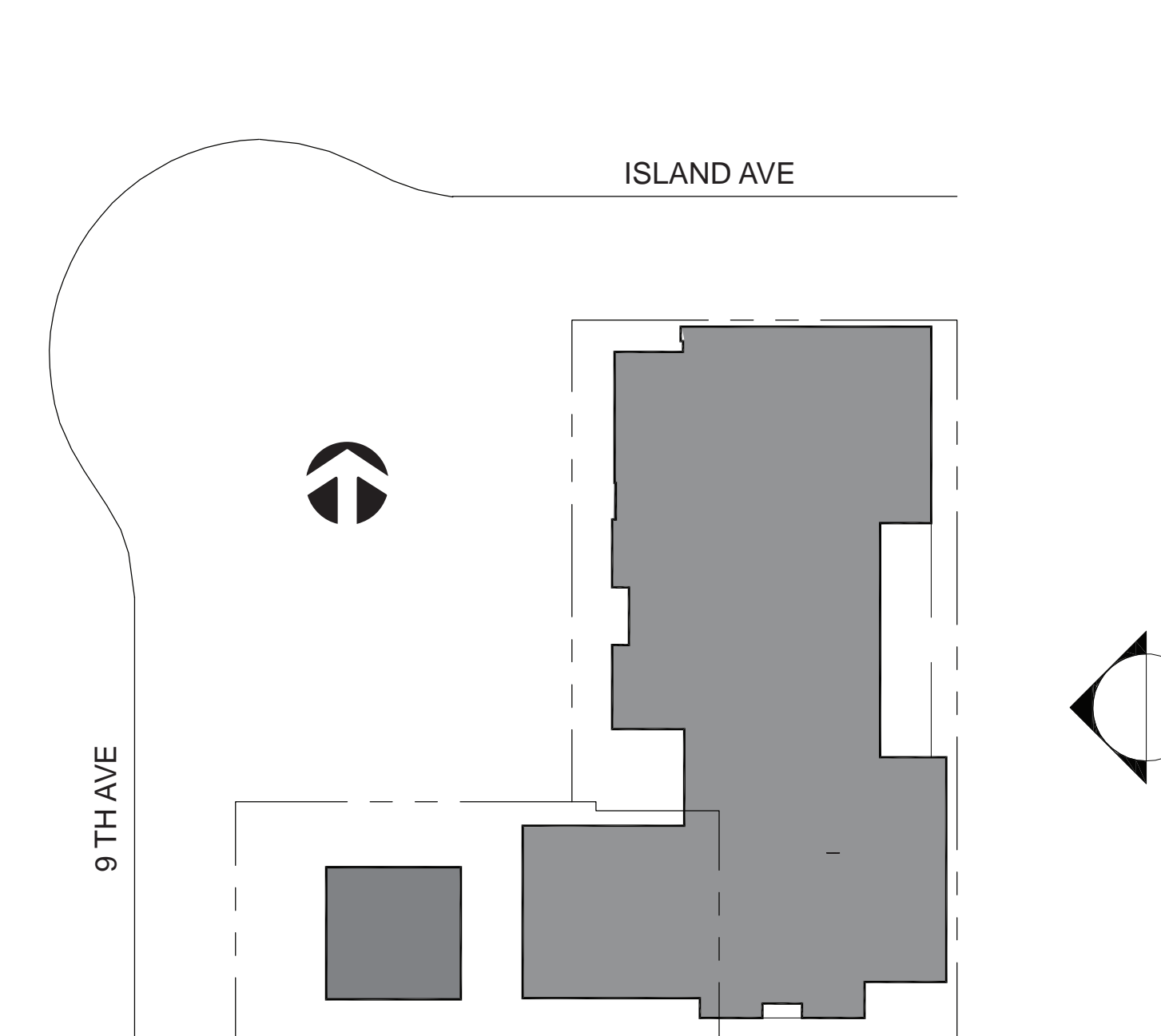






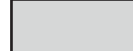
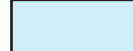

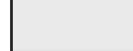
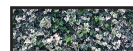




- LEGEND**
- CN-01  
SIMULATED CONCRETE  
4'X10' MDF FORMBOARD W/ STAGGERED PATTERN
  - M-01  
ALUMINUM COMPOSITE METAL PANEL - COSMIC  
GREY W/ MICA FINISH
  - M-02  
ALUMINUM COMPOSITE METAL PANEL - GRAHAM WHITE
  - S-01  
SNOWBALL 10400L - LAHABRA PAREX SMOOTH STEEL  
TROWEL PLASTER W/ DOUBLE 'V' JOINT (3-COAT ACRYLIC  
PLASTER SYSTEM W/ CRACK ISOLATION MEMBRANE)
  - GL-01  
SOLARBAN 90 (2) CLEAR + CLEAR - SHGC 0.23
  - GL-02  
SOLARBAN 90 (2) OPTIBLUE + CLEAR - SHGC 0.20
  - SC-01  
BLACKENED STEEL FRAME
  - SC-02  
BOX RIB PERFORATED METAL PANEL W/ ALUMINUM FINISH  
METAL SALES T-10-C 22 GA - 35% OPEN
  - GR-01  
PLANTED HEDGE

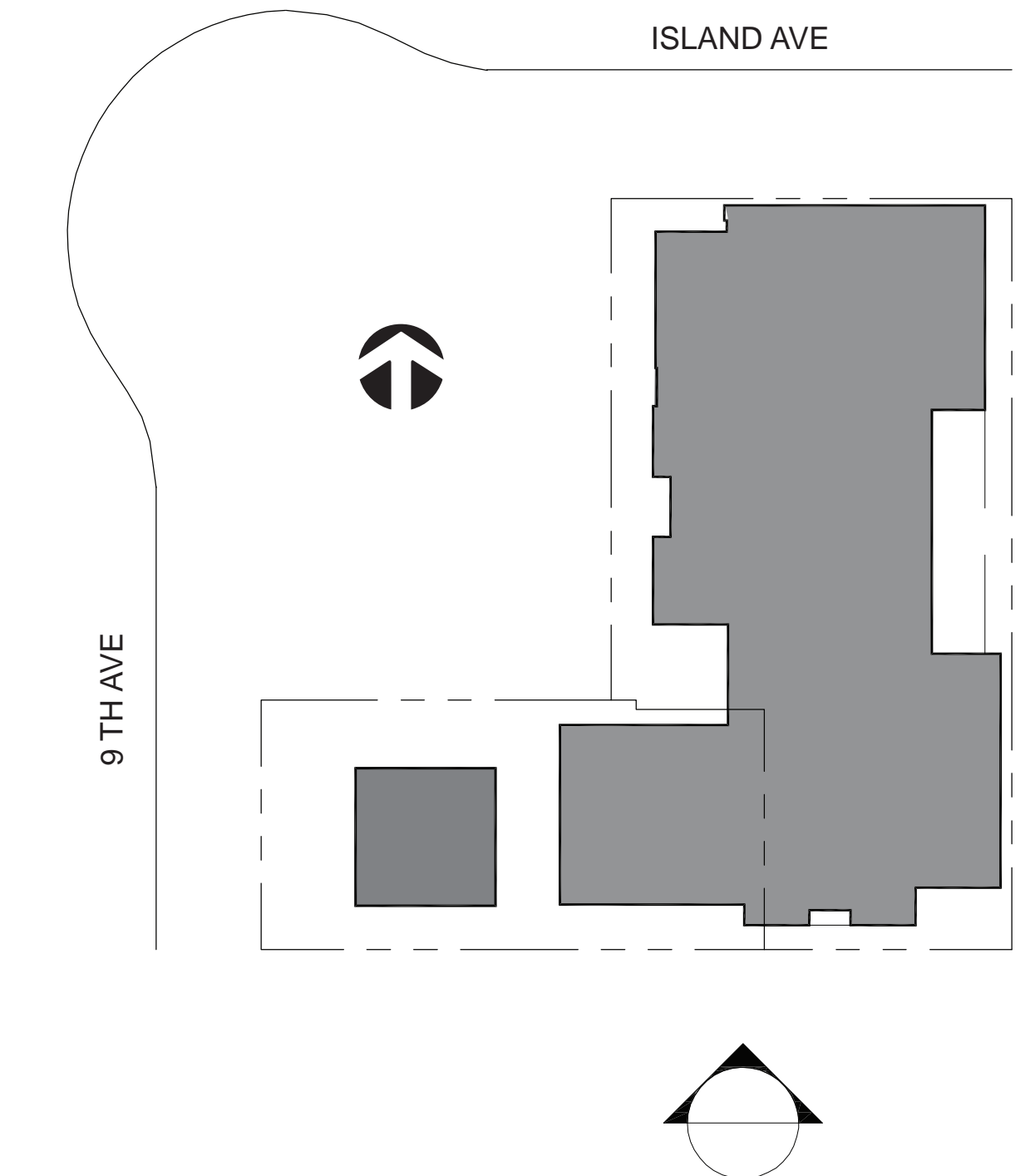
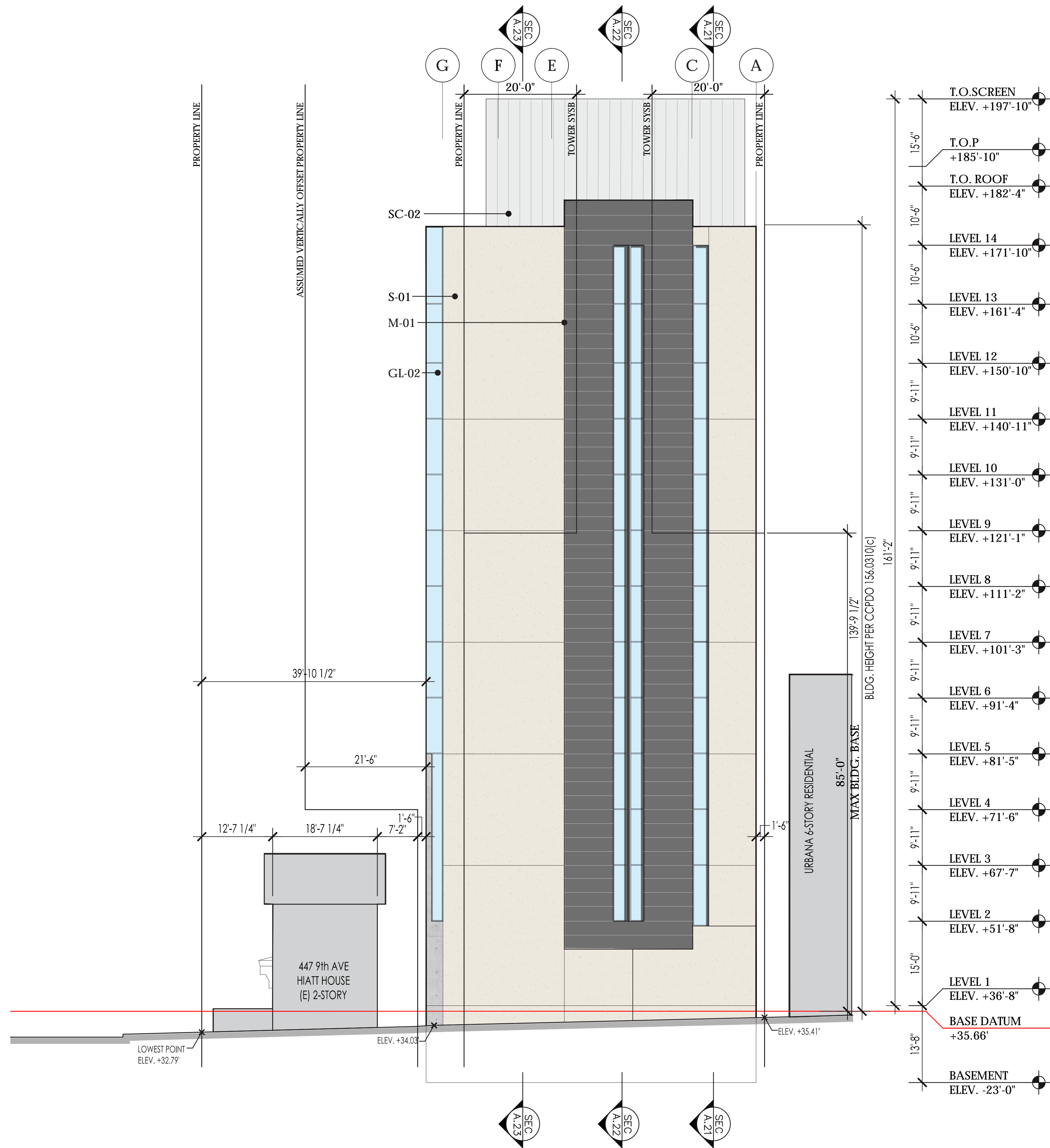




	CN-01 SIMULATED CONCRETE 4'X10' MDF FORMBOARD W/ STAGGERED PATTERN
	M-01 ALUMINUM COMPOSITE METAL PANEL - COSMIC GREY W/ MICA FINISH
	M-02 ALUMINUM COMPOSITE METAL PANEL - GRAHAM WHITE
	S-01 SNOWBALL 10400L - LAHABRA PAREX SMOOTH STEEL TROWEL PLASTER W/ DOUBLE 'V' JOINT (3-COAT ACRYLIC PLASTER SYSTEM W/ CRACK ISOLATION MEMBRANE)
	GL-01 SOLARBAN 90 (2) CLEAR + CLEAR - SHGC 0.23
	GL-02 SOLARBAN 90 (2) OPTIBLUE + CLEAR - SHGC 0.20
	SC-01 BLACKENED STEEL FRAME
	SC-02 BOX RIB PERFORATED METAL PANEL W/ ALUMINUM FINISH METAL SALES T-10-C 22 GA - 35% OPEN
	GR-01 PLANTED HEDGE

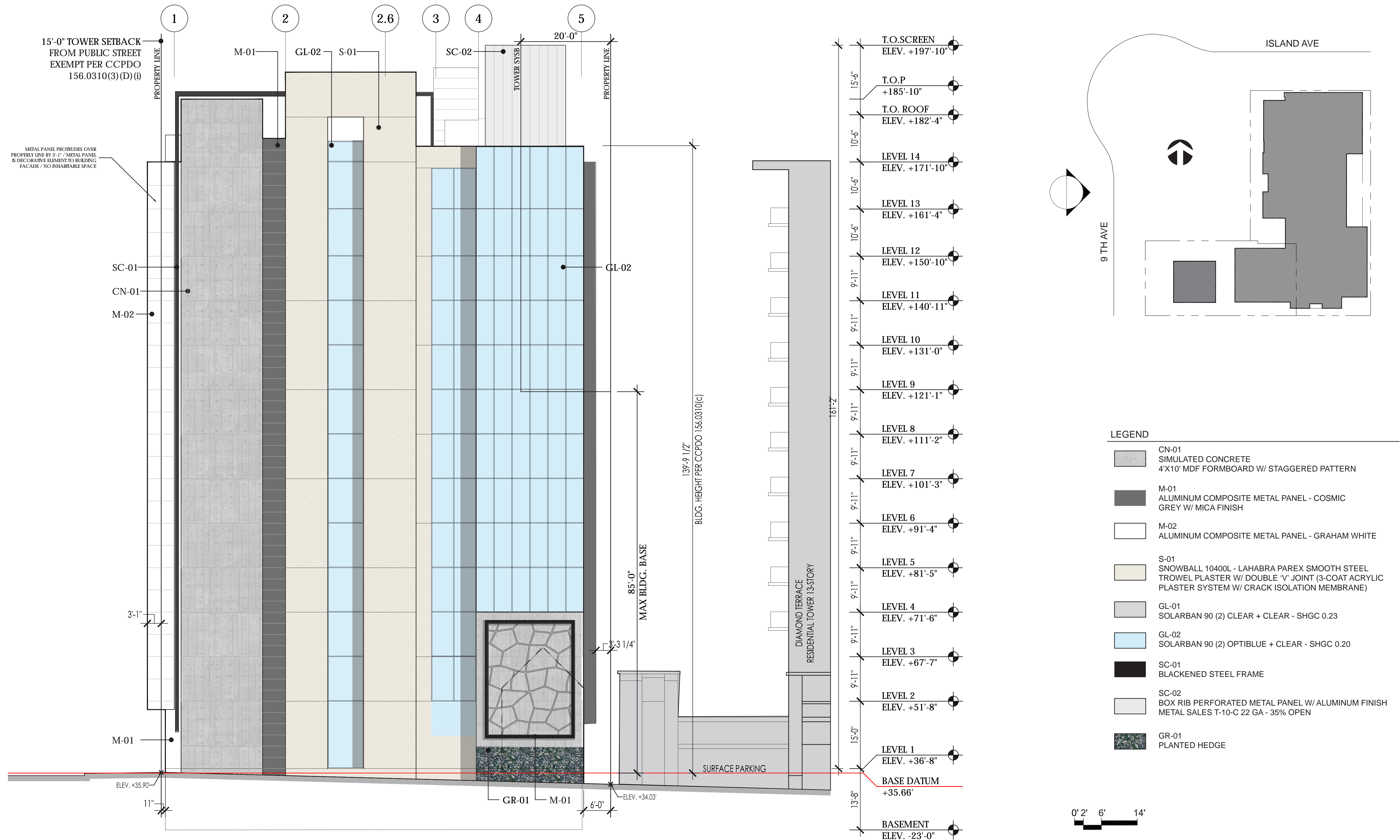






LEGEND	
	CN-01 SIMULATED CONCRETE 4'X10' MDF FORMBOARD W/ STAGGERED PATTERN
	M-01 ALUMINUM COMPOSITE METAL PANEL - COSMIC GREY W/ MICA FINISH
	M-02 ALUMINUM COMPOSITE METAL PANEL - GRAHAM WHITE
	S-01 SNOWBALL 10400L - LAHABRA PAREX SMOOTH STEEL TROWEL PLASTER W/ DOUBLE 'V' JOINT (3-COAT ACRYLIC PLASTER SYSTEM W/ CRACK ISOLATION MEMBRANE)
	GL-01 SOLARBAN 90 (2) CLEAR + CLEAR - SHGC 0.23
	GL-02 SOLARBAN 90 (2) OPTIBLUE + CLEAR - SHGC 0.20
	SC-01 BLACKENED STEEL FRAME
	SC-02 BOX RIB PERFORATED METAL PANEL W/ ALUMINUM FINISH METAL SALES T-10-C 22 GA - 35% OPEN
	GR-01 PLANTED HEDGE

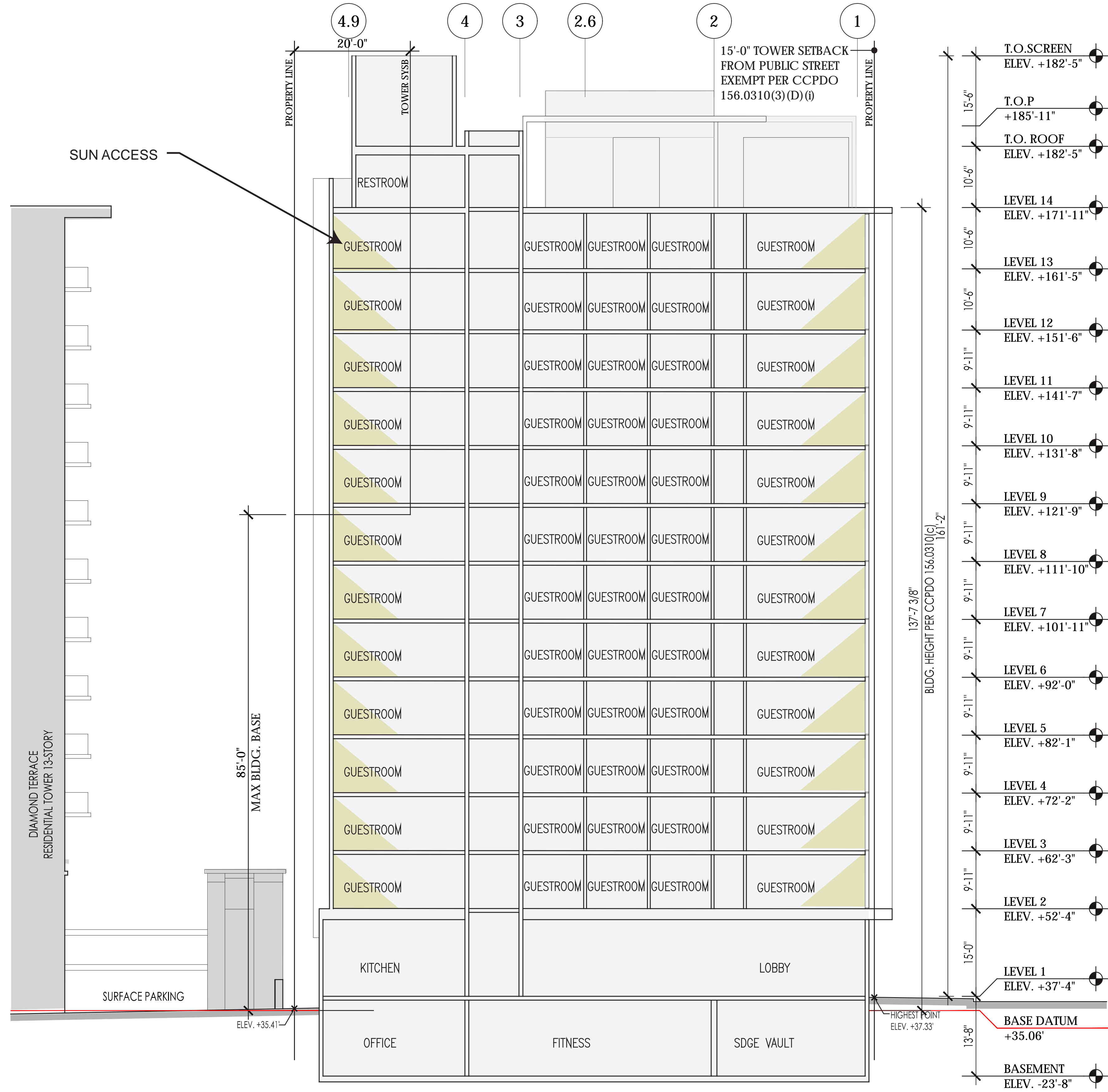
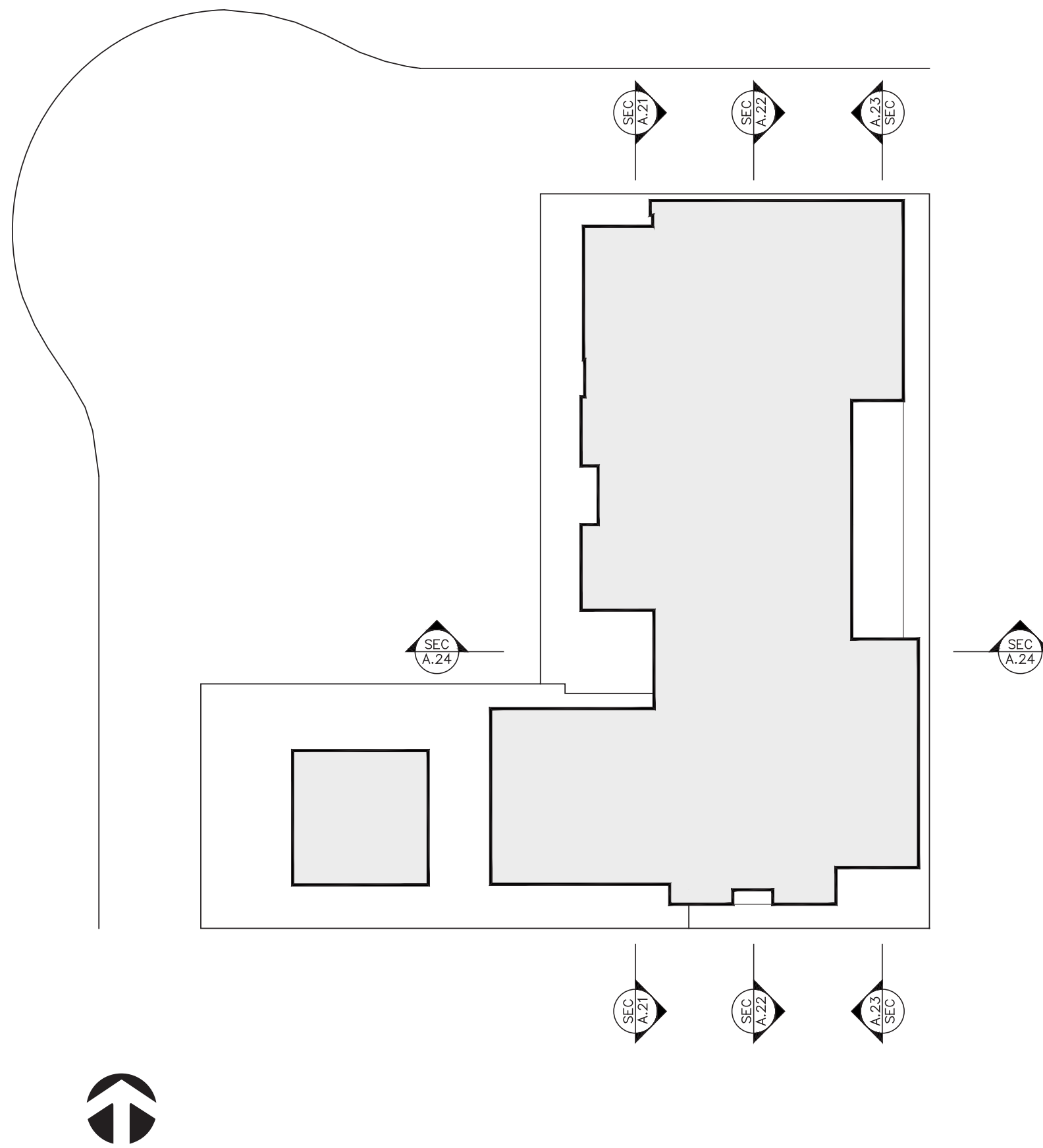
0' 2' 6' 14'



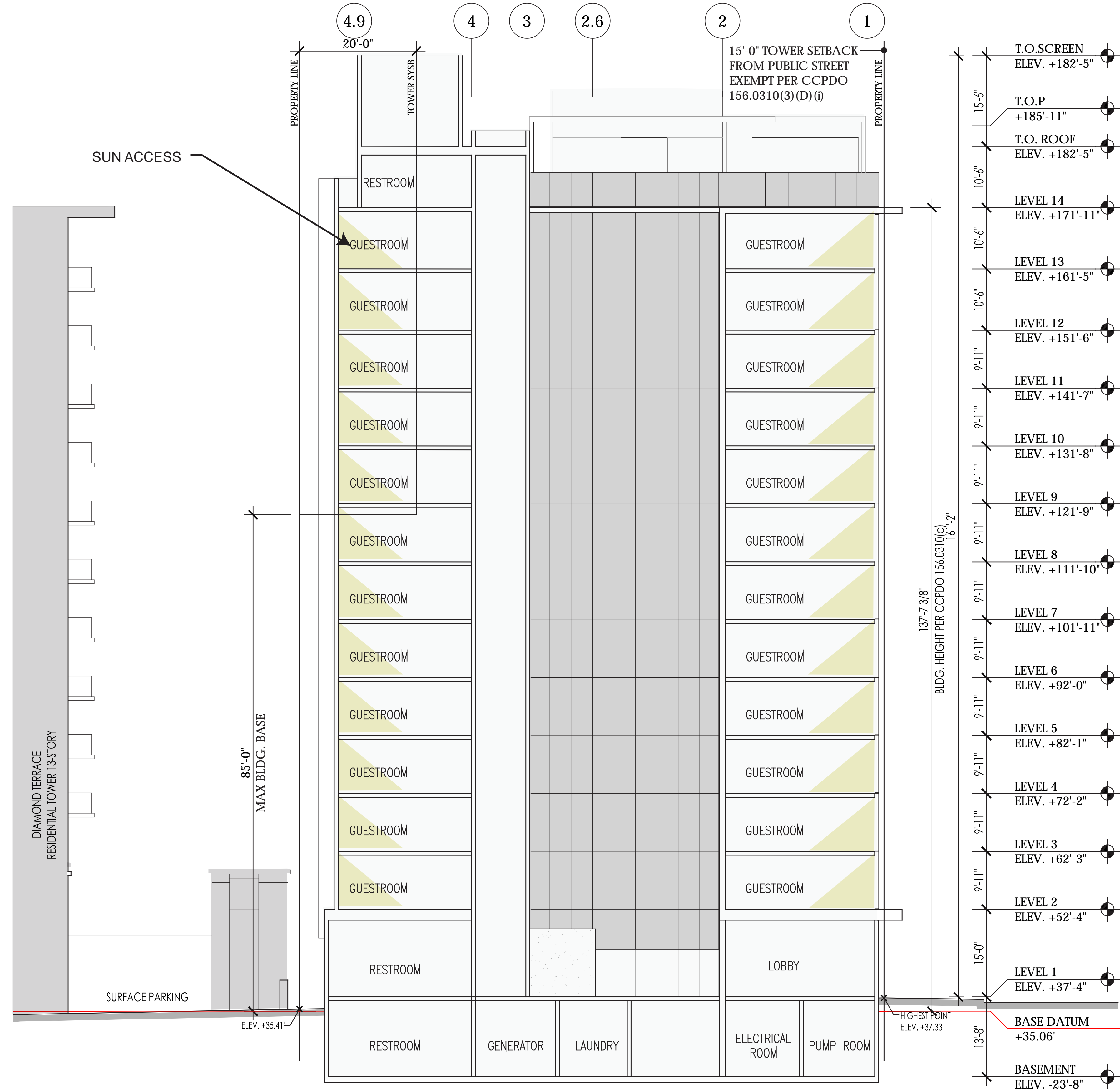
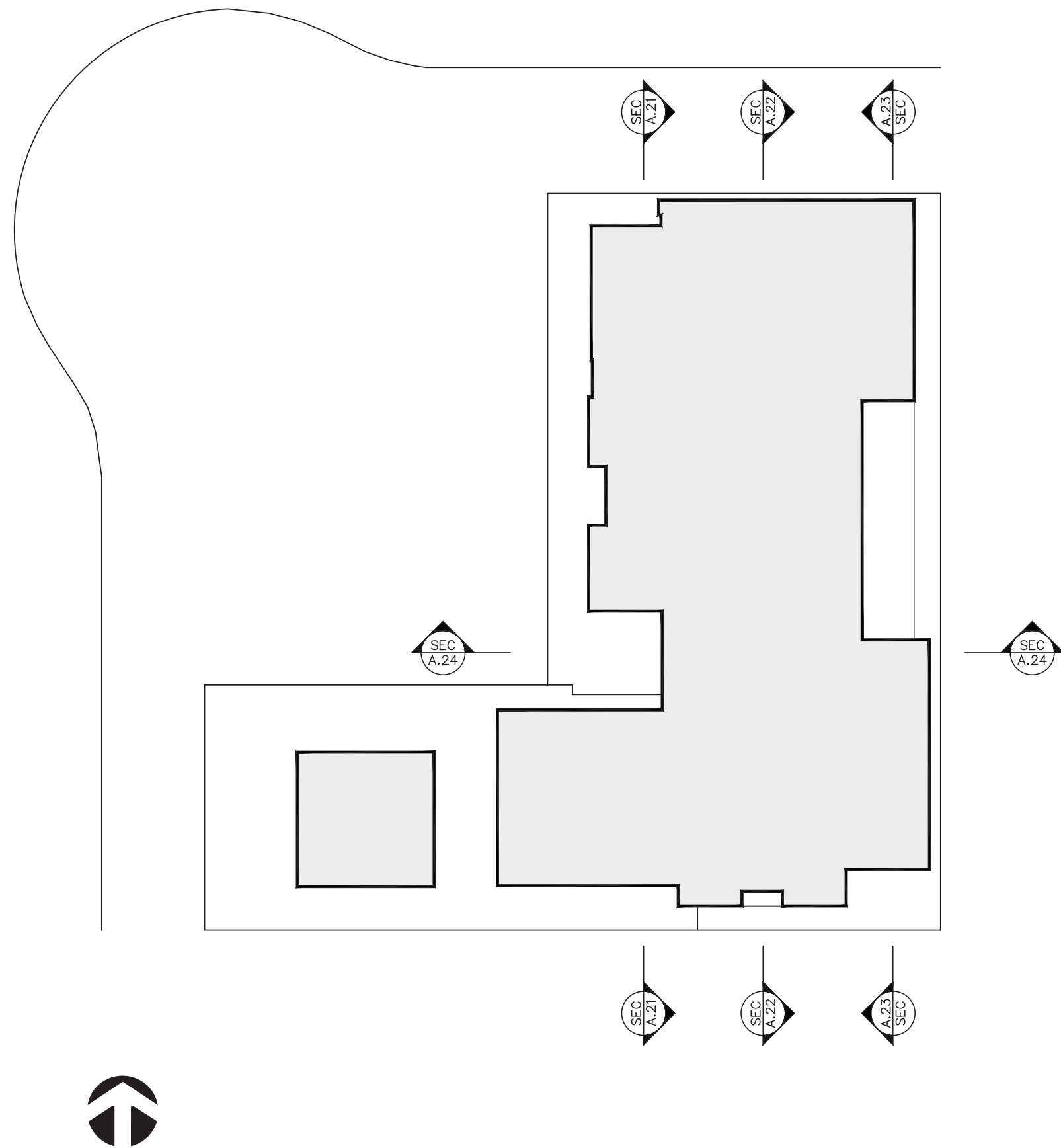




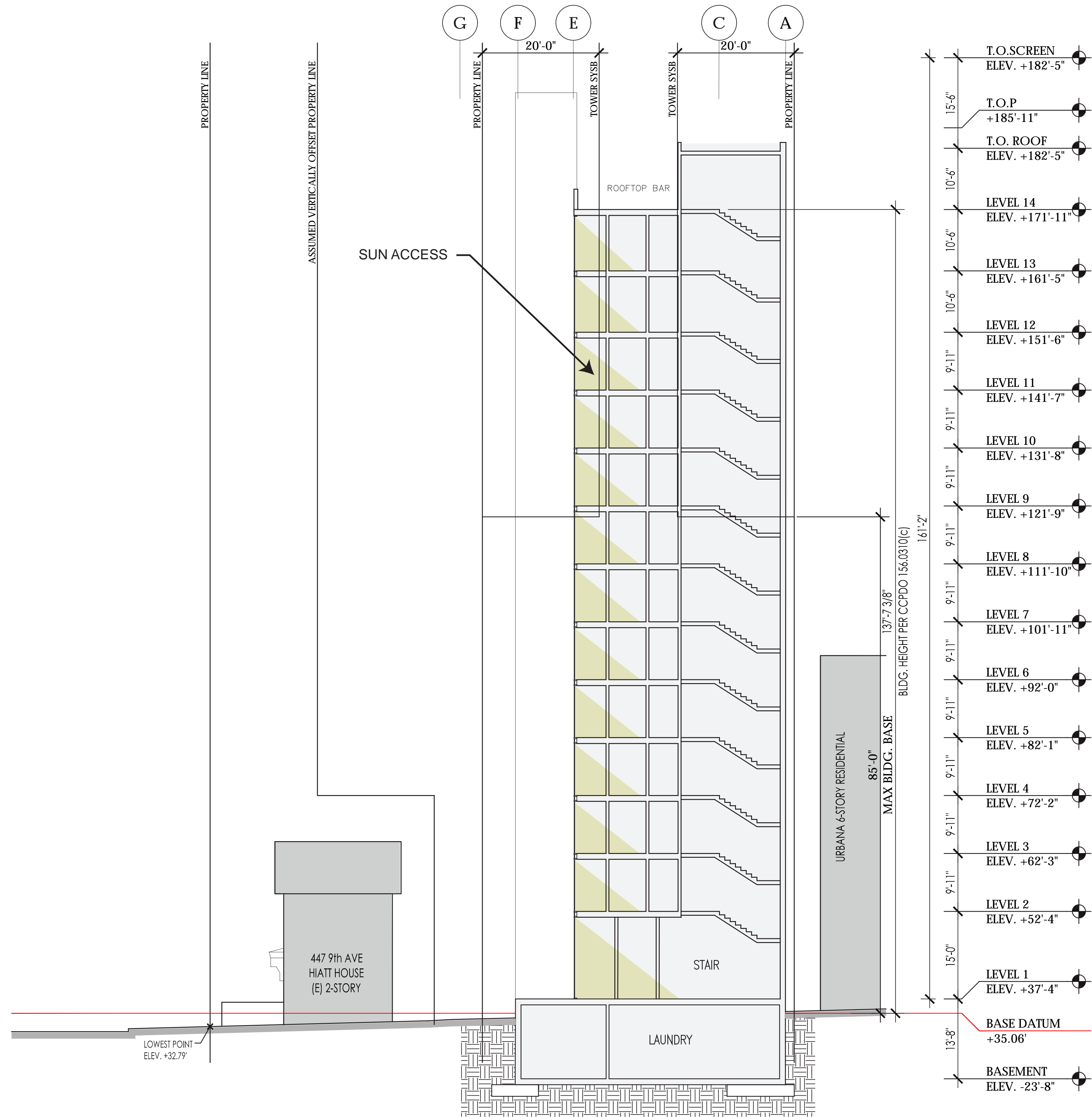
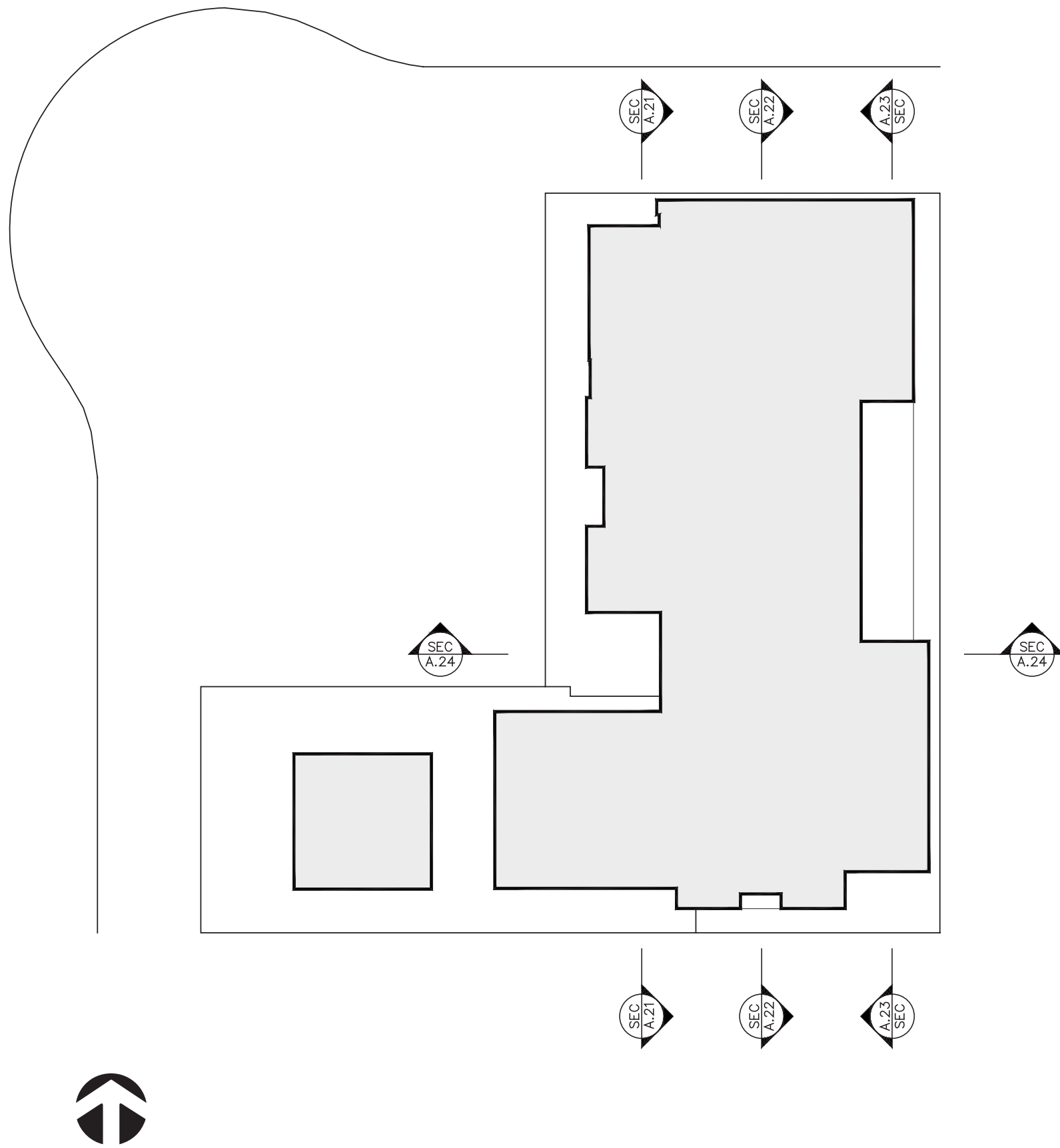




0' 2' 4' 8' 16'



0' 2' 4' 8' 16'

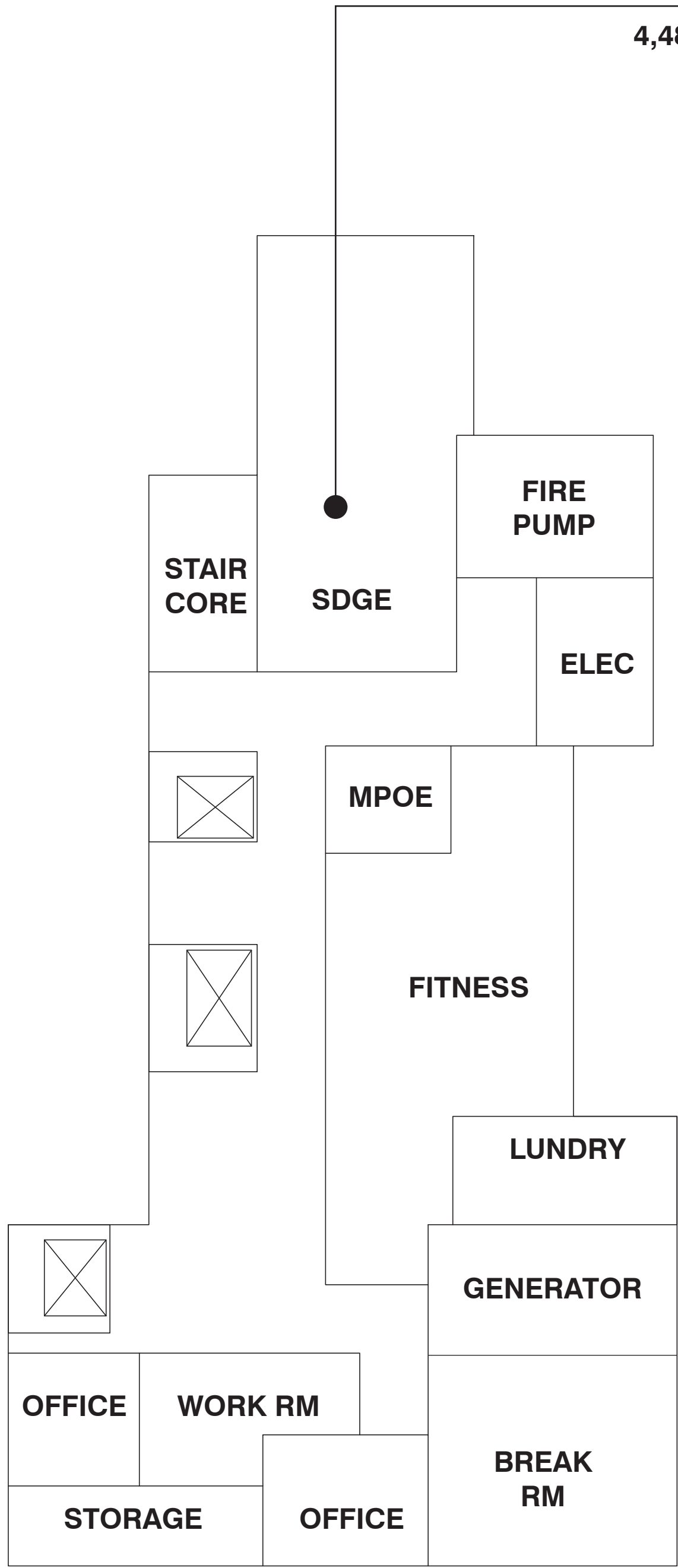


0' 2' 4' 8' 16'



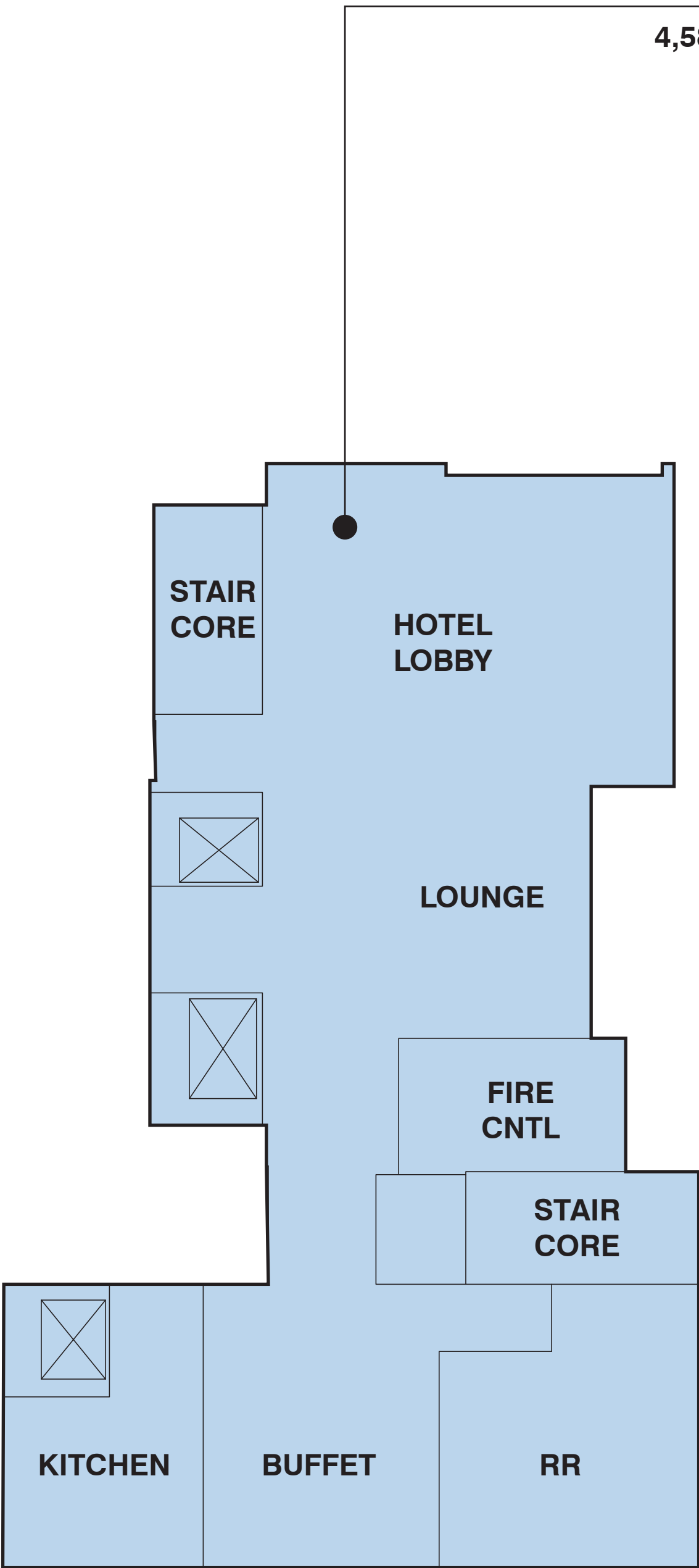
**BASEMENT LEVEL**

4,488 SF



**(00) GROUND FLOOR**

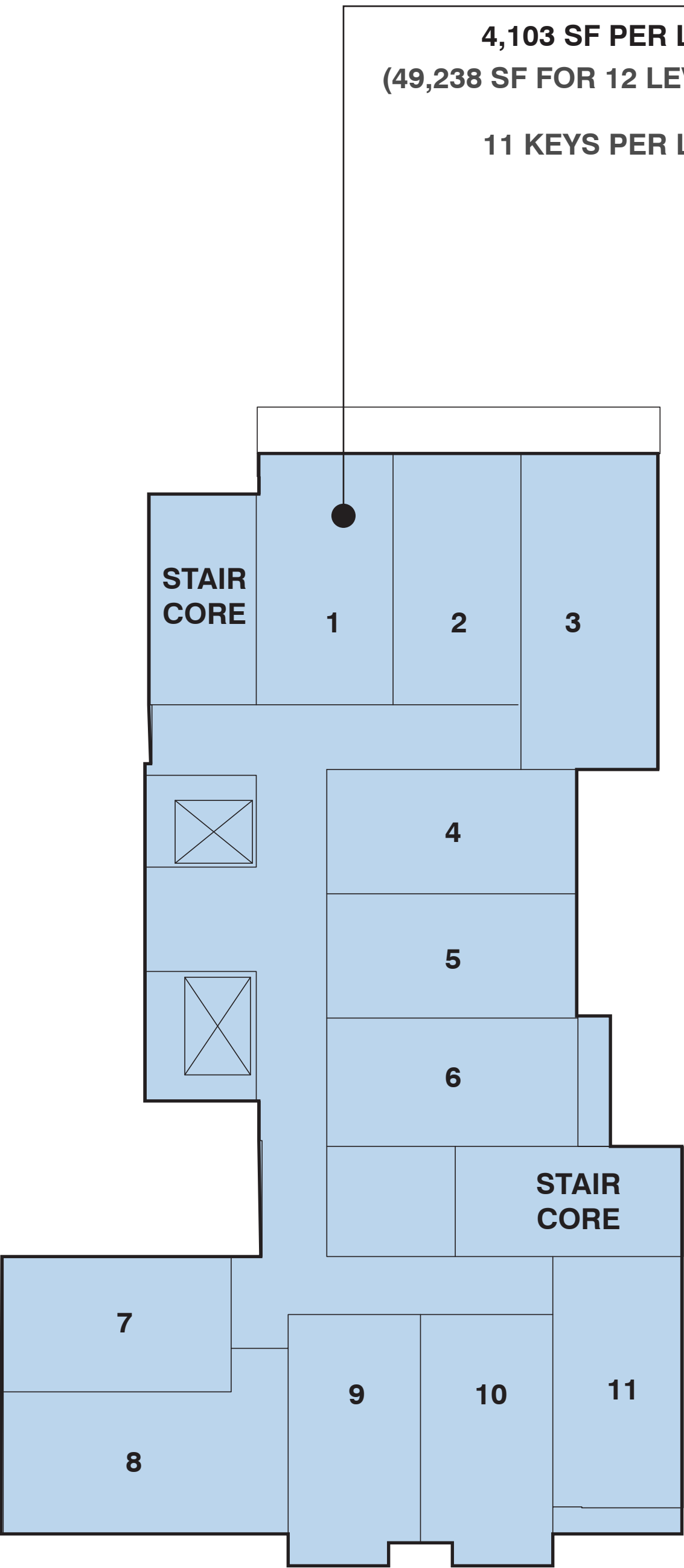
4,586 SF



**(02-13) TYP. LEVEL**

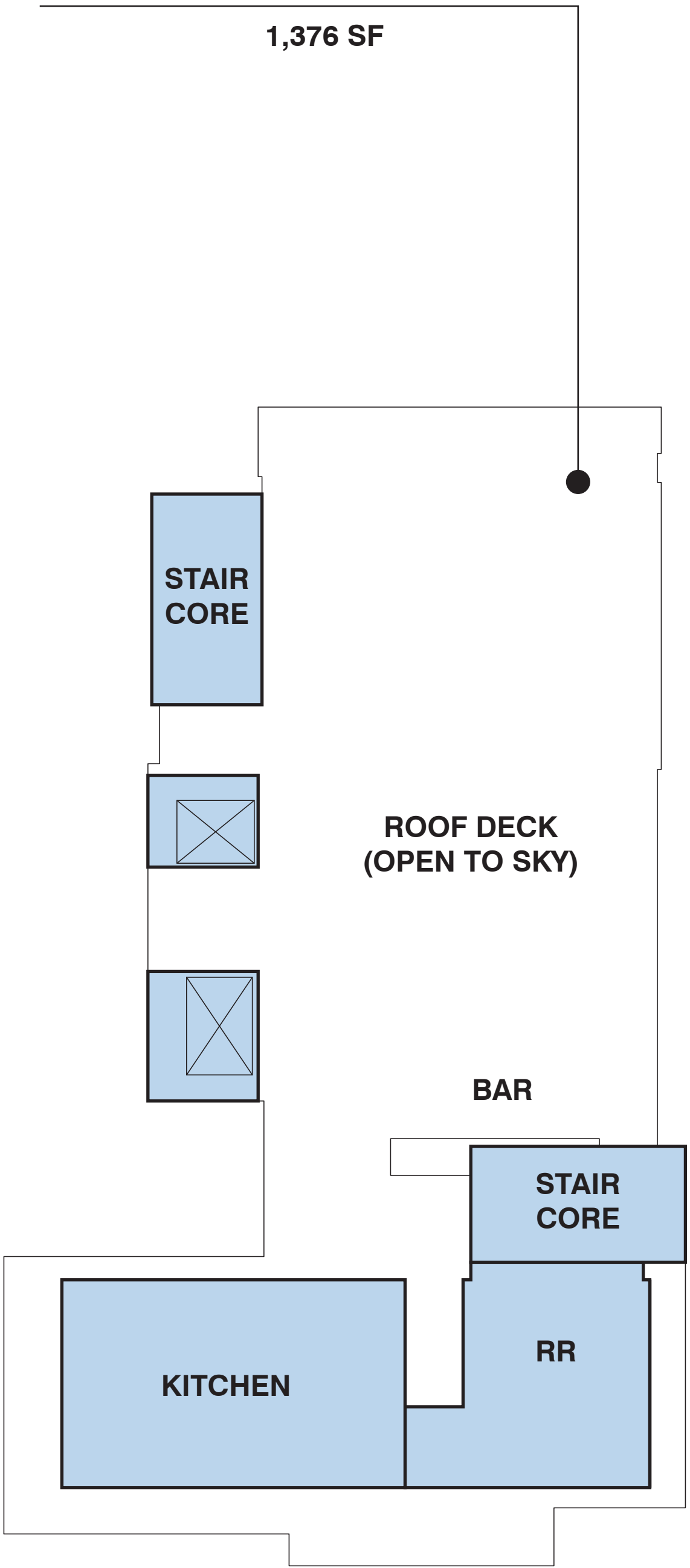
4,103 SF PER LEVEL  
(49,238 SF FOR 12 LEVELS)

11 KEYS PER LEVEL



**(14) ROOF LEVEL**

1,376 SF



**COLOR LEGEND**

- CALCULATED AREA
- N/A

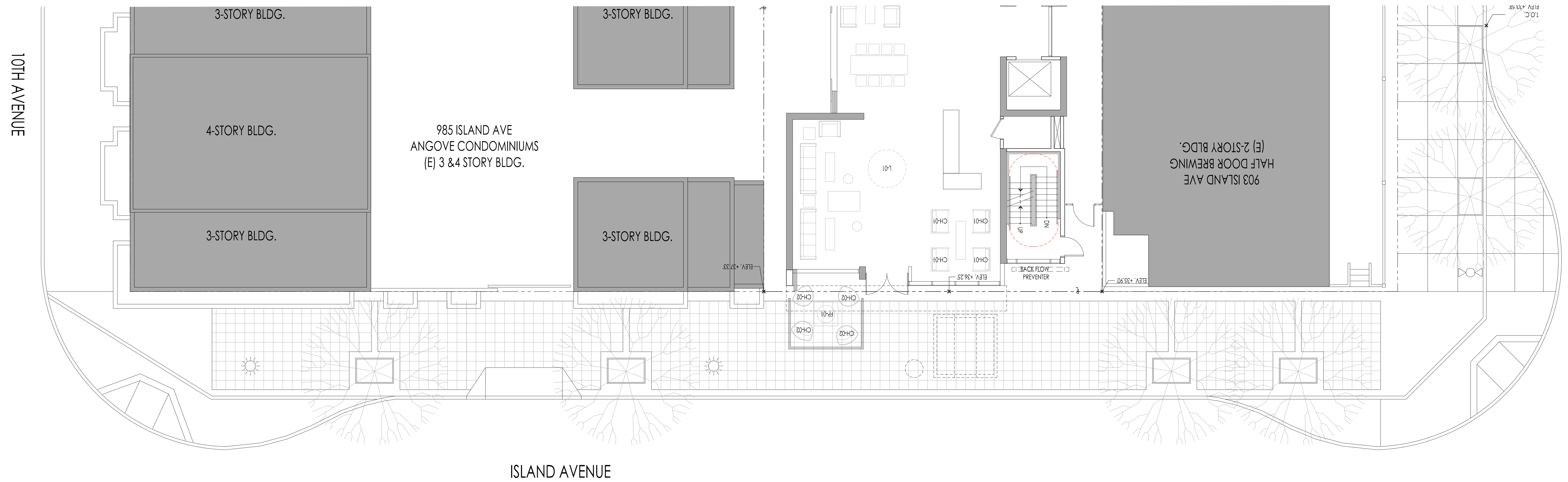
**TOTAL GROSS AREA**

55,200 SF  
132 KEYS TOTAL



**AREA CALCULATIONS**  
**EV 9TH & ISLAND**  
DESIGN SUBMITTAL



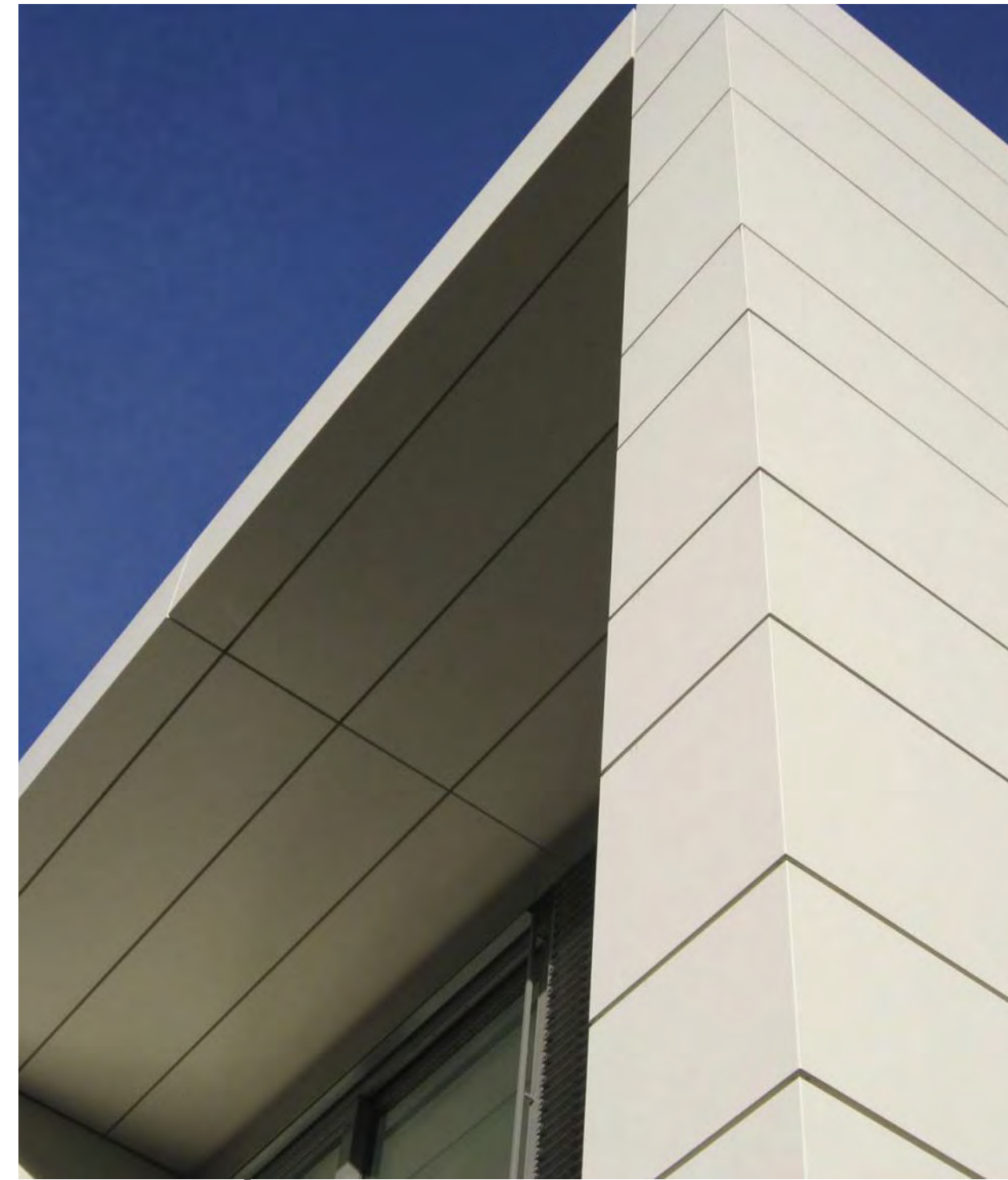


GROUND LEVEL

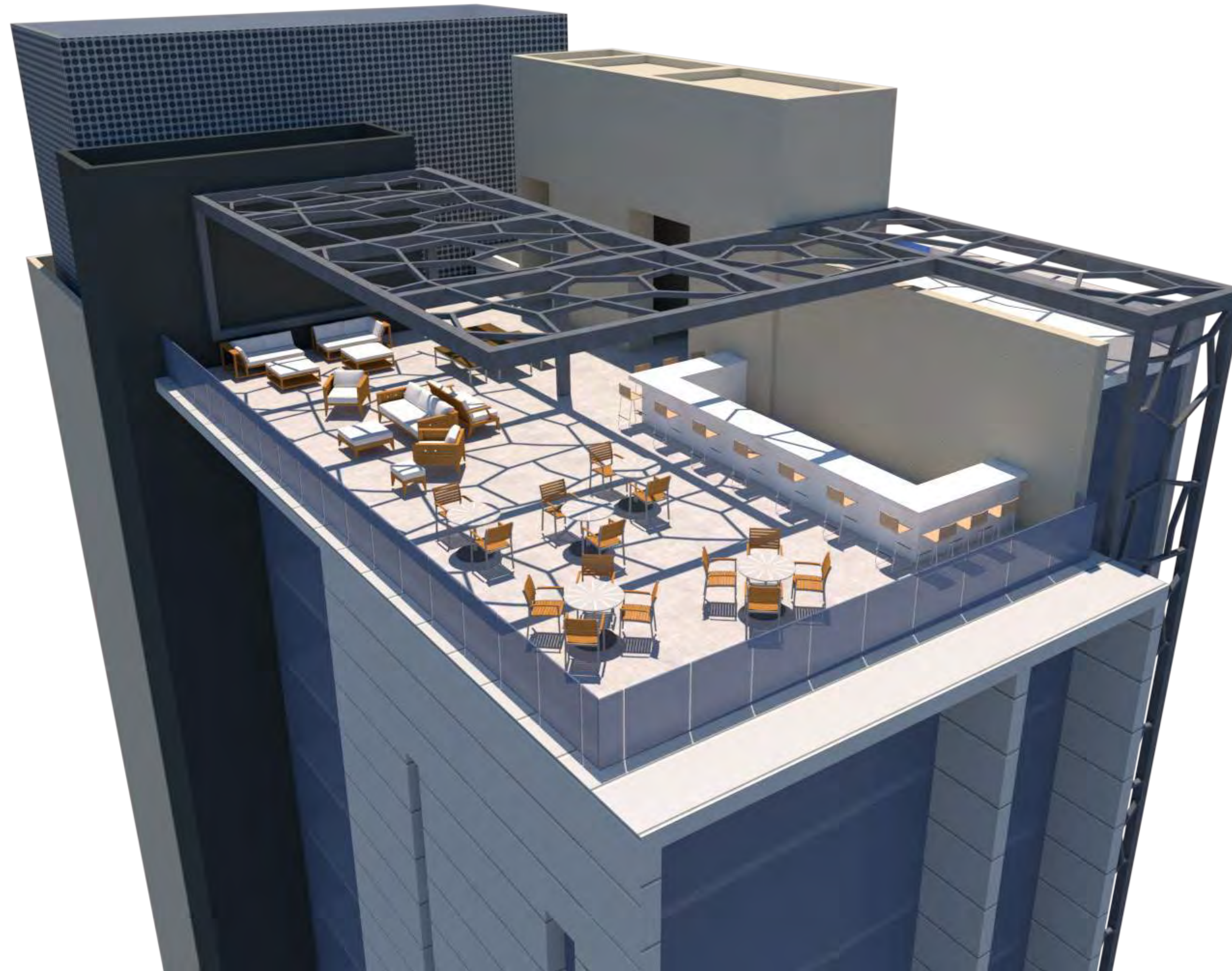


NORTH ELEVATION









Rooftop bar design concept



Bar concept imagery



Bar concept imagery









Perspective view at 9th and Island viewing southwest



Perspective view at 9th and Island viewing southeast





Perspective view at 9th and Island viewing southwest



Perspective view at 9th and Island



















## CPWG

To: Mayor, City Council and City Attorney  
Cc: Distribution  
From: Community Partner Working Group (CPWG)  
Contact: cpwg@outlook.com  
Date: July 22, 2019 Ver 1.1.7  
Re: Civic San Diego Quasi Legal Decision-Making Authority

This document presents a recommendation for council consideration. This document is available online at: <https://1drv.ms/w/s!Ag1v1XDrOSS64SHwFKsiYVHiWSbC>.

### Executive Summary:

The CPWG respectfully requests that the City direct Civic San Diego to immediately halt all planning, permitting and parking functions per the litigation settlement agreement recently approved by the City Council.

### Background:

On June 4<sup>th</sup>, 2019 the City Council approved litigation settlement terms to transfer all Centre City planning, permitting and parking functions from Civic San Diego back to the City of San Diego. On June 18<sup>th</sup>, 2019 a second reading of the settlement was approved by the council by a margin of 7-2. The settlement terms include a new operating agreement that describes specific Civic San Diego rights, duties and obligations. The CPWG gratefully concurs with the settlement, although it believes some additional reform is still needed with respect to the City's planned development permitting process.

The settlement took effect on Friday July 19<sup>th</sup>, 2019. Despite the settlement agreement clearly transferring permit functions back to the City, and project completion authority limited to very specific ongoing park and traffic related work (i.e. - projects which Civic must continue to process as a matter of law), the Civic San Diego Board today has scheduled a Wednesday July 24<sup>th</sup>, 2019 meeting to make permitting decisions. Furthermore, 6 projects are on the agenda, with a total above ground area well exceeding 1,500,000 (1.5 Million) square feet. To put this in context, this equates to over 1000 large homes each 1500 square feet in size.

References with hyperlinks are provided below



## CPWG

Civic San Diego Agenda – Board Meeting July 24, 2019  
Total Project Square Footage Addressed July 24, 2019  
New Operating Agreement – Specific Civic Rights  
New Operating Agreement - Complete  
CPWG Recommendation to Council – Agenda Item 333  
June 4, 2019 - Council Meeting Summary  
June 4, 2019 - Council Meeting Video  
June 18, 2019 - Council Meeting Summary  
June 18, 2019 - Council Meeting Video  
June 21, 2019 Ordinance – New Operating Agreement O-21082  
June 21, 2019 Ordinance – New CCPDO O-21084  
SDOG Lawsuit  
Baxamusa Lawsuit

## CPWG

To: City Council  
From: John Smith, East Village Ninth and Island Community Working Group  
Contact: enicwg@outlook.com  
Subject: EV Ninth and Island – CCDP/PDP/NUP 2017-30 – Design Review and Associated Permits - East Village Neighborhood Ballpark District of the Downtown Community Plan Area  
Date Issued: July 22, 2019 Ver 1.13.0

Recommendation: The Council review this report and direct the decision-making authority to -

1. Deny Design Review for the EV Ninth and Island Project
2. Deny CCDP/PDP/NUP 2017-30 for the EV Ninth and Island Project

### Summary:

A developer is asking for permission to build a pencil thin skyscraper in the Ballpark sub district of the East Village neighborhood. The proposed skyscraper is to be situated across two postage stamp sized parcels hosting historically significant properties. The proposed development, a Hampton Inn Hotel by J Street Hospitality, is only possible if the city permits the developer to sidestep several building codes, most notably tower setback and lot coverage ordinances. If permitted by the city, the hotel will have a significant detrimental impact on neighboring properties while enriching the developer and providing no net benefit to the public.

For a project to be approved by the decision maker, the following must be satisfied:

- The project must be consistent with City Council Policy and Municipal Code
- The decision maker findings must be supported
- Factual information must be provided to decision maker in making their decision

The project as proposed is substantially and demonstrably non-compliant in each of these areas.

### Report Outline:

- Overview of project non-compliance areas
- Brief description of the project, illustrating the proposed design relationship with existing development and the dominating appearance of the proposed hotel
- North facing perspectives illustrating part of the detrimental impact of the project



Overview of Project Non-Compliance:

*Conflict with Land Use Plan, City Council Policy or Municipal Code*

- SDMC 143.410(j)(1) Design Relationship with Existing Development
- SDMC 143.410(j)(3) Dominating Appearance
- SDMC 144.0110 Subdivision Regulations
- SDMC 113.0237(a) Legal Developable Lot
- SDMC 125.0301 Lot Line Adjustments - IB578 - Increased Development Rights
- SDMC 156.304(b) Neighbor Use Permit – Application not submitted
- SDMC 156.310(c) Roof Structure
- SDMC 156.304(f) Regulations Restrict Design Options Resulting in a Less Desirable Project
- SDMC 156.304(f)(2)(3) Proposed Deviations Result in More Desirable Project
- Procedural inconsistencies in the implementation of regulations
- Conflict with city wide development practices – process 3 versus 4
- Special treatment of a specific parcel compared to neighboring parcels – i.e. Urbana
- Decision maker conflict of interest – ex Parte communications and public bias
- Community Benefit - Minimum Number of Deviations

*Findings not supported by decision maker*

- The related Civic San Diego staff report states that code deviations result in a more desirable project than would otherwise be achieved if designed in strict conformance with CCPDO regulations, however this statement is unsupported.
- No analysis of alternatives has been presented as necessary to compare the proposed project with other possible options. A false choice between the proposed design and no development is discussed, with generic benefits highlighted and detrimental impacts suppressed.
- As an example, a strictly code compliant alternative should be presented which would limit the hotel height to a base tower around 7 stories, consistent with the recent neighboring apartment development, Urbana. The Q development in Little Italy provides an example where a small historical property, the 1888 A.W. Gray House, is thoughtfully incorporated into an appropriately scaled design.

*Factual Error in information provided to the decision maker*

- Factual errors have been provided to decision makers throughout the process from application submittal to the final decision meeting. Details are presented in redlines.
- The permit applications are incorrect and/or incomplete – e.g. parcel ownership and historical significance.
- The project has been misrepresented as a single lot on Island Ave from the notice of application through Civic Board decision meeting.
- Project misrepresented as being supported by neighboring Diamond Terrace residents.
- Presentations to Civic Board members in design reviews and board meeting were laced with factual errors and misrepresentations.

Supporting documentation is publicly available online via hyperlinks. If interested, please email the contact above.



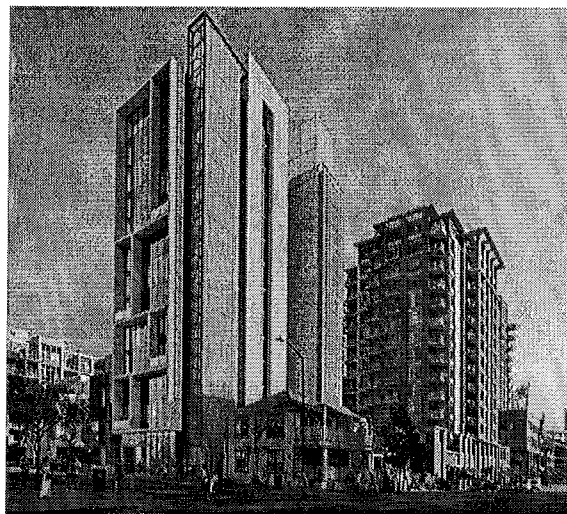
# CPWG

## Project Description:

As described above, the developer has proposed actions be taken for lot adjustment, historical site alteration and ordinance deviation. The measures are required to construct a towering 14 story Hampton Inn Hotel on a pair of small historically significant parcels, wrapping around the southeast corner of Ninth Avenue and Island Avenue in the East Village. A before and after street level perspective of the neighborhood is offered below for comparison purposes. The perspective is looking southeast from the northwest corner of Ninth and Island, in a direction viewed as favorable to the developer.



Street Perspective Southeast – Existing Structures – Actual Photo

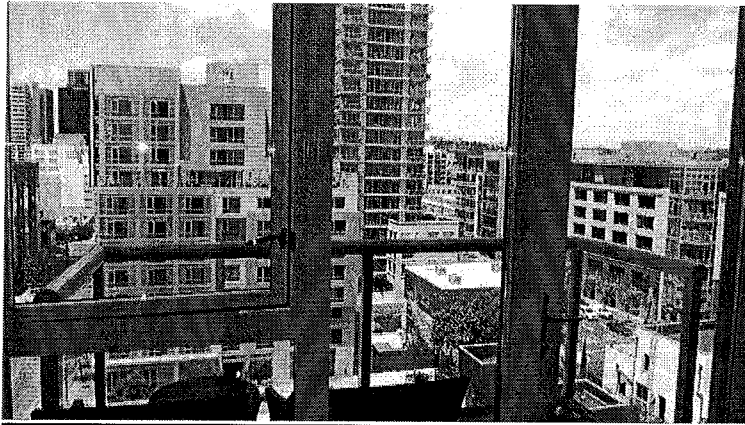


Street Perspective Southeast – Proposed Hampton Inn – Developer Rendering

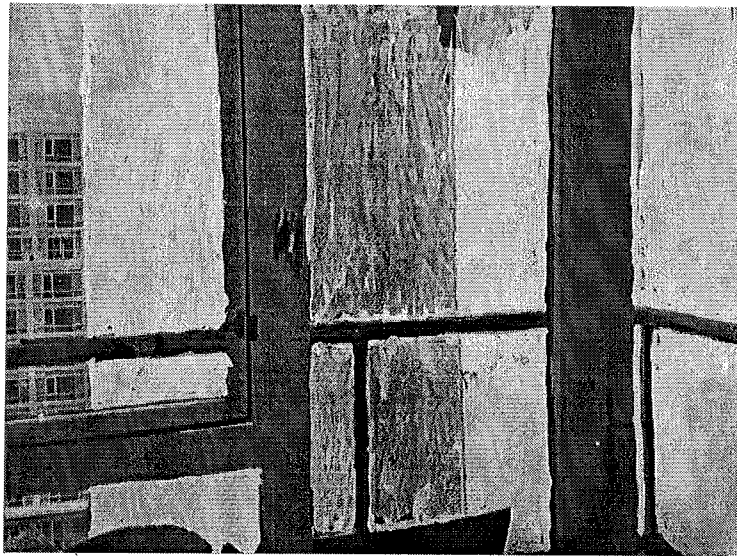
# CPWG

## North Facing Perspectives:

Before and after perspectives towards the proposed Hampton Inn are given below, as viewed looking north from the 10<sup>th</sup> floor of neighboring Diamond Terrace. These perspectives illustrate one instance of how the hotel will have a significant detrimental impact on neighboring properties. Importantly, many owners of north facing units in Diamond Terrace purchased their units with the rightful expectation that their view would be protected by historical and building code regulations governing the adjacent properties to the north.



Perspective as currently viewed– without proposed Hampton Inn



Perspective as proposed by Applicant – with Hampton Inn

It has been argued by decision makers that downtown residents should just expect to have their views obstructed by future development, claiming in some cases that they themselves have had their views blocked. Specific details have not been offered beyond this, most importantly, what if any building codes were deviated from to facilitate the obstruction.



To: Legal or Quasi Legal Decision-Making Authority  
Cc: Distribution  
From: East Village Ninth and Island Community Working Group (ENICWG)  
Contact: enicwg@outlook.com  
Subject: The EV Ninth and Island Project - Legal Lot Compliance  
Date Issued: July 22, 2019 Ver 1.2.1

#### Compliance Issue

The development company EV Project LLC does not own a legal lot as required for their proposed EV Ninth and Island development project, nor has the applicant clearly articulated a viable approach to meet this requirement. Parcels of land that are not legal lots do not constitute legal building sites, thus a permit may not be issued for development of the parcel.

The proposed development site comprises two separate parcels with two separate owners of record; EV Project LLC and EV House LLC. While each of the LLC's are solely managed by sole proprietor Sajan Hansji, Mr. Hansji is not the recorded owner, and thus has limited legal authority. Importantly, property legally owned by an LLC is not owned by an LLC manager or member.

To be legal for development purposes, a lot must be an individual parcel or a tied lot with the same owner of record for each parcel. While the vast majority of design review information presented by Civic Staff and the Applicant during the review process treated the site as a single parcel owned solely by EV Project LLC, there is a note on the project drawing that states the developer plans to combine the two parcels then split, and that there is an in place lot tie agreement.

#### References with hyperlinks are provided below

This document presents a recommendation for council consideration. This document is available online at: <https://1drv.ms/w/s!Ag1v1XDrOSS64EUFRTPXfF36Shmy>.



# CPW/G

## References

SDMC Legal Lot Required  
SDMC Determining a Lot  
SDMC Lot Tie Agreements  
EV Project LLC Drawing Note  
Recorded EVNI Parcel Map  
Recorded Grant Deed EV Project LLC  
Recorded Grant Deed EV House LLC  
Civic Statement Civic Staff Report to DCPC  
Civic Statement Permit Application Ownership Disclosure  
Members of Record EV Project LLC  
Members of Record EV House LLC  
Members of Record EV House Partners LLC

## EV Ninth and Island Parcel Ownership History

YEARMODA (Year Month Day) Sorted  
19950823 Deed Latonia (0200)  
19951117 Deed Latonia (0200)  
19991001 Deed Hiatt Residence (0300)  
20030904 Historical Resource Designation  
20040511 Lot-tie agreement – Covenant  
20130206 Planning Commission Lot Tie Agreements  
20170427 Articles EV Project and EV House LLC  
20170509 Deed EV Project LLC (0200+0300)  
20170719 Deed EV House LLC (0300)  
20170821 Civic Ownership Disclosure  
20170830 Permit Application 2017-30  
20171004 Articles EV House Partners LLC  
20180117 Civic Design Review - 1  
20180425 Request for Information on Covenant 2004-0428297  
20180502 Request for Information on Disposition of Covenant 2004-0428297  
20190508 Civic Staff Report to DCPC  
20190719 Development Team Ownership  
20190719 Ownership Disclosure

4-  
720  
PCOR

DOC# 2017-0325004



Jul 19, 2017 01:34 PM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$31.00

PCOR: YES

PAGES: 3

RECORDING REQUESTED BY,  
WHEN RECORDED MAIL TO, and  
MAIL TAX STATEMENTS TO:

EV House, LLC  
321 7<sup>th</sup> Avenue  
San Diego, CA 92101

(space above line for Recorder's use)

**GRANT DEED**

The undersigned Grantor declares:

Documentary Transfer Tax is \$0.00. Transfer is between entities in which proportional interests of the transferor and transferee in the parcel being transferred remains the same after the transfer.

City of San Diego, County of San Diego, California.

APN: 535-126-03-00.

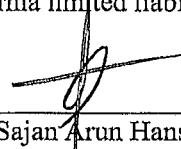
FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, EV PROJECT, LLC, a California limited liability company ("Grantor") does hereby GRANT to EV HOUSE, LLC, a California limited liability company ("Grantee") the real property in San Diego County, State of California, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE

IN WITNESS WHEREOF, Grantor has caused this Grant Deed to be executed as of the 18<sup>th</sup> day of July, 2017.

GRANTOR:

EV PROJECT, LLC,  
a California limited liability company

By:   
Name: Sajan Arun Hansji  
Its: Manager

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )

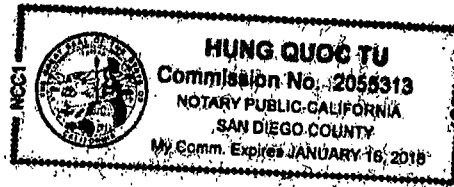
COUNTY OF SAN DIEGO )

On July 18, 2017 before me, Hung Quoc Tu, Notary Public, personally appeared Sajan Arun Hansji who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]  
Name Hung Quoc Tu  
(typed or printed)



(Seal)



**EXHIBIT A TO GRANT DEED**  
LEGAL DESCRIPTION

THAT PORTION OF LOT "B" IN BLOCK 109 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L.L. LOCKLING, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT "B", DISTANT THEREON 16.75 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT, SAID POINT BEING ALSO THE SOUTHWEST CORNER OF LAND CONVEYED TO NAGATHA GOMEZ BY DEED RECORDED JULY 3, 1937 IN BOOK 665, PAGE 367, OF OFFICIAL RECORDS; THENCE EAST ALONG THE SOUTH LINE OF SAID GOMEZ LAND A DISTANCE OF 46.62 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE CONTINUE EAST ALONG THE EASTERLY PROLONGATION OF SAID SOUTH LINE OF GOMEZ LAND A DISTANCE OF 3.38 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF LOT B A DISTANCE OF 1.3 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT, A DISTANCE OF 17 FEET; THENCE SOUTH PARALLEL WITH SAID WEST LINE 32 FEET TO SOUTH LINE OF SAID LOT; THENCE WEST ALONG SAID SOUTH LINE A DISTANCE OF 67 FEET TO 9TH AVENUE, THENCE NORTH ALONG 9TH AVENUE A DISTANCE OF 33.3 FEET TO THE POINT OF BEGINNING.

APN: 535-126-03-00

July 24, 2019

Civic San Diego  
401 B Street, Suite 400  
San Diego, CA 92101

Re: EV 9<sup>th</sup> and Island (923 Island Avenue) - Hampton Inn / Hilton Hotel Project ("Project")

Dear Civic San Diego Board of Directors:

The Ownership group of the project located at 923 Island Avenue would like to provide the Board with important information regarding the timeline and process of the proposed Project.

The complete entitlement package for the Project was initially submitted to Civic San Diego in October of 2017 and presented to the Design Review Committee ("DRC") on January 17, 2018. Feedback from the DRC included comments regarding the overall massing, blank walls, and general feedback of the Project impact and benefit on the neighborhood. These design review comments and ideas were taken into consideration and incorporated into the project with great care and diligence.

In conjunction with the Civic process, the Project was submitted in early 2018 for preliminary review through San Diego Development Services Department ("DSD"). This review was coordinated through each of the necessary departments as required by Civic San Diego and the City of San Diego.

In follow up to the DRC meeting in early 2018, the ownership group met with the neighboring properties, including Diamond Terrace, the adjacent townhomes and Half Door Brewing. The Diamond Terrace meeting was coordinated through Wilson HOA Management Solutions (the Management Company of Diamond Terrace HOA) and the HOA Board. Ownership held an open forum meeting on January 23 to present an overview of the proposed project. The meeting resulted in various comments from the residents most specifically concerning the property line setbacks and building articulation in view of their property. After carefully reviewing the neighborhood and DRC's comments, we incorporated an updated design that included the following:

**Adjacent Property Proximity**

- The core of the building was mirrored, from the East side of the property to the West
  - This update created more space for light and air for the adjacent townhomes to the East
  - Provided a more ideal property line condition for potential development to the West

**Building Articulation & Glazing**

- A guestroom was removed from each typical level to create more building articulation and allow the overall footprint to step in from the property lines
  - Views were opened up around our project as a result of the decrease in width
  - Articulation and glazing of our project was positively affected by the reduced footprint, allowing the design to more effectively address views to and from the adjacent properties
  - The building increased in height by one story, adding incremental cost to the project

The revised and updated design was presented to the Design Review Committee on March 14, in which DRC was supportive of the proposed changes and revised design.

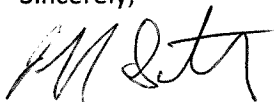
As the Project was being prepared to submit to the Downtown Community Planning Council ("DCPC") we discovered a potential historical matter with the building located at 919 Island Ave (the Latonia Hotel). We took this time to diligently research the historic significance including reaching out to the relevant community stakeholders while compiling a comprehensive report studying the historical significance, use and modifications to the building. The board agreed with our findings that the Latonia Hotel was determined to not be historically significant during their Board meeting on February 28, 2019.

As a result of that, the Project was then resubmitted to Civic San Diego with further design improvements and enhancements addressing feedback from the March 14, 2018 DRC meeting regarding the blank walls behind the historic Hiatt House located on 414 9<sup>th</sup> Ave, which has been deemed historic and shall be retained and converted back to a single family home as it once was. It will not be impacted by construction activities associated with this proposed project.

On May 8, 2019, the Project went before DRC, in which the committee voted 3-0 to recommend design review approval. On May 15, 2019 in front of DCPC, the Project received a 16-3 vote to support Staff's recommendation to grant design review and recommend approval of the associated permits. Please note, concurrently DSD has reviewed and cleared the proposed project subject to conditions.

Ownership has been proactive with the neighbors throughout this near 18-month entitlement process to try to minimize the impact to their views. The firm has proudly been the developers of the Moxy Marriott, Courtyard Gaslamp, Residence Inn and Hotel Z in downtown San Diego. We feel we have been respectful and mindful members of the San Diego community, residents and key stakeholders. Our corporate offices are located in East Village and we are and remain committed to the growth and vibrancy of our downtown. We appreciate your time and consideration and look forward to another addition to our downtown landscape.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Schwartz', written over a horizontal line.

Jeff Schwartz

Executive Vice President

EV Project, LLC and EV House, LLC





## APPEAL APPLICATION

### 1. Type of Appeal:

- ☐ Process Two Decision – Appeal to the Civic SD Board  
☐ Process Three Decision – Appeal to the Civic SD Board  
☒ Process Three Decision – Appeal to the City of San Diego Planning Commission  
☐ Appeal of a Hearing Officer Decision to revoke a permit

### 2. Appellant

John Smith

Name

3804 Quarter Mile Dr, San Diego Ca 92130

Address

City

State

Zip Code

Telephone N/A

### 3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

—

### 4. Project Information

CCDP/PDP/NUP 2017-30

7/24/19

James Alexander

Permit & Permit/Document No.:

Date of Decision:

Project Manager:

Decision (describe the permit/approval decision): Approved

### 5. Grounds for Appeal (Please check all that apply)

- ☒ Factual Error  
☒ Conflict With Other Matters  
☒ Findings Not Supported  
☐ New Information

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

Seperate document - CPNG Letter - EVNI Project

### 6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:

John Smith

Date:

7/31/19

Note: Faxed appeals are not accepted.

401 B Street, Suite 400, San Diego, CA 92101 (619) 235 - 2200

Upon request, this information is available in alternative formats for persons with disabilities.

# CPWG

To: City Council  
From: John Smith, East Village Ninth and Island Community Working Group  
Contact: enicwg@outlook.com  
Subject: EV Ninth and Island – CCDP/PDP/NUP 2017-30 – Design Review and Associated Permits - East Village Neighborhood Ballpark District of the Downtown Community Plan Area  
Date Issued: July 22, 2019 Ver 1.13.0

Recommendation: The Council review this report and direct the decision-making authority to -

1. Deny Design Review for the EV Ninth and Island Project
2. Deny CCDP/PDP/NUP 2017-30 for the EV Ninth and Island Project

## Summary:

A developer is asking for permission to build a pencil thin skyscraper in the Ballpark sub district of the East Village neighborhood. The proposed skyscraper is to be situated across two postage stamp sized parcels hosting historically significant properties. The proposed development, a Hampton Inn Hotel by J Street Hospitality, is only possible if the city permits the developer to sidestep several building codes, most notably tower setback and lot coverage ordinances. If permitted by the city, the hotel will have a significant detrimental impact on neighboring properties while enriching the developer and providing no net benefit to the public.

For a project to be approved by the decision maker, the following must be satisfied:

- The project must be consistent with City Council Policy and Municipal Code
- The decision maker findings must be supported
- Factual information must be provided to decision maker in making their decision

The project as proposed is substantially and demonstrably non-compliant in each of these areas.

## Report Outline:

- Overview of project non-compliance areas
- Brief description of the project, illustrating the proposed design relationship with existing development and the dominating appearance of the proposed hotel
- North facing perspectives illustrating part of the detrimental impact of the project

## Overview of Project Non-Compliance:

### *Conflict with Land Use Plan, City Council Policy or Municipal Code*

- SDMC 143.410(j)(1) Design Relationship with Existing Development
- SDMC 143.410(j)(3) Dominating Appearance
- SDMC 144.0110 Subdivision Regulations
- SDMC 113.0237(a) [Legal Developable Lot](#)
- SDMC 125.0301 Lot Line Adjustments - IB578 - Increased Development Rights
- SDMC 156.304(b) Neighbor Use Permit – Application not submitted
- SDMC 156.310(c) Roof Structure
- SDMC 156.304(f) Regulations Restrict Design Options Resulting in a Less Desirable Project
- SDMC 156.304(f)(2)(3) Proposed Deviations Result in More Desirable Project
- Procedural inconsistencies in the implementation of regulations
- Conflict with city wide development practices – process 3 versus 4
- Special treatment of a specific parcel compared to neighboring parcels – i.e. Urbana
- Decision maker conflict of interest – ex Parte communications and public bias
- Community Benefit - Minimum Number of Deviations

### *Findings not supported by decision maker*

- The related Civic San Diego staff report states that code deviations result in a more desirable project than would otherwise be achieved if designed in strict conformance with CCPDO regulations, however this statement is unsupported.
- No analysis of alternatives has been presented as necessary to compare the proposed project with other possible options. A false choice between the proposed design and no development is discussed, with generic benefits highlighted and detrimental impacts suppressed.
- As an example, a strictly code compliant alternative should be presented which would limit the hotel height to a base tower around 7 stories, consistent with the recent neighboring apartment development, Urbana. The Q development in Little Italy provides an example where a small historical property, the 1888 A.W. Gray House, is thoughtfully incorporated into an appropriately scaled design.

### *Factual Error in information provided to the decision maker*

- Factual errors have been provided to decision makers throughout the process from application submittal to the final decision meeting. Details are presented in redlines.
- The permit applications are incorrect and/or incomplete – e.g. parcel ownership and historical significance.
- The project has been misrepresented as a single lot on Island Ave from the notice of application through Civic Board decision meeting.
- Project misrepresented as being supported by neighboring Diamond Terrace residents.
- Presentations to Civic Board members in design reviews and board meeting were laced with factual errors and misrepresentations.

Supporting documentation is publicly available online via hyperlinks. If interested, please email the contact above.



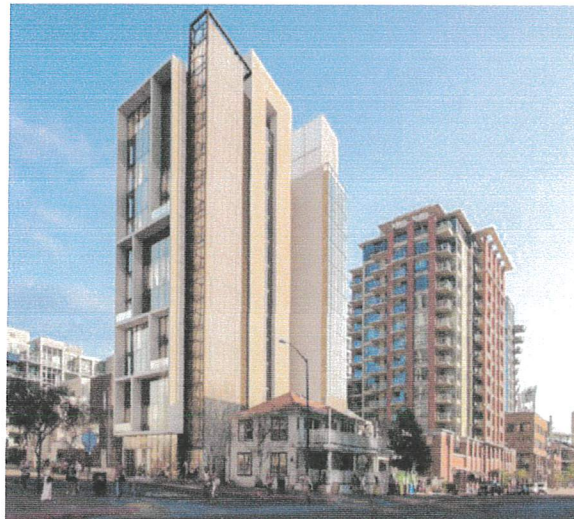
# CPWG

## Project Description:

As described above, the developer has proposed actions be taken for lot adjustment, historical site alteration and ordinance deviation. The measures are required to construct a towering 14 story Hampton Inn Hotel on a pair of small historically significant parcels, wrapping around the southeast corner of Ninth Avenue and Island Avenue in the East Village. A before and after street level perspective of the neighborhood is offered below for comparison purposes. The perspective is looking southeast from the northwest corner of Ninth and Island, in a direction viewed as favorable to the developer.



Street Perspective Southeast – Existing Structures – Actual Photo



Street Perspective Southeast – Proposed Hampton Inn – Developer Rendering

# CPWG

## North Facing Perspectives:

Before and after perspectives towards the proposed Hampton Inn are given below, as viewed looking north from the 10<sup>th</sup> floor of neighboring Diamond Terrace. These perspectives illustrate one instance of how the hotel will have a significant detrimental impact on neighboring properties. Importantly, many owners of north facing units in Diamond Terrace purchased their units with the rightful expectation that their view would be protected by historical and building code regulations governing the adjacent properties to the north.



Perspective as currently viewed– without proposed Hampton Inn



Perspective as proposed by Applicant – with Hampton Inn

It has been argued by decision makers that downtown residents should just expect to have their views obstructed by future development, claiming in some cases that they themselves have had their views blocked. Specific details have not been offered beyond this, most importantly, what if any building codes were deviated from to facilitate the obstruction.

# CPWG

To: San Diego Planning Commission  
From: John Smith, East Village Ninth and Island Community Working Group  
Contact: enicwg@outlook.com  
Subject: EV Ninth and Island Appeal – Backup Material  
Date Issued: August 30, 2019 Ver 1.3.1

This document provides Interested Person (Appellant) Backup Material for the September 12, 2019 Appeal Hearing of Civic Project 2017-30, the East Village Ninth and Island (EVNI) Hampton Inn Hotel project.

It is recommended that the Commission members and Ex Officio members read this document, independently and carefully consider its merit and then move to approve the appeal and deny the project.

Embedded within the Civic Staff report to the Commission, the four-page Grounds for Appeal document contains a brief narrative with a long list of points providing substantial support for approving the appeal. To fully explain and fairly debate each individual point of appeal would literally take hours of communication. Given the highly constrained format of the appeal hearing and limitations of a volunteer Commission, a single concise primary point of appeal is detailed here in writing.

## *Primary Point of Appeal – Project Comparison – Code Compliance*

At the heart of the appeal is the fact that a fully compliant design was never presented as required by law prior to project approval. The project is a planned development project where the developer is being granted code deviations ostensibly for public benefit. Being such, per [SDMC 156.304\(f\)\(2\)\(iii\)](#), findings must support the requirement that proposed deviations result in a more desirable project than would be achieved if designed in conformance with the strict regulations.

For this ordinance to be satisfied, by definition, a design in conformance with strict regulations must be identified for comparison purposes. Throughout the review process, a conforming design was never described or discussed; although “TOWER SYSB” annotations on the drawings seem to indicate that such a design has been considered. Instead, it has been [simply stated](#) that “... each deviation has a little or no impact on the neighborhood and serves to improve the design and functionality of the Project itself. The increase in tower lot coverage and decrease in tower setbacks allows for the maximization of the small lot size.” However, it can be readily seen that the deviations facilitate an increased building height from 85 feet to over 160 feet at the rooftop top of screen. With this, the neighbors are clearly negatively impacted. Furthermore, the marginal economic benefits of the deviant design are when insignificant when compared to an 85-foot code compliant design, rather than compared to a [false choice of no development](#) at all. The economic benefits of building a hotel strictly in conformance with code would be nearly identical to the approved deviant design; that is, in either case, an estimated 108 construction jobs and 65 permanent jobs will be created.



# CPWG

The community is owed a clear and honest public comparison of a strictly conforming design with that of a deviant design; even if the ultimate decision is to move forward with the deviant design, ostensibly for the public good. This is a textbook case for public policy cost/benefit analysis. The issue lies somewhere between two extremes and it needs to be fleshed out. For example, on one extreme, if code deviations would result in a single low paying part time job but substantially negatively impact neighboring units by devaluing their property by tens of millions of dollars, the decision to deny the code deviations would be obvious. On the other hand, if granting code deviations would result in a 1000 high paying construction and permanent jobs and only one neighboring property was negatively impacted by just a few hundred dollars, then the decision to approve the deviations would be obvious. Most public policy decision cases, like the East Village Ninth and Island project, lie somewhere in between the two extremes. A code compliant design needs to be fleshed out and analyzed to allow a fair and reasonable analysis and informed decision. The fact that the proposed hotel is not located in a blighted area and the economy is not in a great recession needs to be duly considered as well. This process has the feel of eminent domain but without payment for compensation.

Of greatest concern to the East Village Ninth and Island Working Group is the negative impact the code deviations have on the upper level units in the neighboring Diamond Terrace building. Because Civic San Diego Corporation made an **arbitrary and capricious discretionary decision** to approve the developer code deviations, approximately 30 units on the upper floors of Diamond Terrace will have their valuable north facing city views replaced by an abrupt adjacent monolithic blank wall, when compared to a strictly compliant design. The total **tangible financial damages** could well exceed over **\$3,000,000** in aggregate. Furthermore, many if not most of the owners of the negatively impacted upper level units believed when they purchased their unit that the building codes regulating the adjacent lots would near certainly prevent something like the East Village Ninth and Island Project from being built into their view.



## Deviant Design – Heightened Blank Wall – SE Perspective



Deviant Design – Heightened Blank Wall – SW Perspective

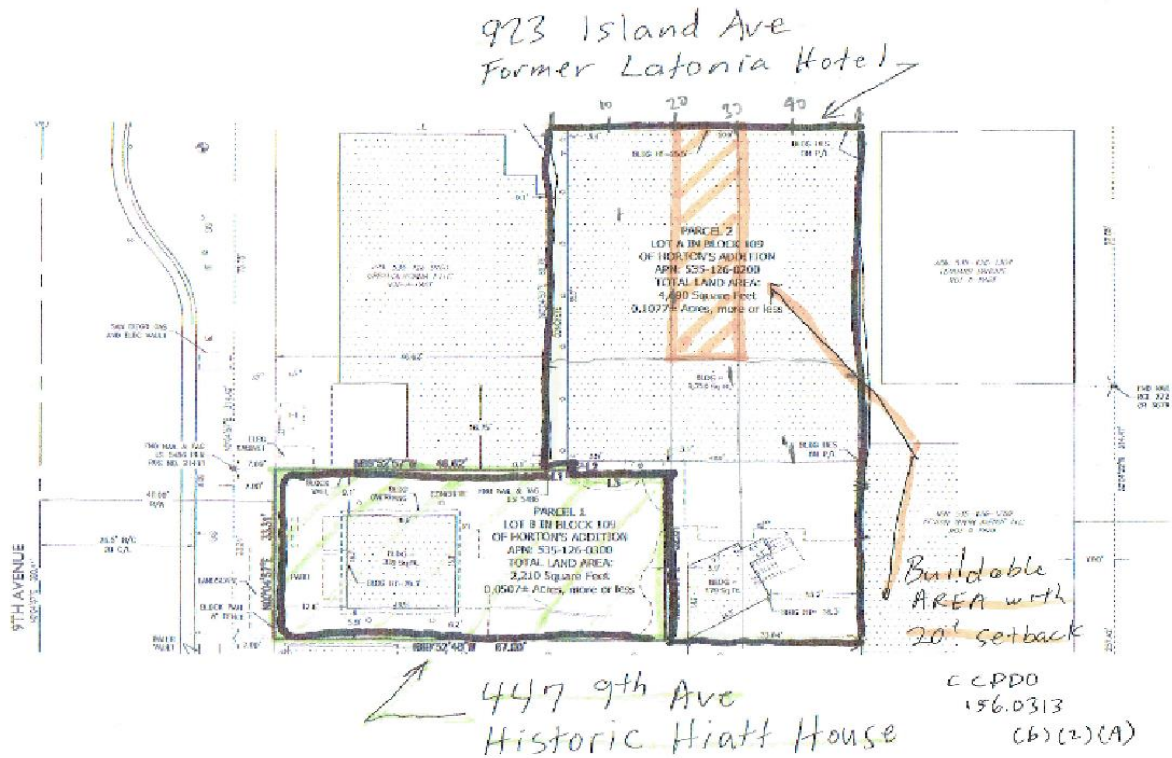
Strictly speaking, if the project were required to rigorously adhere to development regulations, specifically tower setback regulations stated in [SDMC 156.310](#); the parcels would be essentially undevelopable above 85 feet as a mid to high rise project, even assuming the lot tie in agreement provides increased floor area ratio compliance. This is notwithstanding that one of the parcels is historically designated.

SDMC section [156.0310\(d\)\(3\)\(E\)](#) states: *(E) Tower Setback from Interior Property Lines. Towers shall avoid blank walls, allow glazing, and be set back from interior property lines adjoining another parcel by a minimum of 20 feet, subject to the following two exceptions: (i) If the applicant can demonstrate that construction techniques permit glazing with views into, and out from, habitable areas within the tower, this setback may be reduced to 10 feet if any existing tower on an adjacent parcel is located a minimum of 40 feet from the proposed tower; or (ii) If an existing tower on an adjoining parcel contains a blank, solid wall with less than a 20-foot*



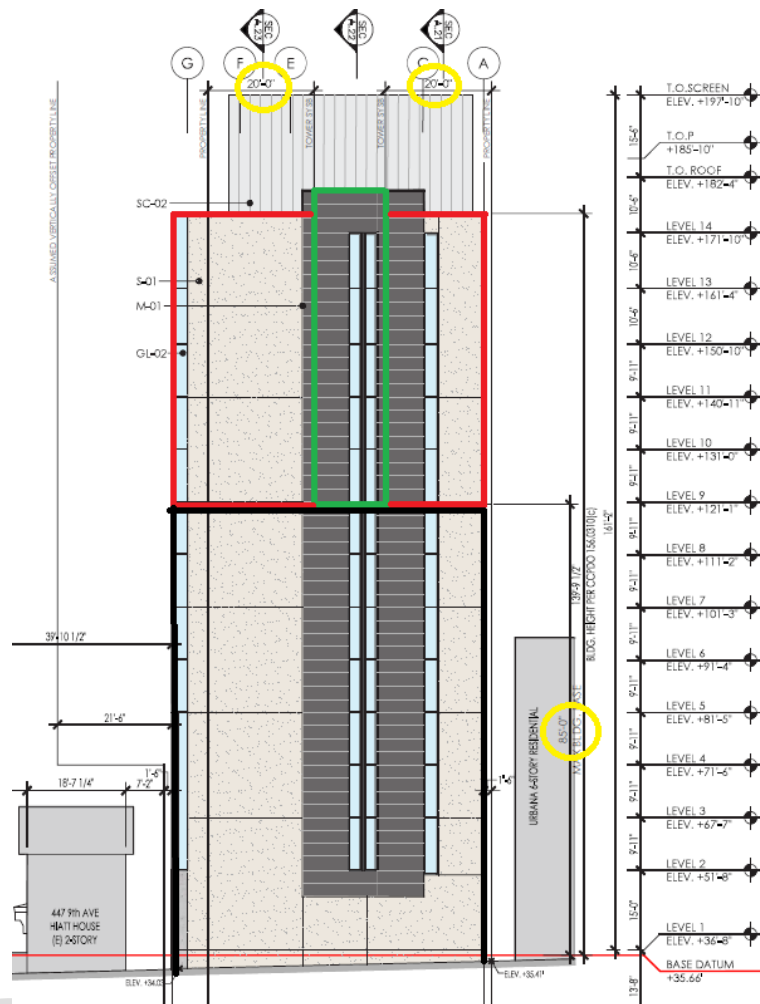
setback from the common property line, then the proposed tower may reduce or eliminate its setback along that portion of the common property line that aligns with the tower on the adjoining parcel (creating a blank wall to blank wall condition).

A [back of the envelope](#) sketch figure below depicts in orange the tower area above 85 feet if building codes were strictly adhered to.



## Developable Area when Complying with 20 Foot Tower Setback

The approved project allows reductions of the tower setback from the interior property to no less than 1'6" on the east elevation, 5'-6" on the west elevation, and 3'-3" on the south elevation. This facilitates building the upper stories of the hotel. The diagram below highlights the area above 85 feet that would be buildable if the reductions were not approved. As can be seen by the diagram, for all intents and purposes, the tower would be limited to 85 feet in height.



## Compliant Design Envelope – Green Area Above 85 Feet Compliant

A neighboring property, the Urbana Apartment complex, was built only to 6 stories. A question that should be answered is, if the public benefit being derived by granting code deviations on one parcel to facilitate an increase in hotel density and height from 7 or 8 to 14 stories and beyond, why was the neighboring parcel not presented the same option? A spokesperson from Urbana brought this matter up as a public comment early in the Civic review process. It seems if the drive for density, especially in trying to mitigate the housing crisis, was imperative, this would have been conveyed fairly to Urbana.



September 1, 2019

To: San Diego Planning Commission  
From: Diamond Terrace Owners  
Re: East Village Ninth and Island Hampton Inn Project

Dear Commission Members,

This letter is to strongly oppose the EVNI Hampton Inn project on Island Ave. We are owners/residents of Diamond Terrace condominiums, directly south of the proposed project. We own homes with city views that will be drastically blocked by this building, which will be built an alley-way away from our balconies and windows, blotting out the light and our views. We bought at Diamond Terrace with the knowledge that the zoning would not permit a high rise and the historical building would not be torn down, therefore our quality of life and our financial investments would not be compromised, as they so drastically will if this building is allowed to be built. Why were the zoning laws deviated against? Why does the developer's interest outweigh the interest of the people that bought homes and live in the neighborhood?

There was a letter from 3 Diamond Terrace residents in the original package that was used as endorsement from Diamond Terrace. We are shocked that any residents of our building would endorse this building and assure you that they do not speak for most of the owners. Our belief is that they don't even live here anymore and possibly had ties to J Street Hospitality. Unfortunately, most of us just heard about this project, otherwise we would have expressed our concern and opposition much sooner.

We beseech you to please consider East Village RESIDENTS and HOMEOWNERS. WE will be living and working and spending time in East Village. We love it here and want to stay - we do not want to regret our decision to buy homes at Diamond Terrace, especially while we are STILL recovering from the catastrophic flood that happened in our building a year ago this month.

Best regards,

Diamond Terrace Owners

- Shari Burkhart, Unit 1307
- Daga Krackowizer, Unit 708
- Jeffrey Larkin/Elisabeth Kruk, Unit 206
- Ed Carlmark, Unit 1109
- Ellen & John Smith, Unit 1007
- Hank Cominiello, Unit 1405

**James Alexander**

---

**From:** edcasid@dc.rr.com  
**Sent:** Tuesday, September 3, 2019 8:30 AM  
**To:** James Alexander  
**Subject:** EV Project, LLC

Please attach my letter to your packet for the above appeal hearing.

Planning Commission,

I am writing this letter to express by objection to your approving the EV Ninth and Island Project. Owners on the north side of Diamond Terrace do not understand how you could have approved this project in the first place!

That lot is zoned for a seven floor building, not the fourteen you approved. When the Urbana was built on a much larger parcel, you would only allow them to build seven floors, which the property was zoned for. Also, how can you approve taking away ten feet of property from the historic Hyatt House and attach it to the Latonia property so they can build a wider hotel and further block our views. Yes, those properties are owned by the same company, but both properties are deeded separately. This should never have been permitted by your commission!

Do you realize your approval, will affect the loss of city views and lower property values of 50 units on the north side of our building?

Ed Carlmark, ASID, Unit #1109  
President, Diamond Terrace Board of Directors



PLANNING COMMISSION RESOLUTION NUMBER R-\_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF SAN DIEGO APPROVING CENTRE CITY  
DEVELOPMENT PERMIT/CENTRE CITY PLANNED  
DEVELOPMENT PERMIT/NEIGHBORHOOD USE PERMIT  
NO. 2017-30 FOR THE EV NINTH & ISLAND PROJECT  
LOCATED WITHIN THE DOWNTOWN COMMUNITY PLAN  
AREA IN THE CITY OF SAN DIEGO.

WHEREAS, EV Project, LLC, a California limited liability company, Owner and Permittee (“Owner/Permittee”), filed an application with Civic San Diego (“CivicSD”) for the construction of a hotel with 132 guest rooms, commonly referred to as EV Ninth & Island (“Project”); and

WHEREAS, the Project site is located on a 6,900 square foot (SF) premises located on Island Avenue between Ninth and Tenth avenues with secondary frontage at 447 Ninth Avenue in the East Village neighborhood of the Downtown Community Plan area (“Downtown”); and

WHEREAS, the property is legally described as that portion of Lot B in Block 109 of Horton’s Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof made by L.L. Lockling, filed in the Office of the County Recorder of said county, described in Exhibit A; and

WHEREAS, on May 15, 2019, the Downtown Community Planning Council considered CCDP/CCPDP/NUP No. 2017-30 and voted 16-3 to recommend approval; and

WHEREAS, on July 24, 2019, the CivicSD Board of Directors considered CCDP/CCPDP/NUP No. 2017-30, including a staff report and recommendation, and public

testimony, pursuant to the Centre City Planned District Ordinance (CCPDO) and the San Diego Municipal Code (SDMC) and voted 5-0 to approve; and

WHEREAS, on August 5, 2019, John Smith filed an appeal of the CivicSD Board of Directors decision within ten business days of the action;

WHEREAS, the Planning Commission of the City of San Diego (“Planning Commission”) held a duly noticed public hearing and considered CCDP/CCPDP/NUP No. 2017-30 on September 12, 2019, testimony having been heard, evidence having been submitted, and having fully considered the matter and being fully advised concerning the same; and

WHEREAS, development within the Downtown Community Planning area is covered under the following documents, all referred to as the “Downtown FEIR”: 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 Centre City Redevelopment Plan, certified by the former Redevelopment Agency (“Former Agency”) and the City Council on March 14, 2006 (Former Agency Resolution R-04001 and City Council Resolution R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (City Council Resolution R-310561). Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the “CAP FEIR”: FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council



Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both “Program EIRs” prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency and has been reviewed and considered by the decision maker before approving the project. Consistent with best practices suggested by CEQA Guidelines Section 15168, a Downtown 15168 Consistency Evaluation (“Evaluation”) has been completed for the project. The Evaluation concluded that the environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR; that the project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within both documents for the purposes of CEQA; and, that none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation is required under CEQA;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission that it adopts the following findings with respect to CCDP/CCPDP/NUP No. 2017-30:

**CENTRE CITY DEVELOPMENT PERMIT (CCPDO  
§156.0304(e)(1)(D))**

*The proposed development is consistent with the Downtown Community Plan (DCP), Centre City Planned District Ordinance (CCPDO), Civic San Diego Land Development Manual, San Diego Municipal Code (SDMC), and all other adopted plans and policies of the City of San Diego pertaining to the Centre City Planned District (CCPD).*

The Project proposes a hotel development that is consistent with the scale and character of the neighborhood, as the 14-story Project is within one block of buildings of similar bulk and equal or greater height, such as the 14-story Diamond Terrace residential building to the south,

the 12-story Hotel Indigo and 22-story Strata residential building on the block to the north, and the 11-story Parkloft residential condominium building on the block to the west. Hotels and visitor accommodations are a permitted land use in the Employment/Residential (ER) land use district of the CCPDO. With the approval of the requested deviations, the Project is consistent with the development regulations of the CCPDO. The Project provides a high-intensity land use that is consistent with a dense, urban, Downtown environment, consistent with the goals of the DCP for high overall intensities that use land efficiently in order to meet employment and population targets. Further, the Project will help advance the orderly growth and activation of the East Village neighborhood by constructing a high-rise hotel that contributes to an overall balance of uses in Downtown and adds to the rich mix of uses in East Village, which is consistent with the vision of the Ballpark sub-district's evolution into a mixed-use district with a regional entertainment and cultural focus, per the goals of the DCP listed below. The Project also preserves the historic Hiatt House on-site and proposes no changes to it, while still achieving a high overall intensity. By advancing the goals and policies of the DCP and complying with the development regulations of the CCPDO, the Project demonstrates that it will not have a negative impact on the surrounding neighborhood. The Project advances the following goals and objectives of the DCP by:

DCP, 3.1-G-2: Providing for an overall balance of uses—employment, residential, cultural, government and destination—as well as a full compendium of amenities and services.

DCP, 3.2-G-1: Target a residential population of approximately 90,000 and Downtown employment of over 165,000 by 2030, to create vitality, a market for a broad array of supporting stores and services, opportunities for living close to jobs and transit, and support regional growth strategies.



DCP, 3.2-G-2: Maintain a range of development intensities to provide diversity, while maintaining high overall intensities to use land efficiently and permit population and employment targets to be met.

DCP, 3.5-G-2: Foster a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them.

DCP, 6.5-G-1: Guide Ballpark's evolution into a mixed-use district, including the new Main Library and Park-to-Bay Link, with a regional entertainment and cultural focus.

DCP, 9.1-G-1: Protect historical resources to communicate Downtown's heritage.

DCP, 9.2-G-1: Integrate historical resources into the Downtown fabric while achieving policies for significant development and population intensification.

Therefore, the proposed development is consistent with the DCP, CCPDO, Land Development Manual, SDMC, and all other adopted plans and policies of the City of San Diego pertaining to the CCDP.

#### **CENTRE CITY PLANNED DEVELOPMENT PERMIT (CCPDO**

##### **§156.0304(f)(2))**

*1. The proposed development will not adversely affect the applicable land use plan.*

The proposed Project is consistent with the objectives of the DCP, CCPDO, and the Downtown Design Guidelines (DDG). The Project advances the goals and policies of the DCP by contributing to the orderly growth of the East Village neighborhood with the construction of a hotel, which adds to the balance of uses in Downtown and to the rich mix of uses in the East Village neighborhood. Specifically, the Project plays a role in the Ballpark sub-district's evolution into a mixed-use district with a regional entertainment and cultural focus because it provides a visitor-serving amenity for people visiting attractions in the Downtown area and is

designed at a scale that is similar to other buildings in the nearby vicinity, while at the same time, preserving the historic Hiatt House on-site. In the CCPDO, hotels and visitor accommodations are a permitted land use in the ER land use district. Per the DDG, the Project utilizes architectural articulations, provides street level activation, and uses high-quality materials. The building's massing is modulated through the use of glazing, off-set planes, and varying materials around the Project, which provide visual interest and soften its relationship to the adjacent buildings. At the street-level, the ground floor façade opens up to the sidewalk, engaging with pedestrians. The Project also makes use of a variety of high-quality materials around the building to help break up the massing. The Project provides design solutions that are consistent with the DDGs and compatible with the neighborhood and provides a land use that is compatible with surrounding uses. Therefore, the proposed development will not adversely affect any applicable land use plans.

*2. The proposed development will not be detrimental to the public health, safety and welfare.*

The granting of the deviations and the approval of the Project will not have a detrimental impact upon the public's health, safety and general welfare. The Project is consistent with the plans for the East Village neighborhood as envisioned in the DCP by guiding the Ballpark sub-district's evolution as a mixed-use district with a regional and entertainment focus by providing a visitor-serving amenity that helps create a vibrant and safe neighborhood. The addition of the Project's 132 hotel guest rooms will contribute to the neighborhood's vitality by increasing activity in the neighborhood. Therefore, the Project will advance the vision of the DCP, the proposed development will not be detrimental to the public health, safety and welfare.

*3. The proposed development will comply with the regulations of the CCPDO, except for any proposed deviations which are appropriate for this location and will result in a more*



*desirable project than would be achieved if designed in conformance with the strict regulations of the CCPDO.*

The requested deviations to the CCPDO development regulations will allow for (1) an increase in tower lot coverage, (2) a reduction of the minimum tower setback from the interior property lines, and (3) the elimination of the requirement for an off-street loading bay. Each of the deviation requests are intended to maximize the property's floor area ratio (FAR), which is constrained due to the relatively small lot size (6,900 SF) and the inclusion of a historically-designated structure on the site (Hiatt House). The DCP encourages the maximization of intensities in the Downtown area. The maximum FAR of the site is 8.0, which the Project achieves with a design that incorporates the three deviations. In regards to the first deviation, the maximum lot coverage of the tower of the building is limited to 50% of the lot area. The "tower" is defined as any part of the building 85 feet or higher. The deviation will increase the maximum allowable tower lot coverage to approximately 59.2% of the lot (4,090 SF of 6,900 SF lot), which is a 9.2% increase. The increased tower lot coverage helps the Project maximize the relatively small lot, which is further limited by the historic Hiatt House, which is unaffected by the Project. Strict application of the code limits the Project's ability to maximize the FAR of the site, which does not advance the goals for high overall intensities that use land efficiently and allow for employment and population targets to be met. In regards to the second deviation, the CCPDO requires towers to be set back from interior property lines adjoining another parcel by a minimum of 20 feet for the portion of the building above 85 feet (the "tower"). This may be reduced to ten feet if any existing tower on an adjacent parcel is located a minimum of 40 feet from the proposed tower and the Project incorporates construction techniques that allow glazing with views into, and out from, habitable areas within the tower. It should be noted that the Diamond View Terrace tower is setback approximately 40 to 50 feet from their property line

adjacent to the Project. Any reduction beyond 10 feet from the property line requires approval of a deviation. The deviation will reduce the minimum interior setback for the tower. Along the west elevation, adjacent to the neighboring Half Door Brewing Company, the tower is proposed to be setback no less than 5'-6" at its closest point. Along the east elevation, adjacent to the low-rise condominiums, the tower is proposed to be setback no less than 3'-1" at its closest point. Along the south elevation, adjacent to the Diamond Terrace tower, the Project's tower is 3'-3" from the property line at its closest point. Like the increased tower lot coverage, the reduced setbacks are intended to maximize the buildable area of the relatively small lot. With strict application of the code, the portion of the building above 85 feet would be infeasible because the required 20-foot interior property line setbacks would leave just 13 feet (or 33 feet with ten-foot setbacks) of the 53-foot wide lot available for building area. To reduce the visual impact of the building's massing as a result of the deviations, and consistent with the CCPDO provisions for reduced setbacks, the Project has treated the walls with the maximum amount of glazing allowed by building code, high-quality materials, and building plane offsets to create visual interest. In regards to the third deviation, the CCPDO requires one off-street loading bay for development containing 3,000 to 10,000 SF of commercial space. The deviation will remove the requirement for an off-street loading bay. The Project has two separate street frontages. Due to the presence of the Hiatt House, the Ninth Avenue frontage is unusable, which leaves the 55-foot frontage on Island Avenue. With strict application of the code, an off-street loading bay serving the Project would be required to be at least 14 feet wide, 30 feet deep, and 14 feet tall. A 14-foot wide curb cut for a loading bay on a 53-foot frontage would encompass approximately a quarter of the Project's Island Avenue street linear frontage, which would not only have a detrimental impact on the Project's ground floor design and functionality, but also negatively impact the pedestrian



experience and streetscaping along the sidewalk in front of the Project. The loading bay would disrupt the continuous street wall, which provides consistent street-level activity, as well as streetscaping pedestrian amenities for pedestrians in the public right-of-way, such as street trees. The deviations are appropriate for the location and won't negatively impact the neighborhood because they accommodate design components that improve the appearance, massing, and functionality of the building, as well as improving the Project's relationship to its surroundings and accommodating the goals and policies of the DCP for the orderly growth of the Ballpark sub-district of the East Village neighborhood. Therefore, the proposed development will comply to the maximum extent feasible with the regulations of the CCPDO, except for any proposed deviations which are appropriate for this location, resulting in a more desirable project than would be achieved if the Project strictly conformed to the regulations of the CCPDO because will advance the goals and policies of the DCP.

*4. The development is consistent with the Downtown Design Guidelines (DDG) and exhibits superior architectural design.*

Many components of the proposed development demonstrate consistency with the DDG. Overall, the Project is designed with a variety of color, material, and texture at both the street level and throughout the building, per DDG Sec. 4.4.1.C. At the street level, the hotel lobby entrance is comprised of a glazing storefront system, with a high level of transparency into the space, which is consistent with DDG Sec. 4.5.1.I. This storefront system is bordered by a white, projecting, aluminum composite metal panel frames on the second level and the irregularly patterned blackened steel frame component to the right, creating unique architectural features that make the entry visually unique from the rest of the building, as encouraged in DDG Sec. 4.5.1.B. Extending up into the upper floors, the tower includes a variety of fenestration, plane off-sets on the west and east elevations to create shadows and relief, and material changes like

glazing, metal panels, smooth plaster, and simulated concrete that provide visual interest for the tower per DDG Sec. 4.5.4.A and to treat blank wall conditions per DDG Sec. 4.5.10.B. This variety of materials and colors appear throughout the building, including the tower and street level, consistent with DDG Sec. 4.5.9.A, which encourages the use of upgraded materials. Elsewhere, the irregularly patterned blackened steel frame component spans the height of the building from the second level, to the rooftop, and over the rooftop outdoor deck, providing an interesting material composition at the tower top per DDG Sec. 4.5.4.D. Because of the Project's implementation of the DDG, the Project has demonstrated that it will provide a superior architectural design to this part of the East Village neighborhood that is contextually appropriate and consistent with the DDG.

#### **NEIGHBORHOOD USE PERMIT (SDMC §126.0205)**

*1. That the proposed use will not adversely affect the applicable land use plan*

The proposed rooftop outdoor use area is located within the ER land use district of the CCPDO. A variety of uses are permitted in this district, including office, residential, and hotel, which serves as a transition between the Core District and residential neighborhoods. An outdoor use area within this district is permitted with approval of an NUP. This location is appropriate given the proximity of ballpark and other visitor-serving land uses. The outdoor use area will provide additional activity that will contribute to the evolution of the Ballpark sub-district as a mixed-use district with a regional entertainment and cultural focus while fostering an active urban environment and providing an opportunity for both residents and visitors to experience the pleasant San Diego weather. The proposed rooftop outdoor use area on Level 14 of the hotel will not adversely affect the applicable land use plan as the proposed use with approval of an NUP is consistent with the CCPDO and the following goals and policies of the DCP:



DCP, 3.5-G-2: Foster a diverse mix of uses in each neighborhood to support urban lifestyles;

DCP, 4.1-P-15: Encourage the position of outdoor seating and/or cafes where appropriate; and,

DCP, 6.5-G-1: Guide Ballpark's evolution into a mixed-use district, including the new Main Library and Park-to-Bay Link, with a regional entertainment and cultural focus.

2. *That the proposed use will not be detrimental to the public health, safety and welfare; and,*

The proposed rooftop outdoor use area will not be detrimental to the public health, safety, and welfare of the community when operated with the recommended conditions of approval. The occupancy of the rooftop outdoor use area is limited to no later than 11:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday, and up to 30 minutes after the conclusion of an event at Petco Park, which is consistent with other outdoor use areas in the vicinity, such as Half Door Brewing Company adjacent to the Project on the west and Hotel Indigo directly across Island Avenue. Additionally, the rooftop outdoor use area will not have live entertainment or dancing and is limited to eating, drinking, and circulation only. Ambient, background music is allowed, but any sound must be in compliance with the SDMC Noise Ordinance at all times. The Permit (Exhibit B) is subject to modifications or revocation at a public hearing should the Owner/Permittee violate these conditions, which, along with additional standard conditions, ensure that the use is compatible with the surrounding neighborhood.

3. *That the proposed use will comply with the regulations of the Land Development Code (LDC) including any allowable deviations pursuant to the LDC.*

The Project will comply to the maximum extent feasible with the regulations of the CCPDO and LDC with approval of an NUP. As designed, and with the conditions of the Permit (Exhibit B), the rooftop outdoor use area complies with the LDC. Further, the Project is required to obtain all necessary construction permits from the City of San Diego and comply with all applicable local and state regulations.

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the Planning Commission, CCDP/CCPDP/NUP No. 2017-30 is hereby granted to the Owner/Permittee, in the form, exhibits, terms, and conditions set forth in CCDP/CCPDP/NUP No. 2017-30, a copy of which is attached hereof.

By \_\_\_\_\_  
James Alexander, Associate Planner

ATTACHMENTS:   A – Legal Description  
                      B – CCDP/CCPDP/NUP 2017-30



## **EXHIBIT A**

### **PARCEL 1:**

**THAT PORTION OF LOT "B" IN BLOCK 109 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L.L. LOCKLING, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT "B", DISTANT THEREON 16.75 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT, SAID POINT BEING ALSO THE SOUTHWEST CORNER OF LAND CONVEYED TO NAGATHA GOMEZ BY DEED RECORDED JULY 3, 1937 IN BOOK 665, PAGE 367, OF OFFICIAL RECORDS; THENCE EAST ALONG THE SOUTH LINE OF SAID GOMEZ LAND A DISTANCE OF 46.62 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE CONTINUE EAST ALONG THE EASTERLY PROLONGATION OF SAID SOUTH LINE OF GOMEZ LAND A DISTANCE OF 3.38 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF LOT B A DISTANCE OF 1.3 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT, A DISTANCE OF 17 FEET; THENCE SOUTH PARALLEL WITH SAID WEST LINE 32 FEET TO SOUTH LINE OF SAID LOT; THENCE WEST ALONG SAID SOUTH LINE A DISTANCE OF 67 FEET TO 9TH AVENUE, THENCE NORTH ALONG 9TH AVENUE A DISTANCE OF 33.3 FEET TO THE POINT OF BEGINNING.**

### **PARCEL 2:**

**LOTS "A" AND "B" IN BLOCK 109 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY L.L. LOCKLING, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.**

**EXCEPTING THE WEST 46.64 FEET OF SAID LOT "A" AND THE WEST 46.64 FEET OF THE NORTHERLY 16.75 FEET OF SAID LOT "B".**

**ALSO EXCEPTING THAT PORTION OF SAID LOT "B" DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT ON THE WEST OF LINE OF SAID LOT "B", DISTANT THEREON 16.75 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT, SAID POINT BEING ALSO THE SOUTHWEST CORNER OF LAND CONVEYED TO NAGATHA GOMEZ BY DEED RECORDED JULY 3, 1937 IN BOOK 665, PAGE 367, OF OFFICIAL RECORDS; THENCE EAST ALONG THE SOUTH LINE OF SAID GOMEZ LAND, A DISTANCE OF 46.62 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE CONTINUING EAST ALONG THE EASTERLY PROLONGATION OF SAID SOUTH LINE OF GOMEZ LAND A DISTANCE OF 3.38 FEET; THENCE SOUTH PARALLEL WITH THE SAID WEST LINE OF LOT "B" A DISTANCE OF 1.3 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT, A DISTANCE OF 17 FEET; THENCE SOUTH PARALLEL WITH SAID WEST LINE 32 FEET TO THE SOUTH LINE OF SAID LOT; THENCE WEST ALONG SAID SOUTH LINE A DISTANCE OF 67 FEET TO 9TH AVENUE; THENCE NORTH ALONG 9TH AVENUE A DISTANCE OF 33.3 FEET TO THE POINT OF BEGINNING.**

**RECORDING REQUESTED BY:**

Civic San Diego  
Planning Department  
401 B Street, Suite 400  
San Diego, CA 92101

**AND WHEN RECORDED MAIL TO:**

Civic San Diego  
Planning Department  
401 B Street, Suite 400  
San Diego, CA 92101

*THIS SPACE FOR RECORDER'S USE ONLY*

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

**CENTRE CITY PLANNED DISTRICT  
CENTRE CITY DEVELOPMENT PERMIT/  
CENTRE CITY PLANNED DEVELOPMENT PERMIT /  
NEIGHBORHOOD USE PERMIT  
NO. 2017-30**

**EV NINTH & ISLAND  
923 ISLAND AVENUE  
APN 535-126-02 & -03**



**CENTRE CITY PLANNED DISTRICT  
CENTRE CITY DEVELOPMENT PERMIT/CENTRE CITY PLANNED  
DEVELOPMENT PERMIT / NEIGHBORHOOD USE PERMIT  
NO. 2017-30**

**EV NINTH & ISLAND  
923 ISLAND AVENUE  
APN 535-126-02 & -03**

This Centre City Development Permit / Centre City Planned Development Permit / Neighborhood Use Permit (CCDP/CCPDP/NUP) No. 2017-30 is granted by the Planning Commission of the City of San Diego to EV Project, LLC (Owner/Permittee) to allow the construction of a 14-story, approximately 140-foot tall hotel development on a 6,900 square-foot (SF) site located on Island Avenue between Ninth and Tenth avenues in the East Village neighborhood of the Downtown Community Plan (DCP) area (“Downtown”) in the Centre City Planned District (CCPD), legally described in Exhibit A.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to construct and operate a development and uses as described and identified by size, dimension, quantity, type, and location as follows and on approved Basic Concept/Schematic Drawings dated July 24, 2019 and associated Color/Material Board on file at CivicSD.

1. General: The Owner/Permittee shall construct, or cause to be constructed on the site, a 14-story hotel development containing 132 guest rooms. The total Floor Area Ratio (FAR) of the development for all uses above ground shall not exceed 8.0 (including all FAR Bonuses). The building height shall not exceed 140-feet above average grade level, 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 Planned District Ordinance (CCPDO).
2. Floor Area Ratio (FAR) Bonus: An increase in the maximum allowable Base 6.0 FAR to 8.0 FAR is hereby granted under the following provisions of the CCPDO:
  - a. Green Building FAR (§156.0309(e)(8)) - The Project is entitled to 1.0 FAR (6,900 SF) for the provision of Centre City Green (CCG) Building Incentive Program awards development incentives for buildings that exceed the California Green Building Standards Code (CALGreen). The Applicant shall construct a LEED-Certified Silver building in accordance with the US Green Building Council (USGBC) standards for new construction. Covenants, Conditions, and Restrictions (“CC&Rs”) shall be recorded on the property to ensure the LEED–Certification level for construction of the building. Such CC&Rs shall be in a form approved by CivicSD and the City Attorney’s Office and shall be recorded prior to issuance of a building permit.

Prior to the issuance of any Building Permit, the Permittee shall provide a financial surety, deposit, or other suitable guarantee approved by the Civic San Diego President and the City Attorney’s Office to ensure that the applicant completes the LEED certification for the development as proposed to obtain a FAR Bonus under this section.

LEED certification must be demonstrated through an independent report provided by the USGBC that confirms achievement of a LEED Silver level of performance on the Project. The financial surety, deposit, or other suitable guarantee shall be in an amount equivalent to the values which would be required to purchase an equivalent amount of FAR under the FAR Payment Bonus Program. Within 180 days of receiving the final Certificate of Occupancy for a development, the applicant shall submit documentation that demonstrates achievement of the applicable LEED rating as proposed under this section.

If the applicant fails to submit a timely report or demonstrate LEED Silver certification, payment shall be deducted against the financial security, deposit, or other suitable guarantee and deposited in the FAR Bonus Fund established under the FAR Payment Bonus Program. The amount of payment shall be calculated per the following formula:

$$P = \text{FAR \$} \times ((\text{LCP} - \text{CPE}) / \text{LCP})$$

P = the payment amount to be paid to the FAR Bonus Fund

FAR\$ = the amount of money which would be required to purchase the equivalent amount of FAR under the FAR Payment Bonus Program

LCP = LEED Certification Points needed to achieve the proposed LEED certification level (Silver)

CPE = LEED Certification Points actually earned by the development as certified by the USGBC

All funds provided by the applicant for the LEED certification surety, deposit, or other suitable guarantee that are not paid to the FAR Bonus Fund shall be refunded to the applicant. In the event that the applicant submits a timely report and demonstrates the necessary level of LEED certification for the applicant's desired FAR Bonus, the entire amount of the surety, deposit, or other suitable guarantee shall be refunded to the applicant.

- b. FAR Payment Bonus (§156.0309(e)(7)) – The Project is entitled to 1.0 FAR (6,900 SF) under the FAR Payment Bonus Program. The Owner/Permittee will be required to pay \$125,235 (based on the FY 2017 fee structure at \$18.15 per SF) prior to issuance of building permits, which will be deposited into a fund to be used for the construction of public parks and enhanced public right-of-way (ROW) improvements in the DCP area.
3. Parking: Per Section 142.0540 of the San Diego Municipal Code (SDMC), no parking is required for commercial uses on lots of record that are 10,000 SF or less without alley access; therefore no parking is required in the Project.

## **PLANNED DEVELOPMENT PERMIT**

4. The Planning Commission hereby grants a Centre City Planned Development Permit (CCPDP) pursuant to Section 156.0304(f) of the CCPDO for deviations from the following development regulations:



- a. CCPDO §156.0310(d)(3)(A) Maximum Tower Lot Coverage: Allow an increase in the maximum tower lot coverage from 50% to 59.2%.
- b. CCPDO §156.0310(d)(3)(E) Tower Setback from Interior Property Line: Allow reductions of the tower setback from the interior property to no less than 1'6" on the east elevation, 5'-6" on the west elevation, and 3'-3" on the south elevation, as shown on the approved Basic Concept/Schematic Drawings dated July 24, 2019.
- c. CCPDO §156.0313(b)(2)(B) Off-Street Loading: Allow the elimination of the requirement for an off-street loading bay.

## **NEIGHBORHOOD USE PERMIT**

- 5. The Planning Commission hereby grants a Neighborhood Use Permit (NUP) for an pursuant to CCPDO Section 156.0308 for an outdoor use area on the rooftop subject to the following terms and conditions:
  - a. The rooftop outdoor use area shall not exceed 2,550 SF. The intended uses must be in conformance with permitted uses outlined in the CCPDO and all other relevant regulations in the SDMC. Any proposed change in use or expansion shall be reviewed and approved by CivicSD prior to initiating such changes.
  - b. The occupancy of the rooftop outdoor use area shall be limited to no later than 11:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday. Operation of the rooftop outdoor use area may extend to 30 minutes following the conclusion of an event at Petco Park if the event goes beyond the stipulated closing time.
  - c. The outdoor use area shall only be used for eating, drinking, and circulation. No live entertainment or dancing shall be permitted in the outdoor use area at any time.
  - d. Ambient recorded music shall be permitted in the outdoor use area anytime that the establishment is open for business. The speakers shall be small, equally distributed, and pointed inward so as to not become a nuisance to any adjacent uses.
  - e. Sound shall be monitored during and after business hours to ensure that audible noise remains at acceptable levels. Noise levels shall be in conformance with the Noise Abatement Standards of the SDMC and the City of San Diego Noise Ordinance. In the event that a noise complaint is filed, CivicSD shall evaluate the complaints and, if it is determined that the business is potentially creating a nuisance to the neighborhood, a duly noticed public hearing shall be scheduled. After receiving public testimony, the Hearing Officer may modify or revoke the permit.
  - f. The outdoor use areas shall meet all applicable disabled accessibility codes.

- g. The Permittee shall respond to complaints pertaining to the Permit by members of the community within 24 hours of receiving the complaint. A current point of contact shall be maintained with CivicSD for the premise to ensure compliance with this condition.

## PLANNING AND DESIGN REQUIREMENTS

6. Urban Design Standards: The proposed development, including its architectural design concepts and off-site improvements, shall be consistent with the CCPDO and Centre City Streetscape Manual (CCSM). These standards, together with the following specific conditions, will be used as a basis for evaluating the Project through all stages of the development process.
7. Architectural Standards – The architecture of the development shall establish a high quality of design, complement the design and character of the East Village neighborhood, and utilize a coordinated color scheme consistent with the approved Basic Concept/Schematic Drawings.
8. Form and Scale – The development shall consist of a 14-story hotel development not exceeding an overall height of 140-feet tall measured to the top of the roofline, with roof equipment enclosures, elevator penthouses, and mechanical screening above this height permitted per the CCPDO and the Federal Aviation Administration (FAA). All building elements shall be complementary in form, scale, and architectural style.
9. 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 one inch of finish sidewalk grade, as illustrated in the approved Basic Concept/Schematic Drawings. Any plaster materials shall consist of a hard troweled, or equivalent, smooth finish. Any stone materials shall employ larger modules and full-corner profiles to create a substantial and non-veneer appearance. Any graffiti coatings shall be extended the full height of the upgraded base materials or up to a natural design break such a cornice line. All downspouts, 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 of the California Code of Regulations (“Title 24”).

All construction details shall be of the highest standard and executed to minimize weathering, eliminate staining, and not cause deterioration of materials on adjacent properties or the ROW. No substitutions of materials or colors shall be permitted without the prior written consent of the CivicSD. 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.
10. Street Level Design – Street level windows shall be clear glass and may be lightly tinted. Architectural features such as awnings and other design features which add human scale to the streetscape are encouraged where they are consistent with the design theme of the structure.



Exit corridors including garage entrances shall provide a finished appearance to the street with street level exterior finishes wrapping into the openings a minimum of ten feet.

All exhaust caps, lighting, sprinkler heads, and other elements on the undersides of all balconies and surfaces shall be logically composed and placed to minimize their visibility, while meeting code requirements. All soffit materials shall be high quality and consistent with adjacent elevation materials (no stucco or other inconsistent material), and incorporate drip edges and other details to minimize staining and ensure long-term durability.

11. Utilitarian Areas – Areas housing trash, storage, or other utility services shall be completely concealed from view of the ROW and adjoining developments, except for utilities required to be exposed by the City or utility company. The development shall provide trash and recyclable material storage areas per SDMC Sections 142.0810 and 142.0820. Such areas shall be provided within an enclosed building area and kept clean and orderly at all times.
12. Mail and Delivery Locations – It is the Owner's and/or Permittee's responsibility to coordinate mail service and mailbox locations with the United States Postal Service and to minimize curb spaces devoted to postal and loading use. The Owner and/or Permittee shall locate all mailboxes and parcel lockers outside of the ROW, 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.
13. Circulation and Parking – The Owner and/or Permittee shall prepare a plan which identifies the location of curbside parking control zones, parking meters, fire hydrants, valet services if any, trees, and street lights to the satisfaction of CivicSD. Such plan shall be submitted in conjunction with construction permits. All subterranean parking shall meet the requirements of the Building 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 public ROW.
14. Open Space and Development Amenities – A landscape plan that illustrates the relationship of the proposed on and off-site improvements and the location of water, and electrical hookups to the satisfaction of CivicSD shall be submitted with construction permits.
15. Roof Tops – A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted to the satisfaction of CivicSD with 100% Construction Drawings. Any roof-top mechanical equipment shall be grouped, enclosed, and screened from surrounding views (including views from above).
16. Lighting – A lighting plan which highlights the architectural qualities of the Project and also enhances the lighting of the public ROW shall be submitted with 100% Construction Drawings. All lighting shall be designed to avoid illumination of adjoining properties.
17. Signage – All signs shall comply with the City Sign Regulations and the CCPDO.

18. Noise Control – All mechanical equipment, including but not limited to, air conditioning, heating and exhaust systems, shall comply with the City Noise Ordinance and California Noise Insulation Standards as set forth in Title 24. Owner and/or Permittee shall provide evidence of compliance at 100% Construction Drawings.
19. Street Address – Building address numbers shall be provided that are visible and legible from the ROW.
20. 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 to the satisfaction of CivicSD with the construction permit drawings.

#### **PUBLIC IMPROVEMENTS, LANDSCAPING AND UTILITY REQUIREMENTS**

21. Off-Site Improvements: The following public improvements shall be installed in accordance with the CCSM. The CCSM is currently being updated and the Owner and/or Permittee shall install the appropriate improvements according to the latest requirements at the time of Building Permit issuance:

	Ninth Avenue	Island Avenue
Street Trees	Brisbane Box	Chinese Evergreen Elm
Tree Grates	Special Grates	Special Grates
Sidewalk Paving	Ballpark Paving	Island Avenue Paving
Street Lights	Standard Lights	Standard Lights

22. Street Trees – Street tree selections shall be made according to the CCSM. All trees shall be planted at a minimum 36-inch box size with tree grates provided as specified in the CCSM, 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 development.
23. Street Lights – All existing lights shall be evaluated to determine if they meet current CivicSD and City requirements, and shall be modified or replaced if necessary.
24. Sidewalk Paving – Any specialized paving materials shall be approved through the execution of an Encroachment Removal and Maintenance Agreement (EMRA) with the City at the time of construction permit issuance.
25. Landscaping – All required landscaping shall be maintained in a disease, weed and litter free condition at all times. If any required landscaping (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent in size per the approved documents and to the satisfaction of the CivicSD within 30 days of damage or Certificate of Occupancy, whichever occurs first.



26. Planters – Planters shall be permitted to encroach into the ROW a maximum of two feet for sidewalk areas measuring at least twelve feet and less than fourteen feet in width. For sidewalk areas fourteen feet or wider, the maximum permitted planter encroachment shall be three feet. The planter encroachment shall be measured from the property line to the face of the curb to the wall surrounding the planter. A minimum six foot clear path shall be maintained between the face of the planter and the edge of any tree grate or other obstruction in the ROW.
27. On-Street Parking – The Owner and/or Permittee shall maximize the on-street parking wherever feasible.
28. Franchise Public Utilities – The Owner and/or Permittee shall be responsible for the installation or relocation of franchise utility connections including, but not limited to, gas, electric, telephone and cable, to the development and all extensions of those utilities in public streets. Existing franchise utilities located above grade serving the property and in the sidewalk ROW shall be removed and incorporated into the adjoining development. All franchise utilities shall be installed as identified in the Basic Concept Drawings. Any above grade devices shall be screened from view from the ROW.
29. Geology
- a. Prior to the issuance of any construction permits (either grading or building), the Owner/Permittee shall submit an addendum geotechnical investigation report that specifically addresses the proposed construction plans. The addendum geotechnical investigation report shall be reviewed for adequacy by the Geology Section of DSD.
  - b. The Owner/Permittee shall submit an interim as-graded geotechnical report that presents the results of detailed geologic mapping/logging of the entire basement excavation to demonstrate the lack of faults crossing the site prior to building inspection of foundation excavations. The interim as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of DSD.
  - c. The Owner/Permittee shall submit a final as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of DSD prior to exoneration of the bond and grading permit close-out.
30. Engineering
- a. All excavated material listed to be exported shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the Green Book), 2018 Edition and Regional Supplement Amendments adopted by Regional Standards Committee.
  - b. The drainage system proposed for the development, as shown on the site plan, is private and shall be approved by the City Engineer.

- c. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a ROW Permit for all proposed work in the public ROW.
- d. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement (EMRA) from the City Engineer for the proposed curb outlet, enhanced sidewalk, underground vault, and decorative metal panel on Island Avenue ROW.
- e. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, closure of existing driveways on Island Avenue.
- f. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, construction of new curb/gutter and sidewalk per current City Standards along Island Avenue satisfactory to the City Engineer.
- g. Prior to the issuance of any building permit, the Owner/Permittee shall submit a technical report based on the storm water standards in effect at the time of construction permit issuance that will be subject to final review and approval by the City Engineer.
- h. Prior to issuance of any building permit, the Owner/Permittee shall enter into a Maintenance Agreement for the on-going permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.
- i. Prior to issuance of any building permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards, Chapter 4 of the Storm Water Standards.

### 31. Public Utilities

- a. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond, the design and construction of a 10-inch public sewer main and a 12-inch water main within the Island Avenue ROW, in a matter satisfactory to the Public Utilities Director and the City Engineer.
- b. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private backflow prevention device(s) (BFPD) on each water service (domestic, fire, and irrigation) in a manner satisfactory to the Public Utilities Director and City Engineer. BFPDs shall be located above ground on private property, in line with the service, and immediately adjacent to the public ROW.
- c. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and be reviewed as part of the building permit plan check.



- d. All proposed public water and sewer facilities are to be in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines.
  - e. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.
32. Transportation: Prior to issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing driveways on Ninth Avenue and closure of two driveways on Island Avenue per current City Standards, satisfactory to the City Engineer. All improvements shall be completed and accepted by the City Engineer prior to first occupancy.

## SUSTAINABILITY

33. Cool/Green Roofs - The development must include roofing materials with a minimum three-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under the CALGreen. Compliance with this measure must be demonstrated prior to the issuance of the building permit.
34. Plumbing Fixtures and Fittings – Plumbing fixtures and fittings that do not exceed the maximum flow rate specified in Table A5.303.2.3.1 (voluntary measures) of the CALGreen; and Appliance and fixtures for commercial application that meet the provisions of Section A5.303.3 (voluntary measures) of the CALGreen. Compliance with this measure must be demonstrated prior to the issuance of the building permit.
35. Energy Performance Standard/Renewable Energy – The development must be designed to have an energy budget that meets the following performance standards when compared to the Title 24, Part 6 Energy Budget for the Standard Design Building as calculated by Compliance Software certified by the California Energy Commission (percent improvement over current code): 90% of the Title 24, Part 6 Energy Budget or 10% reduction from the Standard Design Building. The demand reduction may be provided through on-site renewable energy generation, such as solar, or by designing the Project to have an energy budget that meets the above-mentioned performance standards when compared to the Title 24, Part 6 Energy Budget for the Proposed Design Building (percent improvement over current code). Compliance with this measure must be demonstrated prior to the issuance of the building permit.
36. Bicycle Parking Spaces – The Project must provide more short-and long-term bicycle parking spaces than required in SDMC Chapter 14, Article 2 Division 5. Note: non-portable bicycle corrals within 600-feet of project frontage count. Compliance with this measure must be demonstrated prior to the issuance of the building permit.
37. Shower Facilities – The Project must include changing/shower facilities in accordance with the voluntary measures under the CALGreen (per the table under CAP Checklist Item #6 *Shower facilities*). Compliance with this measure must be demonstrated prior to the issuance of the building permit.

38. Transportation Demand Management: The Project is required to implement measures to reduce single-occupant vehicle trips for the Project, per Table 0313-D of Section 156.0313(o) of the CCPDO, achieving a minimum of 25 points, for the life of the Project. The Owner/Permittee shall demonstrate such measures prior to issuance of any Building Permit for the Project.
39. Environmental Impact Mitigation Monitoring and Reporting Program (MMRP): As required by CCPDO Section 156.0304(h), the development shall comply with all applicable Mitigation Monitoring and Reporting Program (MMRP) measures from the 2006 Final Environmental Impact Report (FEIR) for the DCP.

## **STANDARD REQUIREMENTS**

40. Development Impact Fees: The development will be subject to Centre City Development Impact Fees. The fee shall be determined in accordance with the fee schedule in effect at the time of building permit issuance. The Owner and/or 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. In addition, it shall be responsibility of the Owner and/or Permittee to provide all necessary documentation for receiving any "credit" for existing buildings to be removed. Development Impact Fees shall be calculated in accordance with fee schedule in effect at the time of building permit issuance, and in accordance with the SDMC.
41. Construction Fence: Owner and/or Permittee 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 development'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.
42. Development Identification Signs: Prior to commencement of construction on the site, the Owner and/or Permittee shall prepare and install, at its cost and expense, one sign on the barricade around the site which identifies the development. The sign shall be at least four feet by six feet and be visible to passing pedestrian and vehicular traffic. The signs shall at a minimum include: 1) Color rendering of the development, 2) Development name, 3) Developer, 4) Completion Date, 5) For information call \_\_\_\_\_. Additional development signs may be provided around the perimeter of the site. All signs shall be limited to a maximum of 160 sq. ft. per street frontage. Graphics may also be painted on any barricades surrounding the site. All signs and graphics shall be submitted to the CivicSD for approval prior to installation.
43. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an



Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

44. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
45. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
46. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. §1531 et seq.).
47. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner and/or Permittee and any successor(s) in interest.
48. This development shall comply with the standards, policies, and requirements in effect at the time of approval of this development, including any successor(s) or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by the City.
49. No permit for construction, operation, or occupancy of any facility or improvement described herein 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 San Diego County Recorder.
50. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
51. Construction plans shall be in substantial conformity to the approved Basic Concept/Schematic Drawings and associated Color and Materials Boards dated July 24, 2019, on file at CivicSD. Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s)/amendment(s) to the Project have been granted.
52. The Owner/Permittee shall defend, indemnify, and hold harmless CivicSD and the City (collectively referred to as "City"), its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold

harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

53. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit. If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained there.

This CCDP/CCPDP/NUP No. 2017-30 is granted by the Planning Commission on September 12, 2019.

CIVIC SAN DIEGO:

OWNER / PERMITEE:

\_\_\_\_\_  
James Alexander  
Associate Planner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sajan Hansji  
EV Project, LLC

\_\_\_\_\_  
Date

**Note: Notary acknowledgment  
must be attached per Civil Code  
Section 1189 et seq**