



**REPORT NO. PC-14-041**

**DATE ISSUED:** May 22, 2014

**ATTENTION:** Planning Commission, Agenda of June 19, 2014

**SUBJECT:** India and Date (Date Street between India and Columbia streets) – Design Review/Centre City Development Permit/Planned Development Permit/Neighborhood Use Permit/Site Development Permit No. 2013-10 – Little Italy Neighborhood of the Downtown Community Plan Area

**OWNER/  
APPLICANT:** H.G. Fenton Development Company, LLC.

**SUMMARY**

**Issue(s):** “Should the Planning Commission (“Commission”) recommend to the City Council (“Council”) approval of the Design Review and Centre City Development Permit/Planned Development Permit/ Neighborhood Use Permit/Site Development Permit (CCDP/PDP/NUP/SDP) No. 2013-10 for the India and Date Project (“Project”)?”

**Staff Recommendation:** That the Commission recommends that the Council approves:

- Adoption of a Resolution certifying the Sixth Addendum to the 2006 Final Environmental Impact Report (FEIR) for the Downtown Community Plan DCP, CCPDO, and 10<sup>th</sup> Amendment to the Centre City Redevelopment Plan (“Downtown FEIR”);
- CCDP/PDP/NUP/SDP No. 2013-10 for the construction of the North and South buildings; deviations to the development standards of the Centre City Planned District Ordinance (CCPDO); relocation of a historical resource from the southern portion of the site; and, sidewalk cafés adjacent to the public plaza; and,
- Construction of an 11,200 square-foot public plaza within the vacated Date Street right-of-way.

**Community Planning Group Recommendation:** On March 26, 2014, the Downtown Community Planning Council (DCPC) voted 21-0 to support the Project. The DCPC recommended that the bollards located in the plaza be re-evaluated.

**Civic San Diego Board Recommendation:**

On March 26, 2014, the Civic San Diego (“CivicSD”) Board of Directors (“Board”) voted 6-0 to support the Project.

**Historical Resources Board Recommendation:**

On May 22, 2014, the City of San Diego Historical Resources Board (HRB) voted 5-2 to support the SDP with two potential sites for relocation, with a strong preference for relocation of the Antonio and Josephine Giacalone House to Amici Park in Little Italy. The HRB recommended that an interpretive plaque be required as part of the permit conditions for the Project. The HRB also voted 7-0 to write a letter to the San Diego Unified School District Board of Directors expressing their support for the relocation of the Antonio and Josephine Giacalone House to Amici Park.

**Environmental Review:** The environmental impacts associated with the implementation of the 2006 DCP and the CCPDO were evaluated by the FEIR for the DCP, CCPDO, and 10<sup>th</sup> Amendment to the Centre City Redevelopment Plan, certified by the Former Redevelopment Agency ("Former Agency") and Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively) and subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolutions R-04508 and R-04510), and August 3, 2010 (Former Agency Resolution R-04544). The FEIR is a "Program EIR" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. In accordance with the provisions of the FEIR, an evaluation of the proposed Project was conducted to determine whether the environmental impacts associated with the Project were adequately addressed in the FEIR, and to verify that there is no change in circumstance, additional information, or project changes to warrant additional review. It was determined that the proposed Project required the preparation of an addendum to the FEIR, but not a subsequent or supplemental EIR pursuant to Public Resources Code section 21166 and CEQA Guideline sections 15162 and 15163. The attached Sixth Addendum concludes that the proposed Project does not substantially change the original Project, introduce new or more severe significant environmental impacts, require major revisions to the FEIR, increase previously identified significant effects, make previously infeasible mitigation measures or alternatives feasible, or require adoption of additional mitigation measures or alternatives.

**Fiscal Impact Statement:** The Project would require the allocation of a maximum of \$1,000,000 in Centre City DIF Funds. These funds are currently available in the Centre City DIF Fund.

**Code Enforcement Impact:** None.

**Housing Impact Statement:** The Project will provide 11 rental units restricted to 65 percent Area Median Income (AMI) and will pay an additional inclusionary affordable housing fee in order to comply with the City Inclusionary Housing Ordinance ("Inclusionary Ordinance").



DEVELOPMENT TEAM

<b>ROLE</b>	<b>FIRM/CONTACT</b>	<b>OWNERSHIP</b>
Property Owner/Applicant	H.G. Fenton Development Company, LLC./John LaRaia, Sr. Real Estate Development Manager	Michael P. Neal, Member Robert Gottlieb, Member Kari Prevost, Member Elizabeth E. Bruton, Member (Privately Owned)
Architect	Architects Orange/Michael Heinrich	Jack Selman, Partner RC Alley, Partner Ed Cadavona, Partner James Dietze, Partner Darrel Hebenstreit, Partner Hugh Rose, Partner (Privately Owned)

PROJECT DESCRIPTION

The following is a summary of the Project design and program:

	<b>North Building</b>	<b>South Building</b>	<b>Total</b>
Site Area	24,611 sq. ft.	10,000 sq. ft.	39,411 sq. ft.
Maximum FAR	6.0	6.0	6.0
Minimum FAR Required	3.5	3.5	3.5
Proposed FAR	5.5	2.8	4.18
FAR Bonuses	N/A	N/A	N/A
Above-Grade Square Footage	137,000 sq. ft.	28,020 sq. ft.	165,020
Stories/Height	7 stories/88 feet	5 stories/69 feet	5-7 stories
Amount of Retail Space	14,730 sq. ft.	3,090 sq. ft.	17,820
Amount of Office Space	N/A	N/A	N/A
Type of Housing	Rental Apartments	Rental Apartments	Rental Apartments
Total Number of Housing Units/Total Residential Square Feet	97/122,270 sq. ft.	28 (11 Affordable)/ 19,600 sq. ft.	125 (11 Affordable)
Types of Units (sizes)	20 Studio Units (554 sq. ft. average) 37 One Bedroom Units (830 sq. ft. average) 40 Two Bedroom Units (1,136 sq. ft. average)	12 Studio Units (373 sq. ft. average) 12 One Bedroom Units (637 sq. ft. average) 4 Two Bedroom Units (940 sq. ft. average)	See previous columns
Number of Units/Buildings Demolished	None/One (historical façade retained)	Single Family Home/One	See previous columns

	North Building	South Building	Total
Inclusionary Housing Ordinance	Construction of units on south parcel	Construction of 11 affordable units on-site/Payment of Fee	See previous columns
Parking Required	100 (1 space per unit + 1 guest per 30 units)	28 (1 space per unit)	128
Proposed	144 (1.48 space per unit + 4 guest)	28 ( 1 space per unit)	172
Public Parking Proposed	Approximately 50 public parking spaces (minimum five-year period)		
Common Outdoor Open Space Required	3,692 sq. ft. (15 percent of lot area)	None	See previous columns
Proposed	10,200 sq. ft. (41 percent of lot area)	3,100 sq. ft. (53 percent of lot area)	
	North Building	South Building	Total
Common Indoor Space Required	500 sq. ft.	None	See previous columns
Proposed	2,700 sq. ft.	None	
Assessor's Parcel No's.	533-233-09 through 12 and 533-351-01 and 08		

## DISCUSSION

H.G. Fenton Development Company, LLC. ("Applicant") is proposing a unique mixed-use development consisting of the following key components:

- Construction of a seven-story (approximately 88-foot tall), residential mixed-use Project on a 24,000 square-foot parcel located on the north side of Date Street between India and Columbia streets;
- Construction of a five-story (approximately 69-foot tall) residential mixed-use Project on a 10,000 square-foot parcel located on the south side of Date Street between India and Columbia streets;
- Construction of an underground parking structure under both buildings and across Date Street in order to provide parking for residential tenants, as well as approximately 50 parking spaces available to the general public for a minimum of five years;
- The vacation of Date Street between India and Columbia streets;
- Construction of an 11,200 square-foot public plaza on the vacated portion of Date Street;
- Relocation of a locally designated historical resource; and,
- Outdoor dining areas along the north and south side of Date Street adjacent to the public plaza.



### Permits

Implementation of the Project requires approval of the following items by the Council (Process 5) under the San Diego Municipal Code (SDMC) consolidated processing provisions:

- CDDP;
- CDDP for deviations to the development standards of the CDDP;
- SDP for the relocation of a historical resource off the southern portion of the site;
- NUP to allow sidewalk-café adjacent to the public plaza; and,
- Street vacation of the 80-foot Date Street right-of-way;

### Agreements and Easements

In addition to the above mentioned permits, implementation of the Project will also require the following agreements be finalized and approved by Council prior to issuance of building permits:

- Park Development and Reimbursement Agreement for up to \$1 million in Centre City DIF funds for the construction of plaza improvements;
- Recreation easement over the vacated Date Street right-of-way; and,
- Maintenance Agreement for the public plaza with the Little Italy Association (LIA), a 501(c)(3) non-profit corporation.

### Site Descriptions

#### North Building

The Northern Building site is approximately 24,611 square feet and is located on the north side of Date Street between India and Columbia streets. The site is currently developed with a surface-parking lot and contains a one-story locally designated historical resource (HRB Site No. 244, The Tony Bernardini Building). Only the front façade facing India Street is considered significant and will be retained on-site and rehabilitated in accordance with the Secretary of the Interior Standards ("Standards"). The site abuts a variety of low-scale commercial buildings and a two-story commercial building to the north.

#### South Building

The Southern Building site is approximately 10,000 square feet and is located on the south side of Date Street between India and Date streets. The site is currently occupied by a one-story restaurant/bar (Princess Pub) and two one-story single-family residences, one of which is a designated historical resource (HRB Site No. 1036, The Antonio and Josephine Giacalone Residence). The Princess Pub is proposed to remain on the site while the historical resource is proposed to be relocated to an off-site location and rehabilitated in accordance with the Standards. The relocation requires approval of an SDP and the Applicant is currently working

with CivicSD and City HRB staff on an appropriate relocation site. The site abuts the four-story Villa Caterina Hotel and a low-scale commercial building to the north.

### Public Plaza

The right-of-way along Date Street is 80 feet wide and contains approximately 16,000 square feet. The plaza is proposed to be located within a 56-foot wide, 11,200 square-foot easement within the vacated street area. The remaining 4,800 square feet (12 feet wide areas abutting the Northern Building and Southern Building, respectively) will be privately used for outdoor dining associated with the adjacent commercial spaces located in the buildings.

The surrounding area consists primarily of one-story retail and restaurant buildings, hotels, and residential mixed-use developments including the three-story La Pensione Hotel and low-scale restaurant buildings across the street to the west; the Villa Caterina Hotel and a variety of low-scale restaurant buildings to the south; and, the five-story Vantaggio Suites and Lady of the Rosary Church on Columbia Street east of the site. The Base Minimum Floor Area Ratio (FAR) for the site is 3.5 and the Maximum FAR for the Project site is 6.0. The proposed FAR for the Northern Building is 5.5 and the South Building is 2.8. The total Project FAR is a 4.18.

The land-use district for the site is Neighborhood Mixed-Use Center (NC). The NC designation ensures development of distinctive centers around plazas, parks, and main streets that provide a focus to the neighborhoods by supporting a mix of residential and non-residential developments that contain active commercial uses on the ground floor. Within the NC district, a minimum of 40 percent of the ground-floor street frontage is required to contain active commercial uses. The site is also subject to the Main Street (MS) Overlay requirements of the CCPDO requiring a minimum of 80 percent active commercial uses along India Street. In addition, the site is subject to the LISA (Little Italy Sun Access) Overlay, which establishes height limits in order to ensure developments maintain adequate sunlight and air to sidewalks and residential areas of Little Italy.

## DESIGN REVIEW

### North Building

The proposed North Building is a seven-story residential mixed-use building, consisting of five floors of wood-frame construction above a two-story concrete building base. The Project is comprised of 97 units ranging from approximately 540 square feet to 1,350 square feet. The ground floor of the Project contains approximately 11,000 square feet of commercial/restaurant space fronting on India, Date, and Columbia streets. The second story contains a 2,500 square-foot restaurant space with commercial volume and a 1,000 square-foot terrace located above the historical building fronting on India Street. The primary entry to the residential lobby is from Date Street. The lobby opens to a private courtyard and approximately 2,700 square feet of common indoor space. Vehicular access for residents to the North Building and the South Building is proposed to be from a single driveway located along Columbia Street at the northeast corner of the north building.



The Project's design exhibits the following key features:

- Contemporary design with a simple color and material palette;
- Upgraded materials at the Project's base, including cement board, and stone and venetian plaster finish on the bay window elements;
- Changes in fenestration patterns, recesses, projecting balconies, and terraced bay windows;
- Projecting frame elements articulating the second-story commercial space along Date Street;
- Signature frame elements defining the main residential lobby along Date Street;
- Large expanses of glazing and metal storefronts with operable windows along the Date and Columbia street frontages; and,
- Stepped massing from east to west, appropriate with the scale of the pedestrian environment along India Street.

#### South Building

The proposed South Building is a five-story residential mixed-use building consisting of four floors of wood-frame construction above a one-story concrete building base. The Project is comprised of 28 units (17 market rate and 11 affordable units) ranging from approximately 373 square feet to 940 square feet. The ground floor of the Project consists of a residential lobby and contains approximately 3,210 square feet of commercial/restaurant space fronting on Date Street. The Project provides a 3,100 square-foot roof terrace as a residential amenity.

The Project's design exhibits the following key features:

- Traditional "Italianate" design with a diverse color and material palette including stone veneer and finished plaster;
- Varied balcony materials, including glass and ornamental metal railings;
- Signature rooftop elements extending from columns on the upper portions of the façade;
- A mixture of window patterns, recesses, and projecting balconies;
- Stone veneer columns framing the main residential lobby entry; and,
- Glazing and entry canopies on the ground-level commercial spaces.

Overall, the design of both buildings meet the intent and fits in well with the surrounding neighborhood. The Project's street frontages will be sufficiently activated by the residential lobbies and ground-floor retail spaces. The Project has been reviewed for consistency with the Downtown Design Guidelines and generally conforms to the goals and intent of the guidelines.

#### PDP

The purpose and intent of a PDP 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 PDP, 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.

The Applicant is seeking deviations to the following development regulations of the CCPDO:

North Building

1. Ground-Floor Height – The minimum ground-floor height for buildings containing ground-floor active commercial uses is required to be the average of 15 feet measured from the adjoining sidewalk. The Columbia Street frontage slopes approximately five feet from north to south. While the commercial space ground-floor height is 13 feet, it averages 11 feet measured from Columbia Street, with the floor level located approximately two feet and five inches (2'-5") below the Columbia Street sidewalk. The Applicant envisions that this space will house a single restaurant operator with emphasis on a chef's table and open kitchen concept. Staff considers this concept to be a unique and interesting design solution that could help resolve any concerns with the viability of the space and provide a unique dining experience. Staff finds that the requested deviation is appropriate and allows the Applicant to maximize the Project density and still provide a viable commercial lease space.
2. LISA Overlay – The Project is subject to the CCPDO's LISA Overlay, which limits the height of the Project's street wall along its three street frontages. The intent of the LISA Overlay is to maximize sunlight onto the public sidewalks as well as to preserve the traditional mid-rise building scale of the Little Italy neighborhood through building height restrictions, volumetric controls, and the encouragement of multiple buildings per block in the majority of the neighborhood. The LISA Overlay allows a maximum street-wall height of 50 feet, above which the building envelope is constrained by a 45-degree plane extending up from the north/south streets (Columbia and India streets), up to a maximum height of 150 feet. Date Street is limited to a maximum street-wall height of 50 feet, above which a 15-foot step back is required. The CCPDO allows up-to 40 percent of the Project's street wall to extend to a maximum height of 85 feet. As currently designed, the Project encroaches into the LISA Overlay on the Date Street and Columbia Street frontages. However, the Project's overall massing is distributed such that the majority of the building's mass is located on the eastern side of the building along Columbia Street and steps down to the historical building façade of the Northern Building along India Street. This configuration results in a better designed Project by lowering the scale of the building massing along India Street, respecting the pedestrian oriented nature of the street.
3. Oriel Windows – Under the CCPDO, the maximum width of an oriel window is 12 feet and may extend vertically no more than 50 feet in height. As currently designed, the three-story element located at the eastern corner of the Date Street elevation of the Northern Building contains an oriel window which is approximately 17 feet wide. The Applicant has stated that the intent is to simplify the massing and create an element in



scale with the overall design. In addition, at two locations the oriel windows exceed the 50-foot height limit in order to allow the Project's design to "step up" along with the natural grade of the site along Date Street. Staff can support this requested deviation as it results in a more balanced façade.

#### South Building

1. LISA Overlay – The South Building is also subject to the LISA Overlay provisions as outlined above. As currently designed, the Project encroaches into the LISA Overlay on the Columbia and Date street frontages (See Attachment 8 – Section 2, Sheet 10.1 for an illustration of the proposed encroachments into the LISA Overlay). Under the LISA requirements, the Applicant could build up-to 150 feet in height. Because the Southern Building is only five-stories tall and provides the minimum 15-foot tall ground floor, the building reaches a height of 55.57 feet. The proposed encroachments are minimal and would have less of a shadow impact on the public plaza than it would if the building was taller and conformed to the LISA Overlay; therefore, staff would support this deviation.

#### Overall Development

Under the CCPDO, developments containing 100 or more dwelling units are required to provide one off-street loading bay at a minimum of 30 feet deep, 14 feet wide, and 14 feet tall (measured from inside walls). The overall development results in the provision of a total of 125 units and would require the inclusion of one off-street loading bay, which most likely would be located in the Northern Building. As currently designed, the overall development does not provide an off-street loading area. Both sites are limited to providing vehicular access on Columbia Street given that the CCPDO would not allow vehicular access along India Street and Date Street will be closed to vehicular traffic. The street frontage on Columbia Street for both sites is limited; the two buildings are separated by 80 feet and individually would not be required to provide an off-street loading bay. Therefore, staff would consider the deviation for the off-street loading appropriate for this location.

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

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

The proposed Project is consistent with the objectives of the DCP and the CCPDO. The requested deviations will provide relief from the strict application of the development standards in order to allow for more efficient use of the site. The requested deviations meet the intent of the regulations and will have a negligible impact, if any, on the surrounding neighborhood.

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

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The granting of the deviations and approval of the Project will not negatively impact the public health, safety, and general welfare. Overall, the proposed development is consistent with the

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plans for this neighborhood and will contribute to its vitality by providing an attractive streetscape and appropriately massed development.

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

The proposed development will meet all the requirements of the Land Development Code (LDC) and CCPDO with approval of the deviations, which are allowable under a CCPDP. The proposed deviations are relatively minor and result in appropriately massed buildings consistent with the surrounding neighborhood.

4. *The proposed deviations will result in a development exhibiting superior architectural design.*

The Project complies with the Downtown Design Guidelines and consists of two well-designed residential mixed-use developments consistent with the surrounding area. The two buildings use upgraded materials at the street level, interesting massing and well-designed facades.

#### PUBLIC PLAZA

As a means to augment and provide variety to downtown's park and open space system, Policy 4.1-P-8 of the DCP's Parks, Open Space and Recreation Element encourages CivicSD to pursue the creation of public plazas, pocket parks, and linear parks in conjunction with development projects. The Applicant has been working collaboratively with the Little Italy neighborhood to create a public plaza along the vacated portion of Date Street which is unique opportunity for the neighborhood. The proposed plaza would be open to the general public 24 hours a day, seven days a week with the potential for LIA or other organizations to obtain special event permits in accordance with the procedures for other public open spaces.

#### Community Outreach

The Applicant held the following three public workshops in the Little Italy neighborhood related to the design of the public plaza:

- May 30, 2013 – The intent of the first workshop was to introduce the plaza concept and obtain feedback from the community on the design of the plaza. The Applicant presented images of a variety of public plazas, mostly located in Europe, to provide examples of successful public spaces in character with the Little Italy neighborhood then invited the participants to gather outside to experience the future space and encourage their input.
- June 20, 2013 – The design team developed conceptual plaza designs based on input received from the community at the first workshop. The Applicant's goals were to collect



perspectives on existing conditions, needs, potential opportunities and constraints, and their vision of what should be included in the plaza.

- September 17, 2013 – Based on input received from the community, the Applicant finalized their conceptual plaza design, which was presented and accepted by the community subject to further review and approval by the Little Italy Association's Board of Director's.

### Plaza Design

The proposed 11,200 square-foot plaza takes its inspiration from the traditional Italian piazza and has been designed to be simple and maintain maximum flexibility to accommodate a variety of uses and maintain open views to the bay. The piazza design contains the following key elements:

- Enhanced paving with chalk squares for yearly art exhibits
- Multi-purpose light fixtures to allow tivoli lights and banners
- Signature water feature
- Space for moveable mercato stalls and stage for events
- Flexible seating (tables and chairs)
- In-ground street trees and moveable planters
- Christmas tree relocated from the northeast corner to the southeast corner of India and Date Street.

As part of the approval process for the plaza, the Applicant is required to prepare a General Development Plan (GDP). The GDP will be presented to the City Park and Recreation Board in June 2014 for who will make a recommendation to the City Manager regarding the plaza design.

### DIFs and Public Plaza Maintenance

The Applicant is proposing to utilize up to \$1 million in DIFs for the construction of the proposed plaza improvements through a reimbursement agreement with the City. Under this scenario, the Applicant is responsible for the costs associated with the preparation of the construction drawings for the public plaza. The public plaza, while on privately owned land, would be covered by a public recreation easement and be maintained by the LIA through a Maintenance Agreement between the City and the LIA. The LIA is a 501 (c)(3) non-profit corporation established in 1996 to work for the residents, property owners and business of Little Italy to oversee and expedite the beautification of the Little Italy neighborhood. The LIA currently maintains a variety of enhanced improvements in the neighborhood including the neighborhood sign, tables and chairs, hanging baskets, planted pots, and the Piazza Basilone at India and Fir streets which is funded through a Maintenance Assessment District (MAD). The proposed public plaza maintenance will not be funded through the MAD, but rather through LIA's other funding sources.

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The proposed maintenance agreement with the LIA is a unique method of maintaining a public facility such as this plaza. Over the past 30 years the City's former Redevelopment Agency

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entered into a series of unique agreements to provide for private maintenance of public open spaces in order to relieve the City's general fund of typical park and open space maintenance costs. Examples include a series of landscape maintenance agreements (LMAs) for the Linear Park/Martin Luther King Promenade along the Trolley/railroad tracks. These LMAs were entered into with adjoining residential and hotel developments for maintenance of the linear park improvements. Two examples are the Children's Museum Park at Front Street and Island Avenue, which is maintained by the Children's Museum, and the park at Fourth Avenue and K Street, which is maintained by the adjoining Hilton Hotel. A new park to be constructed over the next year at 14<sup>th</sup> and Island will be maintained by the adjoining residential development currently under construction.

Typically these open space and park maintenance agreements are executed with adjoining property owners to ensure the City that there is a fixed entity in responsible in perpetuity, so the City has recourse if maintenance is provided according to the agreement. The proposed agreement for the Date Street public plaza is with the LIA, not the adjoining property owner (Fenton Development). While the LIA could theoretically dissolve, it has a track record of providing enhanced maintenance services in Little Italy over the past twenty years. In order to ensure that the public plaza is adequately maintained, the Applicant will provide a \$250,000 (estimated cost of maintenance for five years) Letter of Credit in favor of the City of San Diego that will remain effective for 10 years from the date the Maintenance Agreement becomes effective in the event that LIA fails to perform as required and the City Park and Recreation Department assumes maintenance of the public plaza.

The allocation of up to \$1million in Centre City DIF funds for the public plaza is included in the list of projects recommended by the Capital Improvements Program Review and Advisory Committee (CIPRAC), DCPC and CivicSD Board and is currently available in existing funds.

#### RIGHT-OF-WAY VACATION

As part of the Project, the Applicant proposes to vacate the existing 80-foot right-of-way along Date Street. The goal for the vacation is to convert and improve the right-of-way as a public plaza with pedestrian access. The public plaza would be covered by a recreation easement within a 56-foot wide area in the former 80-foot right-of-way. The remaining 12-foot areas located to the north and south, adjacent to the easement area would be utilized for sidewalk cafés by the ground-level commercial spaces located in the adjacent buildings. The street vacation would remove vehicular circulation and a total of 13 public on-street parking spaces, which includes 10 vehicular and three motorcycle parking spaces. The Applicant is also proposing to construct a parking structure extending from the North Building across Date Street underneath the plaza and a portion of the South Building. The underground parking is proposed to contain a minimum 50 parking spaces available for the general public (a paid parking facility operated by the Applicant) for a minimum of five years.

The SDMC allows a public right-of-way vacation to be initiated at the request of any person provided that specific findings are made. The Applicant is requesting that Date Street be vacated between India and Columbia streets to allow for the development of the proposed public plaza.



Public Right-of-Way Vacation Findings

In order to grant approval of a right-of-way vacation, the following four findings must be made:

1. *There is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated;*

The Project proposes the vacation of Date Street for the development of an 11,200 square-foot public plaza. The Project seeks to vacate the existing 80-foot right-of-way along Date Street originally intended and currently utilized for vehicular and pedestrian traffic and public utilities. The proposed vacation would convert and improve the right-of-way as a public plaza with pedestrian access. While the vacation would no longer allow vehicular access on Date Street as originally intended, the creation of a new public plaza would continue to serve a public purpose.

A traffic assessment analysis, dated October 14, 2013, Date Street Closure Traffic Assessment prepared by RBF Consulting, evaluated the traffic impacts associated with the street vacation. The analysis evaluated existing and future intersection operations with and without the proposed closure of Date Street, as well as the impacts of removing 13 public parking spaces associated with the proposed street vacation. The findings of the analysis concluded that the street vacation would not result in any significant impacts related to the redistribution of existing and future traffic, transit conditions or the removal of the existing public parking spaces.

2. *The public will benefit from the vacation through the improved use of the land made available by the vacation;*

The vacation of Date Street will result in the creation of an attractive 11,200 square-foot plaza consisting of enhanced paving, lighting, landscaping, water fountain, and moveable tables and chairs. The plaza will provide a public area for the community to enjoy on a daily basis, as well as provide an area for cultural activities, farmers markets, art events, and music events. The public plaza and the activities associated with the open space will add value and further provide identity and economic benefit to downtown and the Little Italy neighborhood.

3. *The vacation does not adversely affect any applicable land use plan; and,*

The proposed vacation would convert and improve the right-of-way as a public plaza with pedestrian access. The proposed vacation would allow the creation of a public use consistent with the following goals and policies of the DCP Parks, Open Space, and Recreation Chapters which envision the creation of new parks and plazas in conjunction with development projects:

- 4.1-G-1 – Develop a comprehensive open space system that provides a diverse range of outdoor opportunities for residents, workers, and visitors;
- 4.1-G-2 – Provide public open space within walking distance of all residents and employees;
- 4.1-P-8 – Pursue new smaller open spaces – including public plazas and places, fountains, and pocket parks – on portions of blocks throughout downtown and on geologic faults to supplement larger public open spaces; and as recreational paths; and,
- 4.1-P-15 – Encourage the position of outdoor seating and/or cafes where appropriate.

The DCP Urban Design Chapter encourages the maintenance of the downtown street-grid system and discourages full or partial street closures by new buildings, utilities, and transportation improvements under the following goals and policies:

- 5.1-G-1 – Maintain the downtown's street grid system and extend it to the waterfront and other larger sites as they are redeveloped; and,
- 5.1-P-1 – Do not allow full or partial street closures by new buildings, utilities, ramps, or transportation improvements. The only allowable use enabled through a street closure is a park or open space. Where a street closure to vehicle traffic may be essential, access for pedestrians and bicycles must still be maintained.

However, the DCP recognizes the need for additional open space downtown and acknowledges that the only allowable use enabled through a street closure should be for parks or open space as cited above. The vacated right-of-way will not be accessible to vehicular traffic, but will maintain pedestrian and bicycle access. Therefore, the proposed vacation of Date Street would not adversely affect any applicable land use plan.

4. *The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.*

The proposed vacation would convert and improve the right-of-way as a public plaza with pedestrian access. The proposed vacation would not eliminate the public facility, but would change its use (elimination of vehicular traffic) to accommodate a new public facility (public plaza) benefitting the community. In addition, the traffic assessment analysis dated October 14, 2013, Date Street Closure Traffic Assessment prepared by RBF Consulting concluded that the street vacation would not result in any significant impacts related to the redistribution of existing and future traffic, transit conditions or the removal of the existing public parking spaces.

#### Public Parking

Another key component of the Project includes the construction of two-and-a-half levels of subterranean parking on the site and extending beneath the vacated Date Street. The Applicant is accommodating residential parking and providing an opportunity for the creation of public



parking for the area. The parking garage could accommodate a minimum 50 parking spaces available to the general public on the first level of the subterranean parking garage with private-resident parking accommodated mostly on lower levels. Access to the parking garage would be provided via a driveway entry from Columbia Street, allowing public access to the parking garage. The proposed 50 public parking spaces in the garage will be privately owned and operated by the Applicant with market rates established by the Applicant. The parking spaces will be required to be available to the general public for a minimum of five years.

### Affordable Housing

Under the City's Inclusionary Ordinance, all new residential developments with two or more units requires the payment of an inclusionary affordable housing fee. Instead of paying this fee, applicants may set aside at least 10 percent of the total number of units subject to agreements with the San Diego Housing Commission ("Housing Commission"). Under these provisions, the Applicant would be required to pay either \$8.20 per square foot or provide a minimum of 13 units to satisfy the Inclusionary Ordinance requirements. However, the Applicant has been in negotiations with the Housing Commission and will provide a combination of on-site affordable units and partial payment of an inclusionary housing fee. The Applicant will provide 11 units (8.8 percent of the total number of units) restricted to 65 percent of AMI within the South Building. The 11 units will only satisfy 88 percent of the inclusionary requirement and, therefore, the Applicant is required to pay 12 percent (\$0.98 per square foot) of the total fee for the 1.5 units not being provided, in order to comply with the Inclusionary Ordinance.

### NUP

The Applicant is proposing to establish sidewalk café zones for private use by the ground-level commercial spaces adjacent to the public park easement. These areas will be considered to be outdoor-use areas on private property once the street has been vacated. The outdoor use areas are proposed for both the North and South buildings and will be limited to an area extending out a maximum of 12 feet from the face of the adjacent buildings. Under the CCPDO, outdoor use areas are defined as areas within private property, but open to the general public and are required to obtain approval of an NUP. The sidewalk café "zones" will be improved to match the plaza improvements and will be generally open for pedestrians except for café improvements.

The NUP procedures establish a review process for developments that propose new uses, changes to existing uses, or expansions of existing uses that could have limited impacts on the surrounding properties. The intent of these procedures is to determine if the development complies with all applicable regulations of the zone and any supplemental regulations pertaining to the use, and to apply conditions that may be necessary to help ensure compliance.

Staff has evaluated the proposed outdoor use areas and is recommending approval with the following standard conditions:

- The outdoor use areas may exist only in conjunction with and adjacent to a street-level eating and drinking establishment. The outdoor use area shall only be used for dining, drinking and

circulation, and utilized by patrons during the hours the kitchen facilities are open for meal ordering.

- No patron shall be allowed within the outdoor use areas later than 11:00 p.m. Sunday through Thursday and 12:00 a.m. (Midnight) on Friday and Saturday, except as permitted consistent with the hour of any approved special events permit for the public plaza.

### NUP Findings

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

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

The proposed uses will not adversely affect the applicable land use plan as they are consistent with the CCPDO and DCP. Outdoor use areas and sidewalk cafés are permitted within downtown with approval of an NUP. Shopping, dining, and gathering in the neighborhood are part of the overall vision in the Little Italy neighborhood. Therefore, the proposed outdoor use areas are consistent with that vision.

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

The proposed uses for outdoor dining will not be detrimental to the public health, safety, and welfare as long as it adheres to the standard conditions of approval. Conditions of approval, including hours of operation for the outdoor dining areas, are in alignment with similar establishments in the vicinity.

3. *The proposed use or development will comply to the maximum extent feasible with the regulations of the LDC.*

The Applicant will be required to obtain all the necessary permits and approvals, as required by CivicSD, the City, the San Diego Police Department, and the State Department of Alcohol Beverage Control, associated with the outdoor dining areas.

### HISTORICAL BUILDINGS

#### North Building

The Applicant is proposing to retain a portion of the De Falco's Grocery/Zolezzi Commercial Building (also known as the Reader Building). The original west façade along India Street will be rehabilitated and will remain intact. The existing transom windows, currently covered in stucco, will be restored bringing natural light into the interior spaces. The City Historical Resources staff has determined that the proposed modifications to the building are consistent with the Standards for the Rehabilitation of Historical Resources and therefore don't require approval of an SDP.



### South Building

The Applicant is proposing to relocate the Antonio and Josephine Giacalone Residence from its current location at 519 West Date Street to Amici Park in Little Italy. The Amici Park property is owned by the San Diego Unified School District (SDUSD) and requires final approval by the SDUSD Board of Directors prior to relocation. The Amici Park location would require the house to be moved approximately three blocks east. Once relocated, the residence will be rehabilitated and used for public restrooms for the park consistent with the Standards for the Rehabilitation of Historical Resources. The relocation of the house to Amici Park is the primary relocation site; however, if the primary location were not approved by the SDUSD Board, the house would be relocated to 1792 National Avenue in Barrio Logan. If relocated to Barrio Logan, the house would also be rehabilitated and utilized for commercial/retail uses. The HRB recommended supported the relocation to either of the two sites but had a strong preference for relocation of the residence to Amici Park.

### SDP

Under the SDMC, the relocation of a historical resource is considered a substantial alteration and therefore, requires approval of an SDP. Impacts related to the proposed alteration and relocation would be reduced through implementation of the required mitigation measures found in the FEIR Mitigation, Monitoring and Reporting Program (MMRP) for the 2006 DCP and conditions of approval in the SDP.

In order to approve an SDP for the relocation of a historical resource, the following findings must be made:

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

The Downtown Community Plan lists the following goals and policies in regards to historical resources:

- a) For locally designated historical resources, "Whenever possible, retain resource on-site. Partial retention, relocation or demolition of a resource shall only be permitted through applicable City procedures."
- b) Protect historical resources to communicate downtown's heritage.
- c) Encourage the rehabilitation and reuse of historical resources.
- d) Allow development adjacent to historical resources respectful of context and heritage, while permitting contemporary design solutions that do not adversely impact historical resources.
- e) Encourage the retention of historical resources on-site with new development. If retention of the historical resource on-site is found to be infeasible under appropriate City review procedures, the potential relocation of the historical resource to another location within downtown shall be explored, and if feasible, adopted as a condition of an SDP.

The Project meets all of the design goals of the DCP and CCPDO for new developments in this area. The Project will add to the vitality of the neighborhood, and provide 125 new residential units, residential and public parking and a new piazza open to the general public as well as rehabilitate a historical building. While the DCP allows for relocation of a historical resource when retention on-site is infeasible, the relocation of the Antonio and Josephine Giacalone House is a practical means of protecting the threatened resource and preserves its architectural heritage within the neighborhood. In addition, the FEIR for the DCP recognized that not all historical resources may be preserved in the downtown area due to conflicting housing and employment goals; however, the Project retains and rehabilitates the Antonio and Josephine Giacalone House.

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

The proposed development will consist of the construction of a mixed-use development on the north and south sides of Date Street between India and Columbia streets, including the relocation and rehabilitation of a designated historical resource and the construction of public piazza on the vacated portion of the Date Street Right-of-Way. The proposed project will be consistent with the DCP and CCPDO with approval of a CCDP/PDP/NUP/SDP and Street Vacation. The Project will be compatible with the nearby residential and commercial buildings and other new developments in the area without harming the public health, safety and welfare.

3. *The proposed development will comply to the maximum extent feasible with the applicable regulations of the LDC.*

The proposed Project will meet the development standards of the CCPDO with approval of a CCDP/PDP/NUP/SDP and Street Vacation. The proposed relocation of the designated building is a Substantial Alteration requiring an SDP, consistent with Municipal Code Section 143.0251. The proposed rehabilitation work on the building will be consistent with the Standards and will not create any adverse impacts to the designated building. Impacts related to the proposed relocation would be reduced through implementation of the required mitigation measures found in the Sixth Addendum to the Downtown FEIR for the Project and additional permit conditions.

#### **Supplemental Findings for Relocation of a Historical Resource – Section 126.0504(h)**

1. *There are no feasible measures, including maintaining the resource on site, that can further minimize the potential adverse effects on historical resources.*

The Project proposes relocation, rehabilitation and reuse of the Antonio and Josephine Giacalone House, from its current location at 519 West Date Street in the Little Italy neighborhood of the DCP Area to Amici Park in Little Italy or to 1792 National Avenue in Barrio Logan. Relocation of the house would allow for development of underground parking, in addition to the above-grade development that will stretch from the north side



of West Date Street, under the vacated right of way of West Date Street and under the parcel where the historic resource is located. The Developer evaluated three options, which included retention of the building on site maintaining required setbacks, incorporating the existing building into the new development, or relocation the house to another parcel. The house currently occupies 22 percent of a 5,000 square-foot lot. If the house was maintained on the site, the amount of developable land would be significantly reduced, deeming this option infeasible. If the house were incorporated into the existing design, significant portions of the resource would be lost. The new development would be constructed around the resource.

2. *The proposed relocation will not destroy the historical, cultural or architectural values of the historical resource and the relocation is part of a definitive series of actions that will assure the preservation of the designated historical resource.*

The Developer, as the property owner, is required to implement the mitigation measures identified in the FEIR Mitigation, Monitoring and Reporting Program pertaining to the relocation, rehabilitation and reuse of designated historical resource #1036, the Antonio and Josephine Giacalone House. Further, the developer has identified a primary relocation site and a secondary site should the SDUSD Board fail to approve relocation of the primary site. The relocation sites meet the requirements of the National Park Service's Criterion Consideration B for Moved Properties and the City's Historical Resources Regulations on the same subject. After relocation and stabilization of the resource, it will be rehabilitated in accordance with the Secretary of the Interior's Standards for Rehabilitation. A qualified historical architect monitor will supervise the relocation and rehabilitation project. The property's status as a designated historical resource will be transferred to the relocation site and the property will remain a designated resource under the jurisdiction of the San Diego HRB. These measures ensure that the proposed relocation, rehabilitation and reuse will not destroy the historical, cultural, or architectural values of the historical resource and the relocation will be part of a definitive series of actions to assure the preservation of the designated historical resource.

3. *There are special circumstances or conditions apart from the existence of the historical resource, applying to the land that are peculiar to the land and are not of the applicants making, whereby the strict application of the provisions of the historical resources regulations would deprive the property owner of reasonable use of the land.*

The DCP's goals for the surrounding neighborhood calls for greater development, especially on vacant land and underdeveloped sites. Consistent with these goals, the area surrounding the site has seen an increase in density and larger scale development in the last several years. Included in this growth are multi-story development projects, which are located directly south and northeast from the Antonio and Josephine Giacalone House. The existing site constraints, land development factors and overall setting and context of the neighborhood constitute special circumstances and conditions, which exist apart from the presence of the historical resource. These special circumstances, applying

to the land, are peculiar to the land and are not of the Developer's making. Therefore, the strict application of the provisions of the Historical Resources Regulations would deprive the Developer, as the property owner, of reasonable use of the land.

### CONCLUSION


Staff recommends that the Planning Commission recommends that the Council approves the following:


- Adoption of a Resolution certifying the Sixth Addendum to the 2006 Final Environmental Impact Report (FEIR) for the Downtown Community Plan DCP, CCPDO, and 10<sup>th</sup> Amendment to the Centre City Redevelopment Plan ("Downtown FEIR");
- CCDP/PDP/NUP/SDP No. 2013-10 for the construction of the North and South buildings; deviations to the development standards of the Centre City Planned District Ordinance (CCPDO); relocation of a historical resource from the southern portion of the site; and, sidewalk cafés adjacent to the public plaza; and,
- Construction of an 11,200 square-foot public plaza within the vacated Date Street right-of-way.

Respectfully submitted,

  
Lucy Contreras  
Senior Planner

Concurred by:

  
Andrew Phillips  
Interim President

  
Brad Richter  
Assistant Vice President, Planning

Attachments: 1. Project Location Map  
2. Draft CCDP/PDP/NUP/SDP No. 2013-10  
3. Draft Public Right-of-Way Vacation Resolution with Findings  
4. Planning Commission Recommendation to Council Resolution  
5. Historical Resource Treatment Plans  
6. Sixth Addendum to the Downtown FEIR  
7. Public Correspondence  
Basic Concept/Schematic Drawings



# PROJECT LOCATION





**RECORDING REQUESTED BY:**

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

**WHEN RECORDED MAIL TO:**

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

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

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

**CENTRE CITY DEVELOPMENT PERMIT/  
PLANNED DEVELOPMENT PERMIT/SITE DEVELOPMENT  
PERMIT/NEIGHBORHOOD USE PERMIT No. 2013-10**

**INDIA AND DATE  
(APN#533-233-09 through 12 &  
533-351-01 and 08)**



## **INDIA AND DATE CCDP/PDP/SDP/NUP NO. 2013-10**

This Centre City Development Permit/Planned Development Permit/Site Development Permit/Neighborhood Use Permit (CCDP/PDP/SDP/NUP) No. 2013-10 ("Permit") is granted by the City of San Diego City Council to H.G. Fenton Development Company (Owner/Permittee), pursuant to San Diego Municipal Code (SDMC) Sections 125.0901, 126.0502, 143.0201, 143.0260, 156.0304 and 156.0308, for the India and Date project ("Project") located on an approximately 50,611 square foot site consisting of a) an approximately 24,611 site on the north of Date Street between India and Columbia streets; b) an approximately 10,000 square foot site on the south side of Date Street between India and Columbia streets; and, c) a 16,000 square foot public right-of-way to be vacated along Date Street ("Site") in the Little Italy neighborhood of the Downtown Community Plan (DCP) area in the City of San Diego, State of California, and more particularly described in "Exhibit A"; and,

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to construct and operate uses as described and identified by size, dimension, quantity, type and location as follows and on the approved exhibits dated May 12, 2014, on file in the Civic San Diego (CivicSD) Planning Department.

### **1. General**

The Owner/Permittee shall construct, or cause to be constructed on the site, a project containing the following elements:

- a) A seven-story, approximately 88-foot tall mixed use building containing 97 residential units and ground floor retail space located on the north side of Date Street between India and Columbia streets;
- b) A five-story, approximately 69-foot tall mixed use building containing 28 residential units (11 affordable units) and ground floor retail space located on the south side of Date Street between India and Columbia streets;
- c) A 222-space underground parking structure under both the north and south buildings and across Date Street;
- d) An 11,200 square-foot public plaza on the vacated portion of Date Street; and,
- e) Outdoor dining areas along the north and south side of Date Street.

The total Floor Area Ratio of (FAR) for the Project is a 4.18.

### **2. Centre City Planned Development Permit**

The City of San Diego City Council hereby grants a Centre City Planned Development Permit pursuant to SDMC Chapter 12, Article 6 Division 6 and Sections 156.0304(d) and (f) for deviations to the following development regulations of the Centre City Planned District Ordinance (CCPDO):

North Building

- a. Reduction of the minimum ground floor height for ground floor active commercial uses from an average height of 15 feet to an average height of 11 feet along the Columbia Street frontage;
- b. Encroachment into the Little Italy Sun Access (LISA) Overlay as shown in the Basic Concept/Schematic Drawings dated May 12, 2014 and,
- c. Allowance for an increase in the maximum width of an oriel window from 12 feet to 17 feet wide on the three-story element located at the eastern corner of the Date Street elevation.

South Building

- d. Encroachment into the LISA Overlay as shown in the Basic Concept/Schematic Drawings dated May 12, 2014.

Overall Development

- e. Allowance for the development to not provide an off-street loading bay.

3. Site Development Permit

The City of San Diego City Council hereby grants a Site Development Permit allowing the Relocation of a Designated Historical Resource as follows:

- a. City of San Diego Historical Resources Board (HRB) Site No. 1036, Antonio and Josephine Giacalone Residence, located at 519 W. Date Street will be relocated to one of the following two locations:
  - i. Amici Park located at Date Street and Union in the Downtown Community Plan Area as outlined in the Treatment Plan prepared by Martin Architecture dated April 24, 2014.
  - ii. 1792 National Avenue located at the northeast corner of National Avenue and Beardsley Street in the Barrio Logan Community Plan Areas as outlined in the Treatment Plan dated April 24, 2014.
- b. All modifications to, and rehabilitation of, the Antonio and Josephine Giacalone Residence shall be performed in accordance with the National Park Service Standards for Relocation, U.S. Secretary of the Interior Standards ("Standards") for rehabilitation of historical structures, City of San Diego Historical Resources Guidelines and the Treatment Plan required under the Sixth Addendum to the 2006 FEIR for the Downtown Community Plan Mitigation, Monitoring and Reporting Program (MMRP) Measures HIST A.1-1 and HIST A.1-2. In addition, the following conditions apply:



1. HABS Level III documentation shall be completed for the structure prior to issuance of building permits.
2. A qualified historical architectural monitor (approved by the City of San Diego Plan-Historic Staff) will supervise the relocation, rehabilitation, and re-use of the building.
3. A permanent plaque shall be provided on the exterior wall of the historic building describing the buildings original address/location. The design shall be approved by the City of San Diego Plan-Historic staff prior to issuance of building permits and installation.
4. If any of the materials (exterior walls, window frames, roof and architectural details) are deteriorated and cannot be rehabilitated, and/or not permitted to be reinstalled by City of San Diego building officials, they may be recreated of new materials with the prior approval of the materials and execution methods of the City of San Diego Plan-Historic staff.

4. Neighborhood Use Permit

The City of San Diego City Council hereby grants a Neighborhood Use Permit pursuant to SDMC Chapter 12, Article 7, Division 1 and Section 156.0308 for the establishment of sidewalk café zones for private use by the ground-level eating and drinking establishments located on the north and south side of Date Street adjacent to the public plaza as shown in Exhibit B. The sidewalk café zones shall be subject to the following conditions:

- a. The sidewalk café area shall be limited to an area extending out a maximum of 12 feet from the face of the adjacent buildings as shown in the approved plans dated May 12, 2014 on file in the CivicSD Planning Department.
- b. The sidewalk café zones shall be designed with compatible materials as the adjacent public plaza area and shall be generally open to pedestrian traffic except where there is an established sidewalk café.
- c. No alcohol, food or beverages shall be served or permitted within the sidewalk café past 11:00p.m. Sunday through Thursday and 12:00p.m. (Midnight) Friday and Saturday.
- d. The Owner/Permittee shall be responsible for maintaining the sidewalk within, and adjacent to, the café enclosure clean and free of litter at all times.
- e. The café shall meet all applicable disabled accessibility codes.
- f. The restaurant located at the southeast corner of India and Date streets is a previously conforming sidewalk café and is exempt from the hours prescribed above until such a time the site is redeveloped.

5. Street Vacation

The City of San Diego City Council hereby grants a Street Vacation pursuant to SDMC Section 125.0901 and City Council Resolution No. \_\_\_\_\_ for the vacation of the existing 80-foot right-of-way along Date Street between India and Columbia streets subject to the following conditions:

- a. Prior to the recordation of the public right-of-way vacation, a public storm drain system shall be designed to the satisfaction of the City Engineer to convey public drainage through the proposed street to be vacated, and the construction of the approved drainage design shall be assured by permit and surety that is deemed acceptable by the City Engineer. The City Engineer's acceptance of the public storm drain system shall include irrevocable offers to dedicate drainage easements, granted satisfactory to the City Engineer. Prior to the recordation of the public right-of-way vacation, and until such time as the contemplated public storm drain system is accepted by the City Engineer, the Owner/Permittee shall enter into and remain bound by a hold harmless agreement for the public drainage that is conveyed in the Date Street right-of-way under the existing drainage system.
- b. The Owner/Permittee shall obtain a grading permit and public right-of-way permit for the proposed drainage improvements, to the satisfaction of the City Engineer.
- c. Prior to recordation of the public right-of-way vacation, Prior to recordation of the public right-of-way vacation, the following agreements shall be approved by the City of San Diego City Council:
  - a. Park Development and Reimbursement Agreement for up to \$1 million in Centre City Development Impact Fee (DIF) funds for the construction of an 11, 200 square foot public plaza on the vacated portion of the right-of-way;
  - b. Recreation Easement providing for public use of the plaza; and,
  - c. Maintenance Agreement for the public plaza with the Little Italy Association (LIA); a 501 (c)(3) non-profit corporation.

6. Historic DeFalco's Grocery Building

The Project includes a designated historical resource; the DeFalco's Grocery/Zolezzi Commercial Building (Historical Resources Board (HRB) Site No. 261) located at 1703 India Street. The original west façade along India Street, excluding the two-story portion at the north end, and the westernmost bay on the south façade shall be retained on site and rehabilitated in accordance with the Secretary of the Interior Standards as shown in the approved Basic/Concept Schematic Drawings. A Historical Treatment Plan, including a Historical Monitoring Plan, for the resources shall be provided to, and approved by, the City of San Diego Historical Resources Department prior to issuance of Building Permits.

7. Public Plaza

The Owner/Permittee shall construct an 11,200 square foot public plaza within a 56-foot wide easement located within the vacated Date Street. The easement shall be approved by City of San Diego City Council and recorded prior to the issuance of building permits. The public plaza shall be designed consistent with the approved General Development Plan (GDP) and shall contain the following key design elements:



The piazza design contains the following key elements:

- Enhanced paving with chalk squares for yearly art exhibits
- Multi-purpose light fixtures to allow tivoli lights and banners
- Signature water feature
- Space for moveable mercato stalls and stage for events
- Flexible seating (minimum 25 tables, 25 umbrellas and 100 chairs)
- In-ground street trees and moveable planters
- Christmas tree relocated from the northeast corner to the southeast corner of India and Date Street.

8. Parking

The Project includes approximately 222 parking spaces in two-and-a-half levels of subterranean parking on the site and extending beneath the vacated Date Street. The subterranean parking shall be subject to the following:

- a. A minimum of 128 parking spaces (125 for use by the residential units and 3 for visitors/guests) shall be provided. In addition, a minimum of 6 motorcycle parking spaces and secured storage for a minimum of 25 bicycles shall be provided.
- b. A minimum of an additional 50 parking spaces shall be provided and be available for general public use for a minimum of five years from the date of issuance of final Certificate of Occupancy for the Project.
- c. All parking spaces shall be designed to meet City Standards.

## **AIRPORT REQUIREMENTS**

9. Airport Approach Overlay Zone

The Owner/Permittee shall comply with the procedures established by the City of San Diego Airport Approach Overlay Zone (and any successor or amendment thereto) for structures that exceed 30 feet in height (Chapter 13, Article 2, Division 2 of the San Diego Municipal Code).

## **PLANNING AND DESIGN REQUIREMENTS**

10. Urban Design Standards

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

- a. Architectural Standards – The architecture of the development shall establish a high quality of design and complement the design and character of the Little Italy neighborhood as shown in the approved Basic Concept/Schematic Drawings on file with CivicSD. The development shall utilize a coordinated color scheme consistent with the approved Basic Concept/Schematic Drawings.
- b. Form and Scale – The development shall consist of a five-story (69 foot tall) residential mixed use building on the south side of Date Street between India and Columbia Streets and a seven-story (88 foot tall) residential mixed use building on the north side of Date Street between India and Columbia streets. Roof equipment enclosures, elevator penthouses, and mechanical screening shall be permitted above these heights as permitted under the CCPDO and the FAA. All building elements shall be complementary in form, scale, and architectural style.
- c. Building Materials – All building materials shall be of a high quality as shown in the Basic Concept/Schematic Drawings and approved materials board. All materials and installation shall exhibit high-quality design, detailing, and construction execution to create a durable and high quality finish. The base of the buildings shall be clad in upgraded materials and carry down to within 1 (one) inch of finish sidewalk grade, as illustrated in the approved Basic Concept/Schematic Drawings. Any graffiti coatings shall be extended the full height of the upgraded base materials or up to a natural design break such as a cornice line. All down-spouts, exhaust caps, and other additive elements shall be superior grade for urban locations, carefully composed to reinforce the architectural design. Reflectivity of the glass shall be the minimum reflectivity required by Title 24.

All construction details shall be high quality and executed to minimize weathering, eliminate staining, and not cause deterioration of materials on adjacent properties or the public right of way. No substitutions of materials or colors shall be permitted without the prior written consent of 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.

- d. Street Level Design – Street level windows shall be clear glass and may be lightly tinted. Architectural features such as awnings and other design features that add human scale to the streetscape are encouraged where they are consistent with the design theme of the structure. Exit corridors including garage/motor-court entrances shall provide a finished appearance to the street with street level exterior finishes wrapping into any exposed openings a minimum of ten feet.

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All exhaust caps, lighting, sprinkler heads, and other elements on the undersides of all balconies and projection 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 and incorporate drip edges and other details to minimize staining and ensure long-term durability.

- e. Utilitarian Areas – Areas housing trash, storage, or other utility services shall be located in the garages and shielded from view of the public right-of-way 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 Municipal Code Sections 142.0810 and 142.0820. Such areas shall be provided within an enclosed building/garage area and shall be kept clean and orderly at all times. The development shall implement a recycling program to provide for the separation of recyclable materials from the non-recyclable trash materials.
- f. Mail/Delivery Locations – It is the Owner/Permittee's responsibility to coordinate mail service and mailbox locations with the United States Postal Service and to minimize curb spaces devoted to postal/loading use. The Owner/Permittee shall locate all mailboxes and parcel lockers outside of the public right-of-way, either within the building or recessed into a building wall. A single, centralized interior mail area in a common lobby area is encouraged for all residential units within a development, including associated townhouses with individual street entrances. Individual commercial spaces shall utilize a centralized delivery stations within the building or recessed into a building wall, which may be shared with residential uses sharing a common street frontage address.
- g. Access – Vehicular access to the mixed-use building shall be the minimum driveway width permitted by the City.
- h. Circulation and Parking – The Owner/Permittee shall prepare a plan which identifies the location of curbside parking control zones, parking meters, fire hydrants, trees, and street lights. Such plan shall be submitted in conjunction with 100% Construction Drawings.

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 right-of-way.

- i. Open Space/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 shall be submitted with 100% Construction Drawings.
- j. Roof Tops – A rooftop equipment and appurtenance location and screening plan shall be prepared and submitted with 100% Construction Drawings. Any roof-top

mechanical equipment must be grouped, enclosed, and screened to the extent feasible from surrounding views.

- k. Signage – All signs shall comply with the City of San Diego Sign Regulations and the CCPDO.
  - l. Lighting – A lighting plan that highlights the architectural qualities of the proposed development and also enhances the lighting of the public right-of-way shall be submitted with 100% Construction Drawings. All lighting shall be designed to avoid illumination of adjoining properties.
  - m. Noise Control – All mechanical equipment, including but not limited to, air conditioning, heating and exhaust systems, shall comply with the City of San Diego Noise Ordinance and California Noise Insulation Standards as set forth in Title 24 of the California Code of Regulations. All mechanical equipment shall be located to mitigate noise and exhaust impacts on adjoining development, particularly residential. Owner/Permittee shall provide evidence of compliance at 100% Construction Drawings.
  - n. Energy Considerations – The design of the improvements should include, where feasible, energy conservation construction techniques and design, including cogeneration facilities, and active and passive solar energy design.
  - o. Street Address – Building address numbers shall be visible and legible from the public right-of-way.
11. On-Site Improvements

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

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

### 12. Off-Site Improvements

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



	<b>India Street</b>	<b>Date Street</b>	<b>Columbia Street</b>
<b>Paving</b>	Little Italy Paving (See Figure T-12 of the CCSM)	Little Italy Paving	Little Italy Paving
<b>Street Trees</b>	Chinese Tallow	Jacaranda	Raywood Ash
<b>Street Lights</b>	Little Italy Enhanced Standard Light (See Figure T-26 of the CCSM)	Little Italy Enhanced Standard Light	Little Italy Enhanced Standard Light

All trees shall be planted at a minimum 36-inch box size with tree grates provided as specified in the Centre City Streetscape Manual, and shall meet the requirements of Title 24. Tree spacing shall be accommodated after street lights have been sited, and generally spaced 20 to 25 feet on center. All landscaping shall be irrigated with private water service from the subject property.

- a. 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.
- b. Sidewalk Paving – Any specialized paving materials shall be approved through the execution of an Encroachment Removal and Maintenance Agreement with the City.
- c. Litter Containers – A minimum of four (4) Little Italy public trash receptacles shall be provided (one at each corner of the block) along India and Columbia streets.
- d. On-Street Parking – The Owner/Permittee shall maximize the amount of on-street parking wherever feasible, on India and Columbia streets.
- e. Public Utilities – The Owner/Permittee shall be responsible for the connection of on-site sewer, water and storm drain systems from the development to the City Utilities located in the public right-of-way. Sewer, water, and roof drain laterals shall be connected to the appropriate utility mains within the street and beneath the sidewalk. The Owner/Permittee may use existing laterals if acceptable to the City, and if not, Owner/Permittee shall cut and plug existing laterals at such places and in the manner required by the City, and install new laterals. Private sewer laterals require an Encroachment Maintenance and Removal Agreement.

All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego Sewer Design Guide. If it is determined that existing water and sewer services are not of adequate size to serve the proposed development, the Owner/Permittee will be required to abandon (kill) any unused water and sewer services and install new services and meters. Service kills require an engineering permit and must be

shown on a public improvement plan. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of City of San Diego Water and Sewer Facility Design Guidelines and City regulations standards and practices pertaining thereto.

Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the Building Permit plan check. If and when the Owner/Permittee submits for a tentative map or tentative map waiver, the Water Department will require CC&Rs to address the operation and maintenance of the private on-site water system serving the development. No structures or landscaping of any kind shall be installed within 10 feet of water facilities.

All roof drainage and sump drainage, if any, shall be connected to the storm drain system in the public street, or if no system exists, to the street gutters through sidewalk underdrains. Such underdrains shall be approved through an Encroachment Removal Agreement with the City. The Owner/Permittee shall comply with the City of San Diego Storm Water Management and Discharge Control Ordinance and the storm water pollution prevention requirements of Chapter 14, Article 2, Division 1 and Chapter 14, Article 2, Division 2 of the Land Development Code.

- f. Franchise Public Utilities - The Owner/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 franchised utilities located above grade serving the property and in the sidewalk right-of-way shall be removed and incorporated into the adjoining development where feasible.
- g. Fire Hydrants - If required, the Owner/Permittee shall install fire hydrants at locations satisfactory to the City of San Diego Fire Department and Development Services Department.
- h. Water Meters and Backflow Preventers - The Owner/Permittee shall locate all water meters and backflow preventers in locations satisfactory to the Public Utilities Department and CivicSD. Backflow preventers shall be located outside of the public right-of-way adjacent to the development's water meters, either within the building, a recessed alcove area, or within a plaza or landscaping area. The devices shall be screened from view from the public right-of-way.

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



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

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

- a. Remove (and dispose of) and/or treat any contaminated soil and/or water on the site (and encountered during installation of improvements in the adjacent public rights-of-way which the Owner/Permittee is to install) as necessary to comply with applicable governmental standards and requirements.
- b. Design construct all improvements on the site in a manner which will assure protection of occupants and all improvements from any contamination, whether in vapor or other form, and/or from the direct and indirect effects thereof.
- c. Prepare a site safety plan and submit it to the appropriate governmental agency, CivicSD, and other authorities for approval in connection with obtaining a building permit for the construction of improvements on the site. Such site safety plan shall assure workers and other visitors to the site of protection from any health and safety hazards during development and construction of the improvements. Such site safety plan shall include monitoring and appropriate protective action against vapors and/or the effect thereof.
- d. Obtain from the County of San Diego and/or California Regional Water Quality Control Board and/or any other authorities required by law any permits or other approvals required in connection with the removal and/or remedy of soil and/or water contamination, in connection with the development and construction on the site.
- e. If required due to the presence of contamination, an impermeable membrane or other acceptable construction alternative shall be installed beneath the foundation of the building. Drawings and specifications for such vapor barrier system shall be submitted for review and approval by the appropriate governmental authorities.

**STANDARD REQUIREMENTS**

14. Environmental Impact Mitigation Monitoring and Reporting Program (MMRP)

The development shall comply with all applicable MMRP measures from the Sixth Addendum to the 2006 Final Environmental Impact Report (FEIR) for the Downtown Community Plan as applicable.

15. Development Impact Fees

The development will be subject to Centre City Development Impact Fees. For developments containing commercial space(s) the Owner/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/Permittee to provide all necessary documentation for receiving any "credit" for existing buildings to be removed.

16. Inclusionary Housing Ordinance

As required by SDMC Chapter 14, Article 2, Division 13, the development shall comply with all applicable regulations of the City of San Diego's Inclusionary Housing Ordinance.

17. Construction Fence

Owner/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.

18. Development Identification Signs

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

- Color rendering of the development
- Development name
- Developer
- Completion Date
- 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 square feet per street frontage. Graphics may also be painted on any barricades surrounding the site. All signs and graphics shall be submitted to CivicSD for approval prior to installation.



19. Tentative Map

The Owner/Permittee shall be responsible for obtaining all map approvals required by the City of San Diego prior to any proposal for residential units to be offered for sale.

20. 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 (EOT) has been granted. Any such EOT must meet all SDMC and CCPDO requirements in effect at the time of extension are considered by the appropriate decision maker.
21. Issuance of this Permit by CivicSD does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies.
22. 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/Permittee and any successor(s) in interest.
23. 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 of San Diego.
24. 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.
25. The Owner/Permittee shall defend, indemnify, and hold harmless the City/CivicSD, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City/CivicSD 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/CivicSD 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/CivicSD 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/CivicSD and Owner/Permittee regarding litigation issues, the City/CivicSD shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the

India and Date  
CCDP/PDP/SDP/NUP No. 2013-10

matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

This CCDP/PDP/SDP/NUP is granted by the City of San Diego City Council on \_\_\_\_\_.

CIVIC SAN DIEGO

OWNER/PERMITTEE SIGNATURE

\_\_\_\_\_  
Civic San Diego Date

\_\_\_\_\_  
H.G. Fenton Development Date

Attachments: Exhibit "A" - Legal Description  
City of San Diego Resolutions



EXHIBIT A  
LEGAL DESCRIPTION

**North Site**

Parcel A: Lots 8 through 12 in Block 38 of Middletown, in the City of San Diego, County of San Diego, State of California, According to the Map thereof by J.E. Jackson on file in the Office of the Clerk of San Diego County.

**South Site**

Lots 1 and 12 in Block 31 of Middletown, in the City of San Diego, County of San Diego, State of California, According to the Map thereof by J.E. Jackson on file in the Office of the Clerk of San Diego County.

**Public Right-of-Way Vacation – Date Street**

That portion of Date Street dedicated per the Map of Middletown, in the City of San Diego, County of San Diego, State of California, According to Map thereof made by J.E. Jackson, filed in the office of the county clerk of San Diego County on October 19, 1874 described as follows:

All those portions of Lots 1 and 12 in Block 31 and those portions of Lots 9 and 10 in Block 38 lying within Date Street.

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION VACATING A PORTION OF DATE  
BETWEEN INDIA STREET AND COLUMBIA STREET.  
RIGHT-OF-WAY VACATION NO. 1094595  
PROJECT NO. 312787

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the vacation of public rights-of-way by City Council resolution; and

WHEREAS, H.G. FENTION filed an application to vacate a portion of Date Street between India Street and Columbia Street, being described as Right-of-Way Vacation No.1094595; and

WHEREAS, Right-of-Way Vacation No. 1094595 is located on property owned by the City of San Diego; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the activity is covered under an Addendum to the Final Environmental Impact Report for the 2006 Downtown Community Plan, Centre City Planned District Ordinance and 10th Amendment to the Centre City Redevelopment Plan (Downtown FEIR) has been prepared for the proposed Project (Sixth Addendum to the Downtown FEIR, dated May 2014).



The Downtown FEIR was prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines Section 15168 and was certified by the Former Redevelopment Agency and City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively.) The Sixth Addendum concluded that the proposed amendments do not substantially change the original project, introduce new or more severe significant environmental impacts, requires major revisions to the Downtown FEIR, increases previously identified significant effects, makes previously infeasible mitigation measures or alternatives feasible, or requires adoption of additional mitigation measures or alternatives. This determination reflects the independent judgment of the City of San Diego as Lead Agency for this action; and

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to Right-of-Way Vacation No. 1094595, the Council finds that:

*(a) There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.*

The Project proposes the vacation of Date Street for the development of an 11,200 square-foot public plaza. The Project seeks to vacate the existing 80-foot right-of-way along Date Street originally intended and currently utilized for vehicular and pedestrian traffic and public utilities. The proposed vacation would convert and improve the right-of-way as a public plaza with pedestrian access. While the vacation would no longer allow vehicular access on Date Street as originally intended, the creation of a new public plaza would continue to serve a public purpose.

A traffic assessment analysis, dated October 14, 2013, Date Street Closure Traffic Assessment prepared by RBF Consulting, evaluated the traffic impacts associated with the street vacation. The analysis evaluated existing and future intersection operations with and without the proposed closure of Date Street, as well as the impacts of removing 13 public parking spaces associated with the proposed street vacation. The findings of the analysis concluded that the street vacation would not result in any significant impacts

related to the redistribution of existing and future traffic, transit conditions or the removal of the existing public parking spaces.

*(b) The public will benefit from the action through improved use of the land made available by the vacation.*

The vacation of Date Street will result in the creation of an attractive 11,200 square-foot plaza consisting of enhanced paving, lighting, landscaping, water fountain, and moveable tables and chairs. The plaza will provide a public area for the community to enjoy on a daily basis, as well as provide an area for cultural activities, farmers markets, art events, and music events. The public plaza and the activities associated with the open space will add value and further provide identity and economic benefit to downtown and the Little Italy neighborhood.

*(c) The vacation does not adversely affect any applicable land use plan.*

The proposed vacation would convert and improve the right-of-way as a public plaza with pedestrian access. The proposed vacation would allow the creation of a public use consistent with the following goals and policies of the DCP Parks, Open Space, and Recreation Chapters which envision the creation of new parks and plazas in conjunction with development projects:

- 4.1-G-1 – Develop a comprehensive open space system that provides a diverse range of outdoor opportunities for residents, workers, and visitors;
- 4.1-G-2 – Provide public open space within walking distance of all residents and employees;
- 4.1-P-8 – Pursue new smaller open spaces – including public plazas and places, fountains, and pocket parks – on portions of blocks throughout downtown and on geologic faults to supplement larger public open spaces; and as recreational paths; and,
- 4.1-P-15 – Encourage the position of outdoor seating and/or cafes where appropriate.

The DCP Urban Design Chapter encourages the maintenance of the downtown street-grid system and discourages full or partial street closures by new buildings, utilities, and transportation improvements under the following goals and policies:

- 5.1-G-1 – Maintain the downtown's street grid system and extend it to the waterfront and other larger sites as they are redeveloped; and,
- 5.1-P-1 – Do not allow full or partial street closures by new buildings, utilities, ramps, or transportation improvements. The only allowable use enabled through a street closure is a park or open space. Where a street closure to vehicle traffic may be essential, access for pedestrians and bicycles must still be maintained.

However, the DCP recognizes the need for additional open space downtown and acknowledges that the only allowable use enabled through a street closure should be for



parks or open space as cited above. The vacated right-of-way will not be accessible to vehicular traffic, but will maintain pedestrian and bicycle access. Therefore, the proposed vacation of Date Street would not adversely affect any applicable land use plan.

*(d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.*

The proposed vacation would convert and improve the right-of-way as a public plaza with pedestrian access. The proposed vacation would not eliminate the public facility, but would change its use (elimination of vehicular traffic) to accommodate a new public facility (public plaza) benefitting the community. In addition, the traffic assessment analysis dated October 14, 2013, Date Street Closure Traffic Assessment prepared by RBF Consulting concluded that the street vacation would not result in any significant impacts related to the redistribution of existing and future traffic, transit conditions or the removal of the existing public parking spaces.

BE IT FURTHER RESOLVED, that Right-of-Way Vacation No. 1094595 in connection with Civic San Diego Permit No. CCDP/PDP/NUP/SDP No. 2013-10, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37412-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated subject to the following conditions which are made a part of this resolution:

1. Prior to the recordation of the public right-of-way vacation, a public storm drain system shall be designed to the satisfaction of the City Engineer to convey public drainage through the proposed street to be vacated, and the construction of the approved drainage design shall be assured by permit and surety that is deemed acceptable by the City Engineer. The City Engineer's acceptance of the public storm drain system shall include irrevocable offers to dedicate drainage easements, granted satisfactory to the City Engineer. Prior to the recordation of the public right-of-way vacation, and until such time as the contemplated public storm drain system is accepted by the City Engineer, the Applicant shall enter into and remain bound by a hold harmless agreement for the public drainage that is conveyed in the Date Street right-of-way under the existing drainage system.
2. The Applicant shall obtain a grading permit and public right-of-way permit for the proposed drainage improvements, to the satisfaction of the City Engineer.
3. Prior to recordation of the public right-of-way vacation, the following agreements shall be approved by the City of San Diego City Council:
  - a. Park Development and Reimbursement Agreement for up to \$1million in Development Impact Fee (DIF) funds for the construction of an 11, 200 square foot public plaza on the vacated portion of the right-of-way;

- b. Recreation Easement providing for public use of the plaza; and,
- c. Maintenance Agreement for the maintenance of the public plaza with the Little Italy Association; a 501 (c)(3) non-profit corporation.

BE IT FURTHER RESOLVED, that the City of San Diego reserves and excepts from Right-of-Way Vacation No. 1094595 the permanent easement for public utility purposes, as more particularly described hereinafter:

An easement for public utility purposes over the entire area to be vacated, with the rights of ingress and egress over, under, upon, along and across as may from time to time be required to construct, place, operate, inspect, maintain, repair, replace and remove underground communication facilities, underground telecommunications equipment, gas or electric facilities together with all appurtenances thereto.

BE IT FURTHER RESOLVED, that the easements reserved herein lie within that portion of Date Street, vacated by this Document and as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37413-B, marked as Exhibit "B."

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

\_\_\_\_\_  
[Attorney]  
Deputy City Attorney

[Initials]:[Initials]  
[Month]/[Day]/[Year]  
Or.Dept:[Dept]  
Document No:



PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF  
DESIGN REVIEW/CENTRE CITY DEVELOPMENT  
PERMIT/PLANNED DEVELOPMENT  
PERMIT/NEIGHBORHOOD USE PERMIT/SITE  
DEVELOPMENT PERMIT NO. 2013-10; STREET VACATION  
NO. 1094595 AND ADOPTION OF A RESOLUTION  
CERTIFYING THE SIXTH ADDENDUM TO THE 2006 FINAL  
ENVIRONMENTAL IMPACT REPORT FOR THE DOWNTOWN  
COMMUNITY PLAN, CENTRE CITY PLANNED DISTRICT  
ORDINANCE AND 10<sup>TH</sup> AMENDMENT TO THE CENTRE  
CITY REDEVELOPMENT PLAN ("DOWNTOWN FEIR) FOR  
THE **INDIA AND DATE PROJECT**.

WHEREAS, on June 19, 2014, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of the City of San Diego approval of Design Review/Centre City Development Permit/Planned Development Permit/ Neighborhood Use Permit/Site Development Permit No. 2013-10; Street Vacation No. 1094595 and certification of the Sixth Addendum to Downtown FEIR for the India and Date Project; and,

WHEREAS, H.G. Fenton Development Company, LLC., Applicant, requested Design Review Approval and Centre City Development Permit/Planned Development Permit/ Neighborhood Use Permit/Site Development Permit No. 2013-10; Street Vacation No. 1094594 and certification of the Sixth Addendum to Downtown FEIR for the India and Date Project located on the 24,611 site on the north of Date Street between India and Columbia streets; the 10,000 square foot site on the south side of Date Street between India and Columbia streets and the 16,000 square foot public right-of-way along Date Street in the Little Italy Neighborhood within the Downtown Community Plan Area; and,

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this Project on record in the offices of Civic San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends that the Council of the City of San Diego approve Design Review/Centre City Development Permit/Planned Development Permit/ Neighborhood Use Permit/Site Development Permit No. 2013-10; Street Vacation No. 1094595 and certification of the Sixth Addendum to Downtown FEIR for the India and Date Project.

---

Lucy Contreras  
Senior Planner  
Civic San Diego

Dated June 19, 2014

By a vote of: \_\_\_\_\_

# MARTIN ARCHITECTURE

2333 State Street ▲ Suite 100 ▲ Carlsbad, CA 92008  
760-729-3470 (O) ▲ 760-729-3473 (F) ▲ 858-349-3474 (C)  
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## TREATMENT PLAN

April 24, 2014

**PROJECT: ANTONIO AND JOSEPHINE GIACALONE RESIDENCE**  
Located at 519 W. Date Street, San Diego  
**HRB SITE #1036**

**SUBJECT: TREATMENT PLAN - RELOCATION TO AMICI PARK**  
**DATE STREET @ UNION**

### **PROJECT TEAM:**

DEVELOPER:	H G Fenton, John La Raia
PROJECT ARCHITECT:	Architects Orange
PRESERVATION ARCHITECT:	Martin Architecture, Tim Martin, AIA
QUALIFIED HISTORICAL	
MONITOR:	Union Architecture, John Eisenhart
HISTORICAL CONSULTANT:	Marie Burke Lia
HOUSE MOVER:	John T. Hansen Enterprises
GENERAL CONTRACTOR:	To be determined

### **PROJECT DESCRIPTION:**

The Antonio and Josephine Giacalone Residence is described as a one story symmetrical, irregular shaped structure, Folk Vernacular style. Originally a residential structure, its use was most recently commercial (HRB Site #1036). Built in 1885 in an unknown location, the structure was moved to its current location at in the 1920's. This Treatment Plan is being prepared to move this historic structure from its current location at 519 W. Date Street, San Diego approximately 3 blocks east to Amici Park at Washington Elementary School in Little Italy at the intersection of W. Date Street and Union. It will be rehabilitated at this new location to serve as public restrooms.



## **INTRODUCTION:**

The implementation of the Treatment Plan for the relocation / transportation and rehabilitation of the Giacalone Residence will be facilitated by a Qualified Historic House Mover, under the supervision of the Preservation Architect and the Qualified Historical Monitor in a manner consistent with the mitigating, monitoring and reporting program (MMRP) for this project. This Treatment Plan is to be accompanied by a copy of the HABS drawings of the property prepared by the Qualified Historical Monitor, drawings that outline the proposed stabilization and preparation of the structure for relocation, and drawings of the rehabilitation of the structure at the new location. This Treatment Plan and its related drawings will be included in all subsequent plans for the discretionary permit processing and construction documents.

## **PREPARATION / RELOCATION OF STRUCTURE:**

### **PRE-CONSTRUCTION MEETING:**

Monitoring of the preparation, moving, storage, relocation, and rehabilitation shall be performed by the Qualified Historical Monitor. Prior to the start of the demolition / removal process, the Contractor and Monitor will meet on site to review the scope of demolition / removal work. During the demolition / removal work, Contractor to inform Monitor of discovery of any architectural elements (brackets, posts, casing, etc.) to evaluate the relevance of these materials. Consistent with Standards # 6, 7, and 9.

### **PREPARATION OF STRUCTURE PRIOR TO MOVE:**

The 4' x 14' addition at the rear of the building (distinguished by the narrower bevel siding) is non-historic and is to be removed, as is the adjacent concrete porch. The concrete stoop leading to the wood framed front porch is to be removed. The existing composition roofing, exterior wood siding, and wood doors and windows are to remain in place. Steel stretcher beams will be threaded through the existing crawlspace, penetrating the existing concrete stem wall. The portion of wall exposed by removal of the addition as well as all windows and exterior doors are to be boarded up with  $\frac{3}{4}$ " plywood sheathing (secured at each opening with minimal screws into existing exterior casing) to protect them during transit. Exterior plumbing pipes shall be removed. All site utilities shall be disconnected. Building walls will then be cut from the existing foundation. The building will then be lifted off its foundation as a whole onto a transport vehicle. Consistent with standards #6, 7, 9, and 10.

### **MOVEMENT OF STRUCTURE:**

The house mover is to outline the path and sequence of the move, and the means the structure is to be secured for the move. Monitor and city staff to approve plan prior to moving date. Consistent with Standards #1, 2 and 3.

### **TEMPORARY STORAGE OF STRUCTURE:**

A temporary storage site may be required should scheduling at the relocation site dictate. Should this be required the storage site will be the house storage site in Spring Valley. During transit and temporary storage, the building will be secured and protected from damage, including weather intrusion and vandalism, and monitored by the Qualified Historical Monitor.

#### **POST RELOCATION OF STRUCTURE:**

Once the structure is transported to the relocation site, it is to be elevated a few feet and supported from its temporary stretcher beams directly above its intended location. A new concrete foundation wall is then to be constructed to match the current foundation and new concrete piers are to be installed to receive the existing raised floor framing. The building and attached porch are to then be lowered into place on the new foundation and secured. Consistent with Standards 1, 2 and 3.

#### **REHABILITATION OF STRUCTURE:**

##### **EXISTING FOUNDATION:**

The existing 2 x 6 floor framing of the Giacalone Residence rests on a concrete perimeter foundation wall constructed at the time of the previous move in the 1920's. Three original 1885 timber floor girders running the long direction of the structure support the original floor joists and are supported by 4 x 4 posts on the concrete piers. All original floor joists and girders are to remain intact; the posts, piers, and perimeter foundation walls will remain and be demolished after the structure has been moved.

##### **NEW FOUNDATION:**

During the relocation process, the new foundation will be installed to match the current foundation with the finish floor elevation approximately 30" above grade, consistent with the structure's current relationship to grade. New concrete steps will be formed and poured at the front porch to replicate the existing steps left behind at the current site. New footings and concrete stem walls will also be poured to accommodate the new ramp to be constructed on the right side of the structure. Consistent with Standards #9 and 10.

##### **EXISTING FRAMING:**

**Horizontal Members:** First floor framing is wood plank sheathing on Douglas Fir 2 x 6 floor joists @ 24" on center., supported by three timber girders running the long direction of the structure. Roof framing is 1 x sheathing on 2 x 3 rafters and ceiling joists. A tray roof (four hips surrounding a central flat roof area) covers the front 2/3 of the structure, with hip roofs covering the rear 1/3 and the front porch.

**Vertical Members:** Exterior and interior walls are 2 x 3 Douglas Fir studs @ 16" on center.

##### **ROOF:**

Roof consists of composition shingles on all sloped areas and roll type sheet roofing on the flat area. The existing composition roofing is to be removed and replaced with "Highland Slate" composition shingles by CertainTeed, color: Tudor Brown. Sheet roofing is to be replaced. Consistent with Standard #5.

##### **EXTERIOR FINISHES:**

New replacement siding to match the existing is to be installed along the 14' long section of the rear façade where the non-historical addition was removed. All existing siding and trim, and all doors and windows are to be rehabilitated in place. Consistent with Standards #5, 6, 9 and 10.



#### DOORS and WINDOWS:

The existing wood doors and wood windows will be removed from their frames (which are to remain and be rehabilitated in place), rehabilitated, and reinstalled in their original frames. Consistent with Standards #5 and 6

#### ACCESSIBLE RAMP:

An accessible ramp is to be constructed along the right side of the structure in front of the new foundation wall to access the front porch, where a segment of handrail on the end of the porch would be removed. Consistent with Standards 9 and 10.

#### ELECTRICAL & LIGHTING:

The existing electrical and lighting will be removed and replaced to conform to current code. Electrical meter shall be installed at the rear of the structure in the section of the new wall closure where the non-historic addition is removed. Consistent with Standards # 9 and 10.

#### PLUMBING:

All exterior plumbing and vent pipe to be removed. New interior plumbing and vents to be installed as required to conform with current code. Consistent with Standards # 9 and 10.

#### PAINTING:

Historical photos or paint scrapings will be used in order to replicate the original colors and appearance of the structures. Existing paint to be tested for presence of lead based paint. If detected, follow current abatement regulations. Monitor and staff to approve final paint scheme. Consistent with Standard #6.

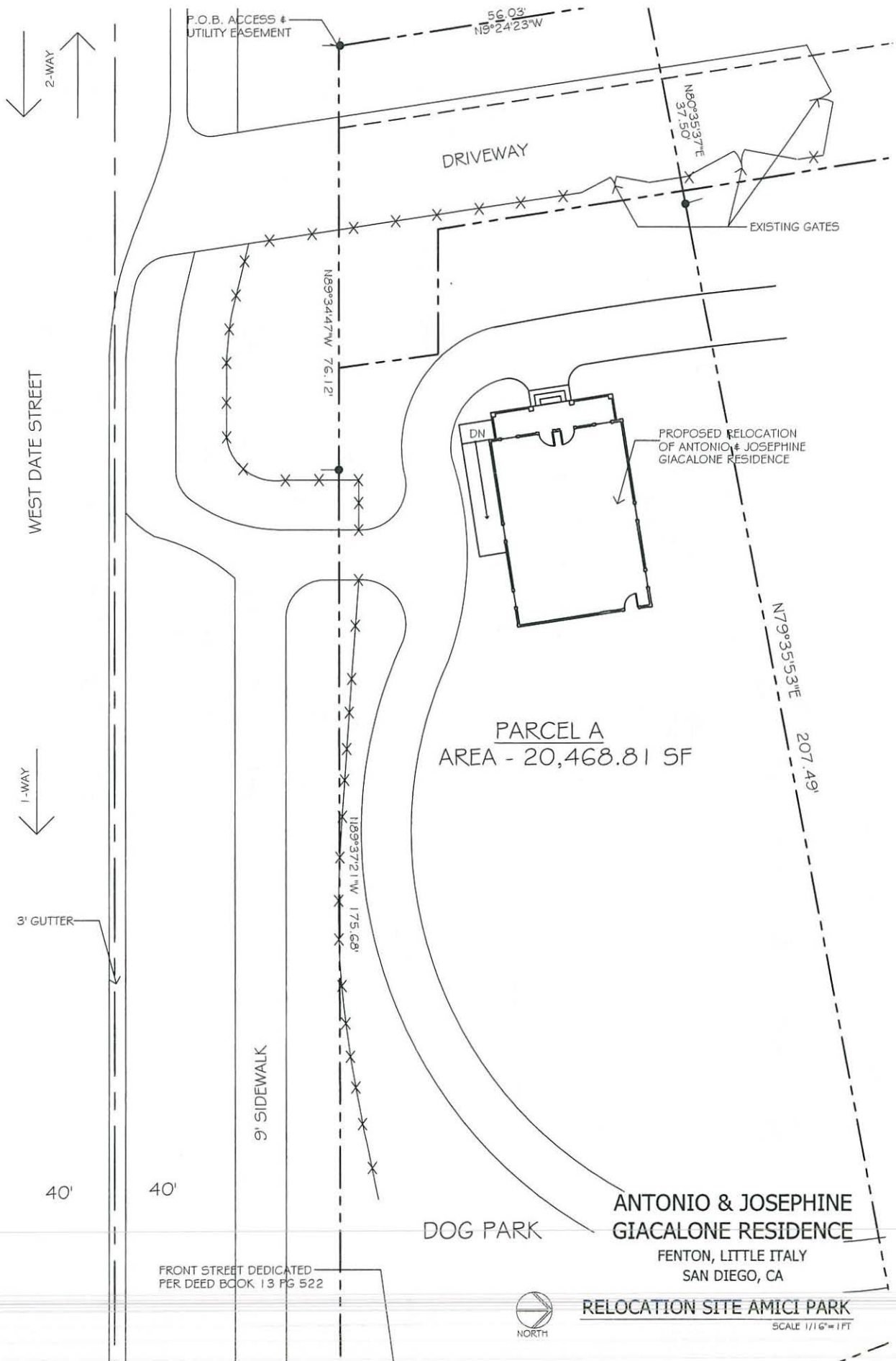
#### INTERIOR FINISHES:

All interior finishes will be removed, and after incorporation of plywood shear panels, wiring, plumbing, ductwork and insulation, replaced. Existing windows requiring privacy treatment will receive an obscure glass pane in a separate sash mounted to the inside face of the window frame. Consistent with Standards # 9 and 10.

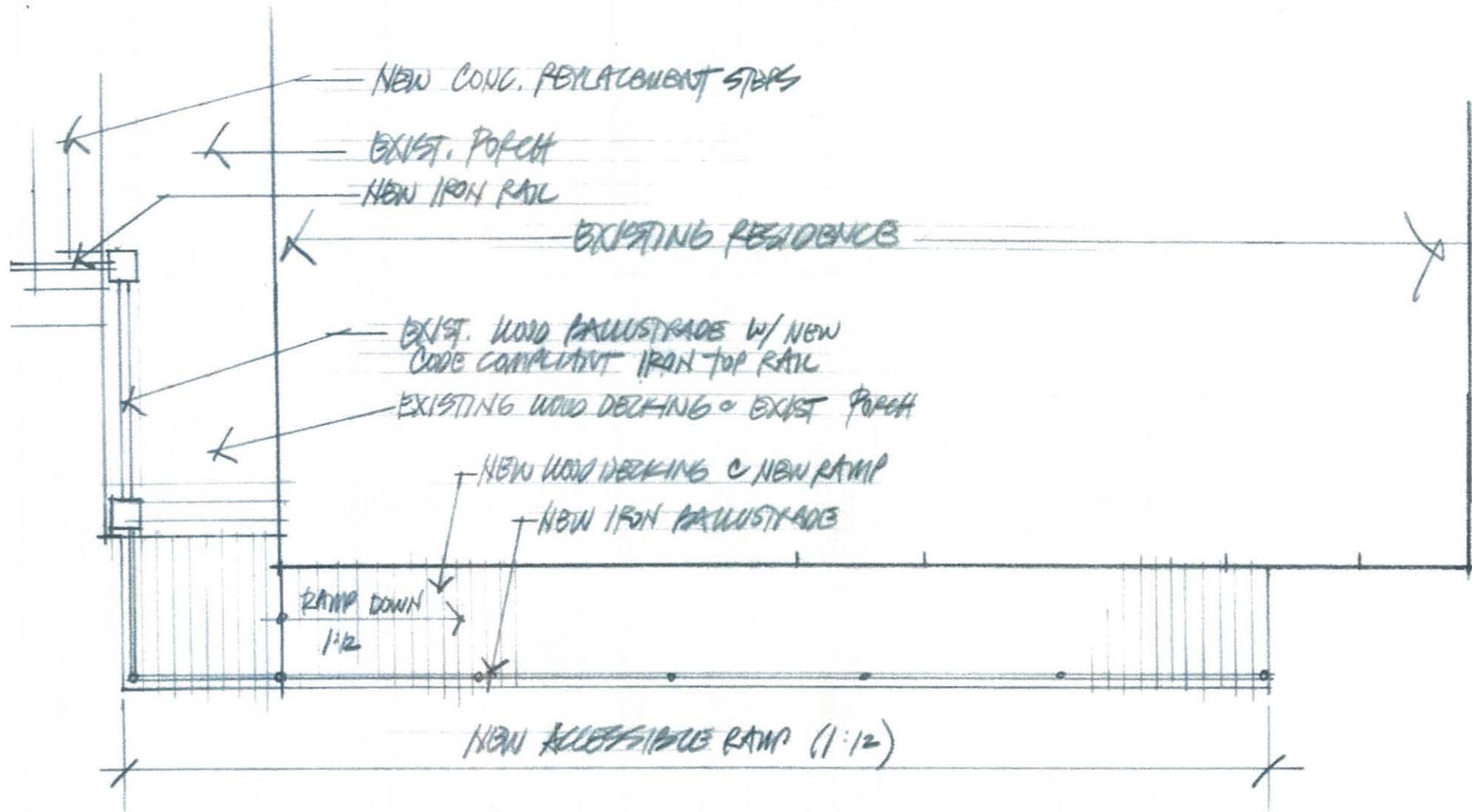
#### REHABILITATION / RECONSTRUCTION:

The cleaning of all historic materials shall occur through the use of the gentlest means possible. Historic fabric shall be retained as much as possible. Do not sandblast or power wash materials. The character defining massing and form of the structure is a one story primary element with a tray roof and smaller scale hipped roof elements in the form of an attached porch at the front and a hip roofed element at the rear. The character defining material elements are bevel siding, windows, casing, and trim boards, and wood posts and balustrade. Should reconstruction be required as a result of damage during this program, it shall be undertaken in accordance and conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties under the direction of the Qualified Historical Monitor.

Tim Martin, AIA  
Martin Architecture







PARTIAL FLOOR PLAN

1/4" = 1'-0"

4/24/14

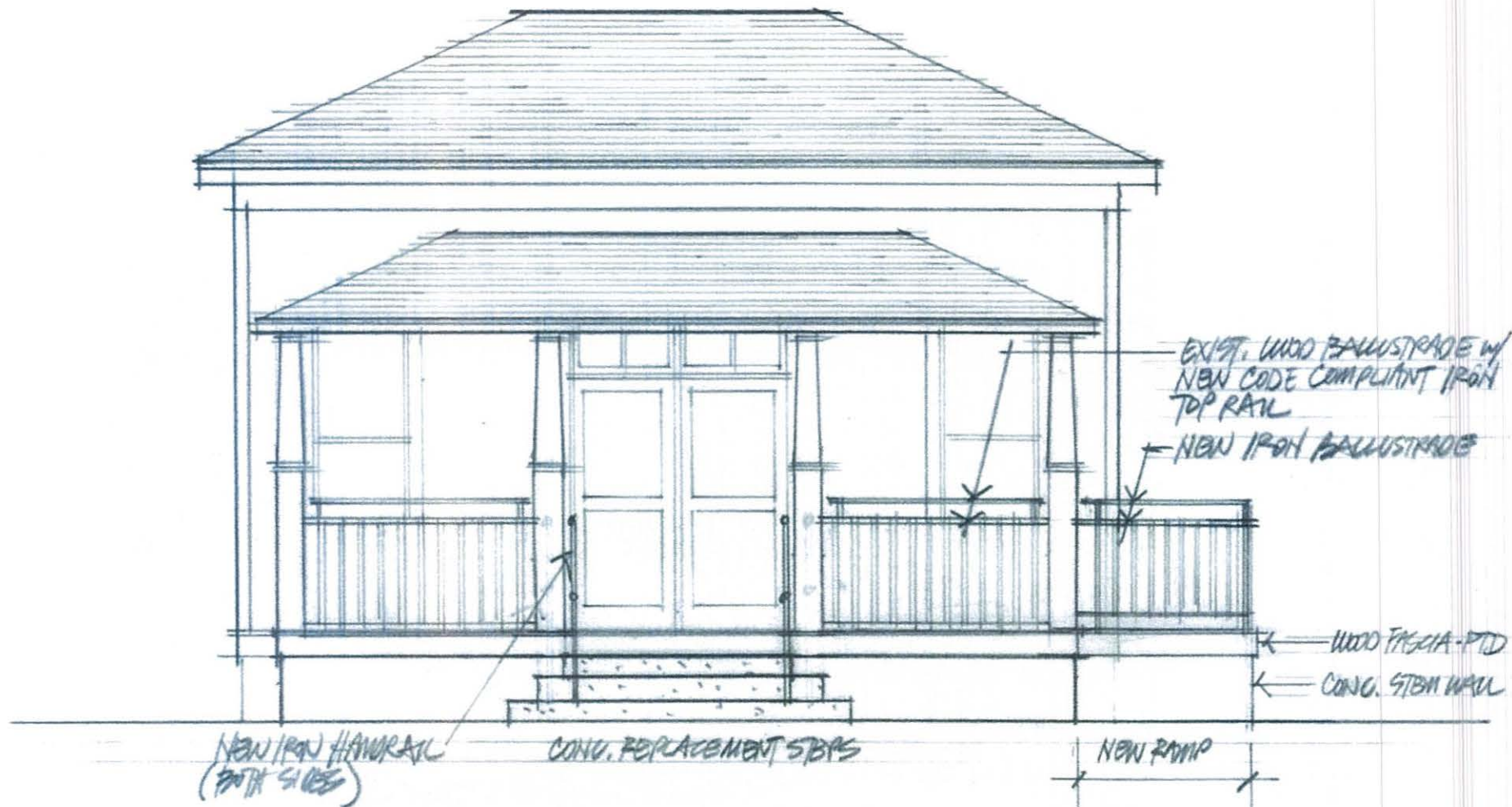
ANTONIO : JOSEPHINE GIACALONE RESIDENCE

HRS #1036

1 of 3

MARTIN ARCHITECTURE

2333 State Street Suite 100 Carlsbad, CA 92008  
760-729-3470 (O) 760-729-3473 (F) 858-349-3474 (C)



FRONT ELEVATION

1/4" = 1'0"

4/24/14

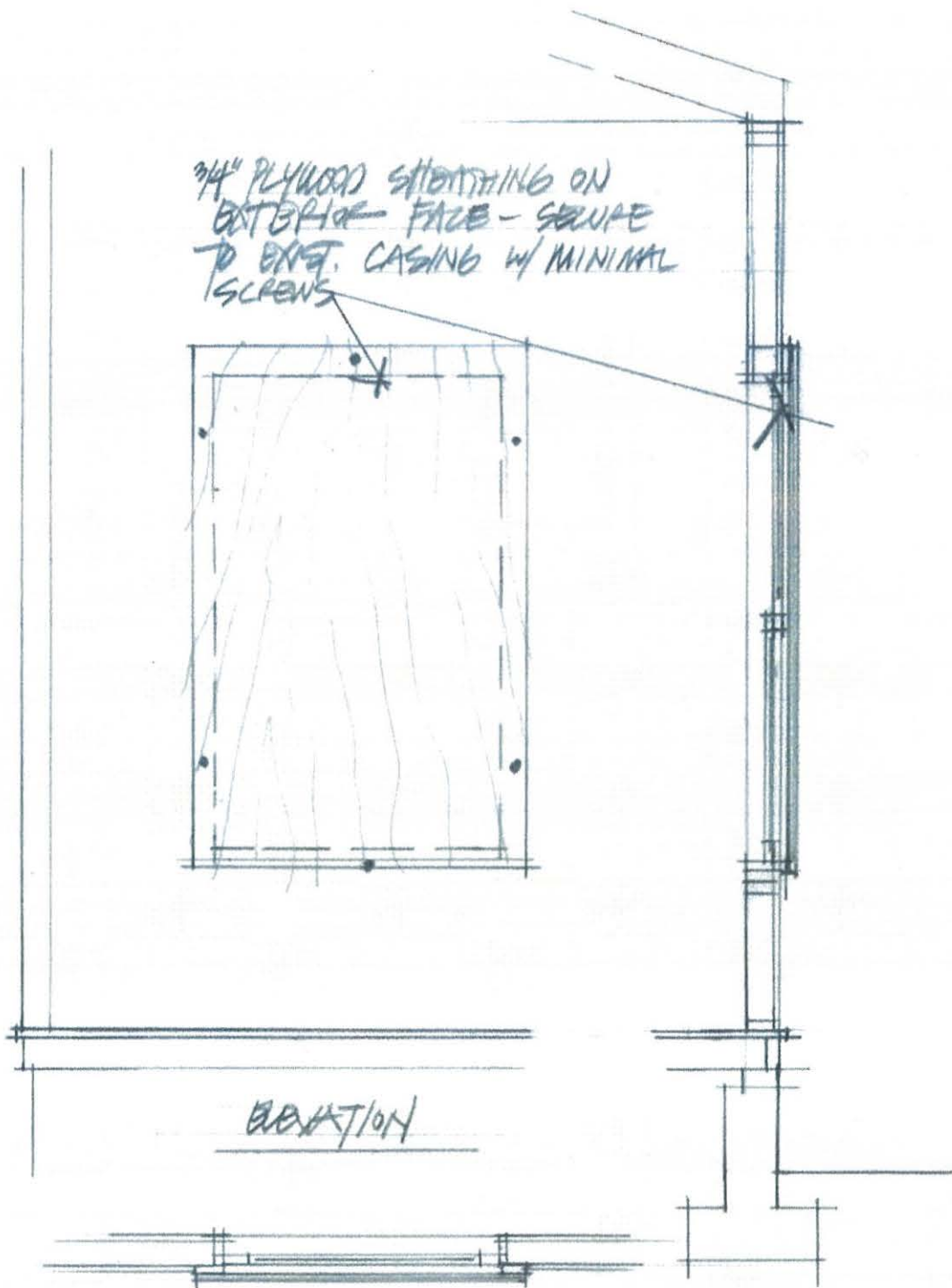
ANTONIO & JOSEPHINE GIACALONE RESIDENCE  
HRS #1036

2 OF 3

MARTIN ARCHITECTURE

2333 State Street Suite 100 Carlsbad, CA 92008  
760-729-3470 (O) 760-729-3473 (F) 858-349-3474 (C)





ELEVATION

PLAN

SECTION

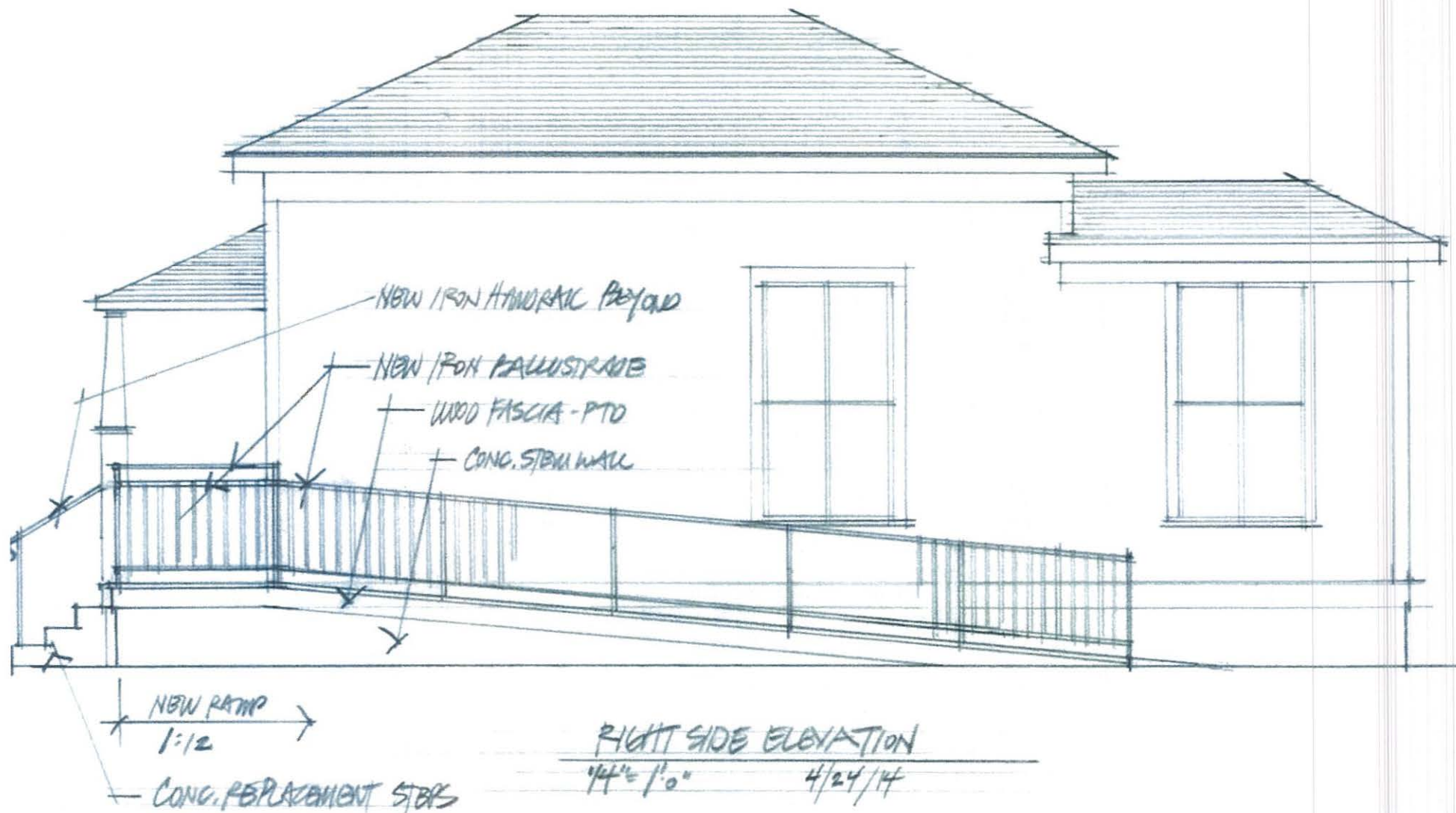
WINDOW PROTECTION DURING HOUSE MOVE

1/2" = 1'-0"

4/24/14

MARTIN  ARCHITECTURE

2333 State Street Suite 100 Carlsbad, CA 92008  
760-729-3470 (O) 760-729-3473 (F) 858-349-3474 (C)



ANTONIO & JOSEPHINE GIACALONE RESIDENCE  
HRS #1026 3 of 3

MARTIN ARCHITECTURE

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# MARTIN ARCHITECTURE

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tim@martinarchitecture.com www.martinarchitecture.com

## TREATMENT PLAN

April 24, 2014

**PROJECT: ANTONIO AND JOSEPHINE GIACALONE RESIDENCE**  
Located at 519 W. Date Street, San Diego  
**HRB SITE #1036**

**SUBJECT: TREATMENT PLAN - RELOCATION TO BARRIO LOGAN**  
**1792 NATIONAL AVENUE**

### **PROJECT TEAM:**

DEVELOPER:	H G Fenton, John La Raia
PROJECT ARCHITECT:	Architects Orange
PRESERVATION ARCHITECT:	Martin Architecture, Tim Martin, AIA
QUALIFIED HISTORICAL	
MONITOR:	Union Architecture, John Eisenhart
HISTORICAL CONSULTANT:	Marie Burke Lia
HOUSE MOVER:	John T. Hansen Enterprises
GENERAL CONTRACTOR:	To be determined

### **PROJECT DESCRIPTION:**

The Antonio and Josephine Giacalone Residence is described as a one story symmetrical, irregular shaped structure, Folk Vernacular style. Originally a residential structure, its use was most recently commercial (HRB Site #1036). Built in 1885 in an unknown location, the structure was moved to its current location at in the 1920's. This Treatment Plan is being prepared to move this historic structure from its current location at 519 W. Date Street, San Diego to 1792 National Avenue in Barrio Logan. It will be rehabilitated at this new location to serve as a retail or restaurant use.

## **INTRODUCTION:**

The implementation of the Treatment Plan for the relocation / transportation and rehabilitation of the Giacalone Residence will be facilitated by a Qualified Historic House Mover, under the supervision of the Preservation Architect and the Qualified Historical Monitor in a manner consistent with the mitigating, monitoring and reporting program (MMRP) for this project. This Treatment Plan is to be accompanied by a copy of the HABS drawings of the property prepared by the Qualified Historical Monitor, drawings that outline the proposed stabilization and preparation of the structure for relocation, and drawings of the rehabilitation of the structure at the new location. This Treatment Plan and its related drawings will be included in all subsequent plans for the discretionary permit processing and construction documents.

## **PREPARATION / RELOCATION OF STRUCTURE:**

### **PRE-CONSTRUCTION MEETING:**

Monitoring of the preparation, moving, storage, relocation, and rehabilitation shall be performed by the Qualified Historical Monitor. Prior to the start of the demolition / removal process, the Contractor and Monitor will meet on site to review the scope of demolition / removal work. During the demolition / removal work, Contractor to inform Monitor of discovery of any architectural elements (brackets, posts, casing, etc.) to evaluate the relevance of these materials. Consistent with Standards # 6, 7, and 9.

### **PREPARATION OF STRUCTURE PRIOR TO MOVE:**

The 4' x 14' addition at the rear of the building (distinguished by the narrower bevel siding) is non-historic and is to be removed, as is the adjacent concrete porch. The concrete stoop leading to the wood framed front porch is to be removed.

As the structure must pass trolley lines on its way to its new destination, it is necessary to remove the tallest roof element to clear trolley lines. This tray shaped roof structure is to be separated from the wall framing and disassembled into 5 sections (four hip roof elements and the central flat roof) for truck transport to the new site. The hip roof elements over the front porch and rear third of the structure are to remain intact with the structure.

The existing exterior wood siding, and wood doors and windows are to remain in place. Steel stretcher beams will be threaded through the existing crawlspace, penetrating the existing concrete stem wall. The portion of wall exposed by removal of the addition as well as all windows and exterior doors are to be boarded up with ¾" plywood sheathing (secured at each opening with minimal screws into existing exterior casing) to protect them during transit. Exterior plumbing pipes shall be removed. All site utilities shall be disconnected. Building walls will then be cut from the existing foundation. The building will then be lifted off its foundation as a whole onto a transport vehicle. Consistent with standards #6, 7, 9, and 10.

### **MOVEMENT OF STRUCTURE:**

The house mover is to outline the path and sequence of the move, and the means the structure is to be secured for the move. Monitor and city staff to approve plan prior to moving date. Consistent with Standards #1, 2 and 3.



#### **POST RELOCATION OF STRUCTURE:**

Once the structure is transported to the relocation site, it is to be elevated a few feet and supported from its temporary stretcher beams directly above its intended location. A new concrete foundation wall is then to be constructed to match the current foundation and new concrete piers are to be installed to receive the existing raised floor framing. The building and attached porch are to then be lowered into place on the new foundation and secured. The section of roof removed for transport is to then be reassembled on the structure. Consistent with Standards 1, 2 and 3.

#### **REHABILITATION OF STRUCTURE:**

##### **EXISTING FOUNDATION:**

The existing 2 x 6 floor framing of the Giacalone Residence rests on a concrete perimeter foundation wall constructed at the time of the previous move in the 1920's. Three original 1885 timber floor girders running the long direction of the structure support the original floor joists and are supported by 4 x 4 posts on the concrete piers. All original floor joists and girders are to remain intact; the posts, piers, and perimeter foundation walls will remain and be demolished after the structure has been moved.

##### **NEW FOUNDATION:**

During the relocation process, the new foundation will be installed to match the current foundation with the finish floor elevation approximately 30" above grade, consistent with the structure's current relationship to grade. New concrete steps will be formed and poured at the front porch to replicate the existing steps left behind at the current site. New footings and concrete stem walls will also be poured to accommodate the new ramp to be constructed on the right side of the structure. Consistent with Standards #9 and 10.

##### **EXISTING FRAMING:**

**Horizontal Members:** First floor framing is wood plank sheathing on Douglas Fir 2 x 6 floor joists @ 24" on center., supported by three timber girders running the long direction of the structure. Roof framing is 1 x sheathing on 2 x 3 rafters and ceiling joists. A tray roof (four hips surrounding a central flat roof area) covers the front 2/3 of the structure, with hip roofs covering the rear 1/3 and the front porch.

**Vertical Members:** Exterior and interior walls are 2 x 3 Douglas Fir studs @ 16" on center.

##### **ROOF:**

Roof consists of composition shingles on all sloped areas and roll type sheet roofing on the flat area. The existing composition roofing is to be removed and replaced with "Highland Slate" composition shingles by CertainTeed, color: Tudor Brown. Sheet roofing is to be replaced. Consistent with Standard #5.

##### **EXTERIOR FINISHES:**

New replacement siding to match the existing is to be installed along the 14' long section of the rear façade where the non-historical addition was removed. All existing siding and trim, and all doors and windows are to be rehabilitated in place. Consistent with Standards #5, 6, 9 and 10.

#### DOORS and WINDOWS:

The existing wood doors and wood windows will be removed from their frames (which are to remain and be rehabilitated in place), rehabilitated, and reinstalled in their original frames. Consistent with Standards #5 and 6

#### ACCESSIBLE RAMP:

An accessible ramp is to be constructed along the right side of the structure in front of the new foundation wall to access the front porch, where a segment of handrail on the end of the porch would be removed. Consistent with Standards 9 and 10.

#### ELECTRICAL & LIGHTING:

The existing electrical and lighting will be removed and replaced to conform to current code. Electrical meter shall be installed at the rear of the structure in the section of the new wall closure where the non-historic addition is removed. Consistent with Standards # 9 and 10.

#### PLUMBING:

All exterior plumbing and vent pipe to be removed. New interior plumbing and vents to be installed as required to conform with current code. Consistent with Standards # 9 and 10.

#### PAINTING:

Historical photos or paint scrapings will be used in order to replicate the original colors and appearance of the structures. Existing paint to be tested for presence of lead based paint. If detected, follow current abatement regulations. Monitor and staff to approve final paint scheme. Consistent with Standard #6.

#### INTERIOR FINISHES:

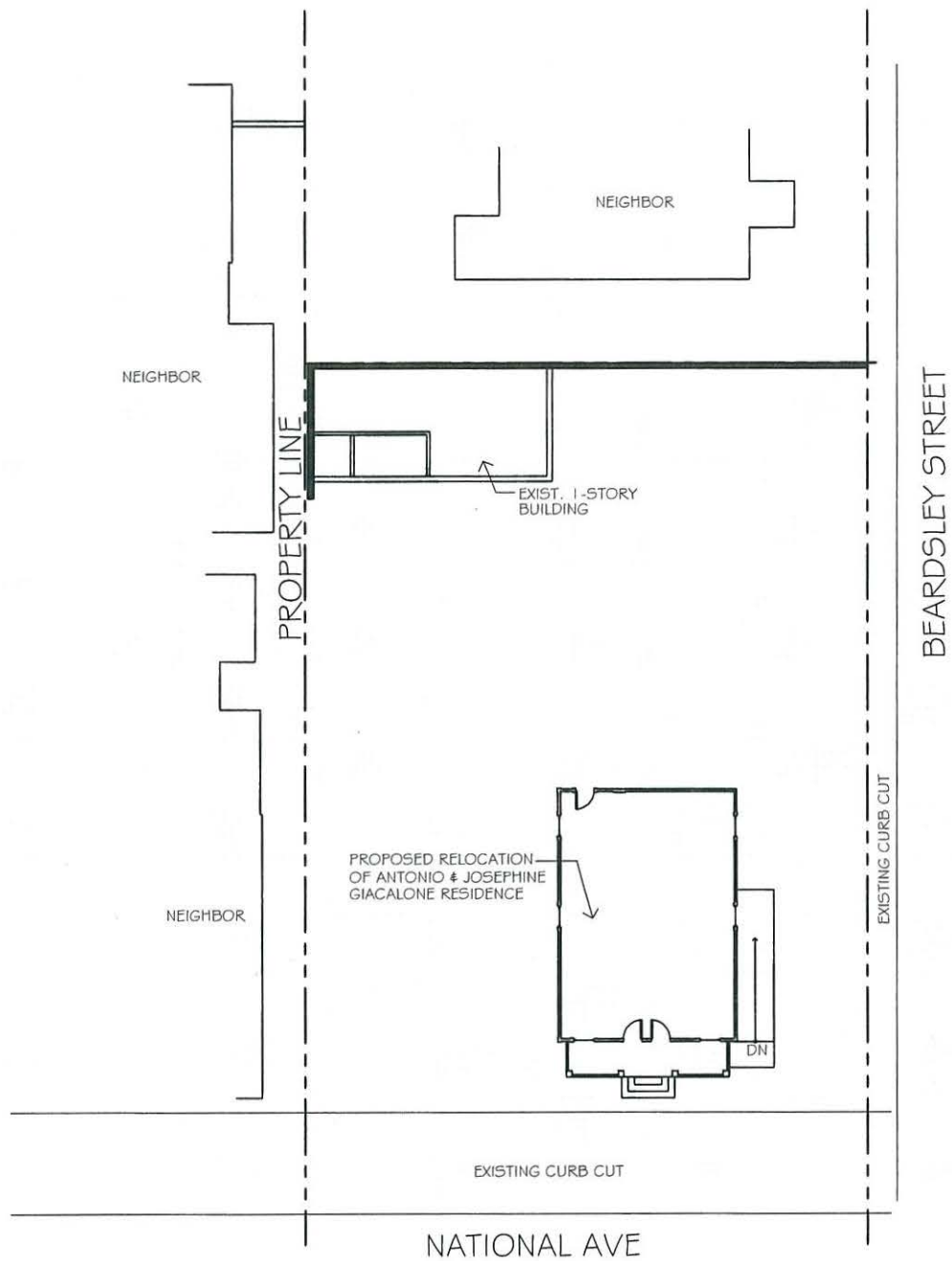
All interior finishes will be removed, and after incorporation of plywood shear panels, wiring, plumbing, ductwork and insulation, replaced. Existing windows requiring privacy treatment will receive an obscure glass pane in a separate sash mounted to the inside face of the window frame. Consistent with Standards # 9 and 10.

#### REHABILITATION / RECONSTRUCTION:

The cleaning of all historic materials shall occur through the use of the gentlest means possible. Historic fabric shall be retained as much as possible. Do not sandblast or power wash materials. The character defining massing and form of the structure is a one story primary element with a tray roof and smaller scale hipped roof elements in the form of an attached porch at the front and a hip roofed element at the rear. The character defining material elements are bevel siding, windows, casing, and trim boards, and wood posts and balustrade. Should reconstruction be required as a result of damage during this program, it shall be undertaken in accordance and conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties under the direction of the Qualified Historical Monitor.

Tim Martin, AIA  
Martin Architecture





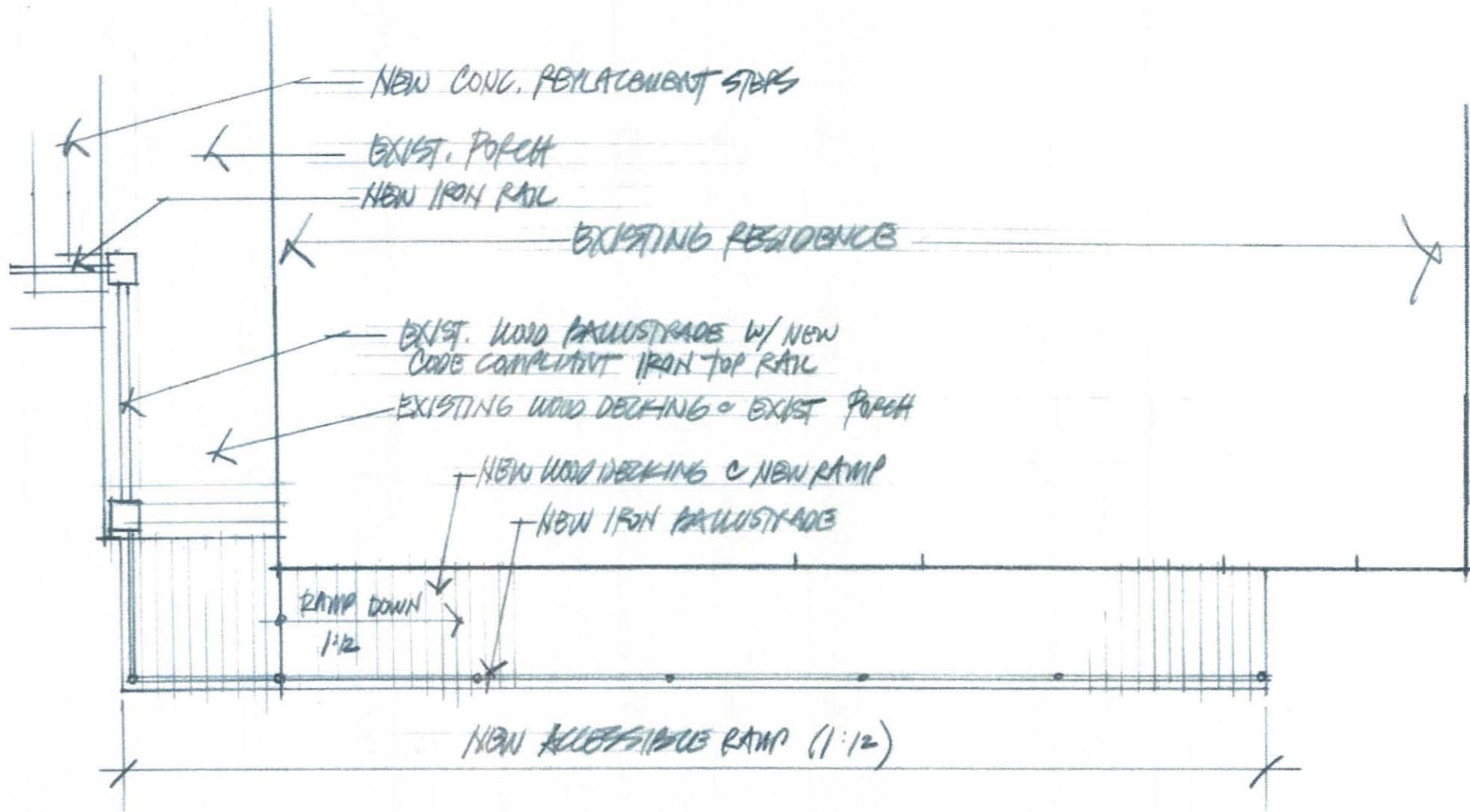
**ANTONIO & JOSEPHINE  
GIACALONE RESIDENCE**

FENTON, LITTLE ITALY  
SAN DIEGO, CA



**RELOCATION SITE 1792 NATIONAL AVE**

SCALE 1/16" = 1 FT



PARTIAL FLOOR PLAN

1/4" = 1'-0"

4/24/14

ANTONIO & JOSEPHINE GIACALONE RESIDENCE

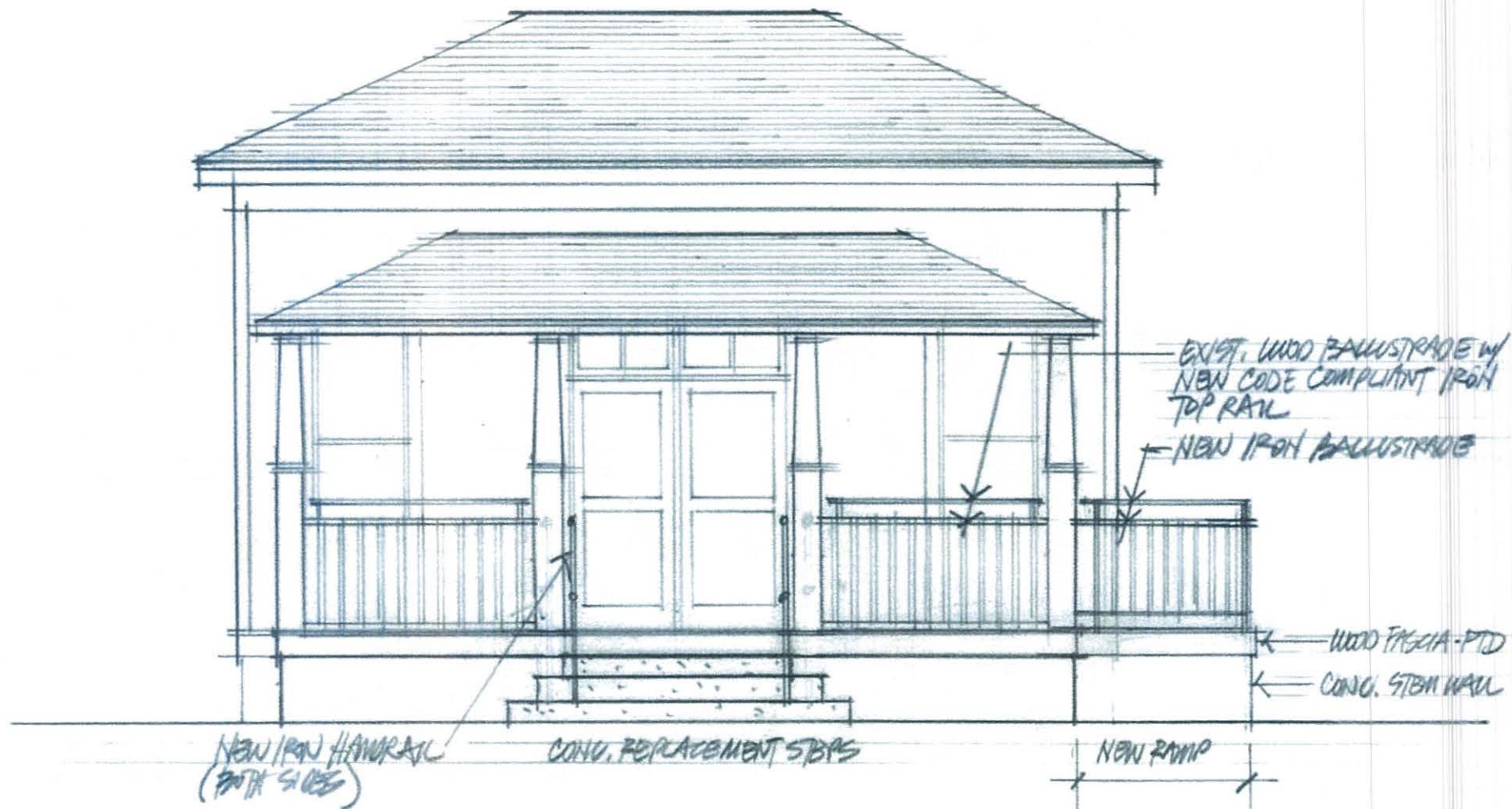
HRB #1036

1 of 3

MARTIN MARCHITECTURE

2333 State Street Suite 100 Carlsbad, CA 92008  
760-729-3470 (O) 760-729-3473 (F) 858-349-3474 (C)





FRONT ELEVATION

1/4" = 1'-0"

4/24/14

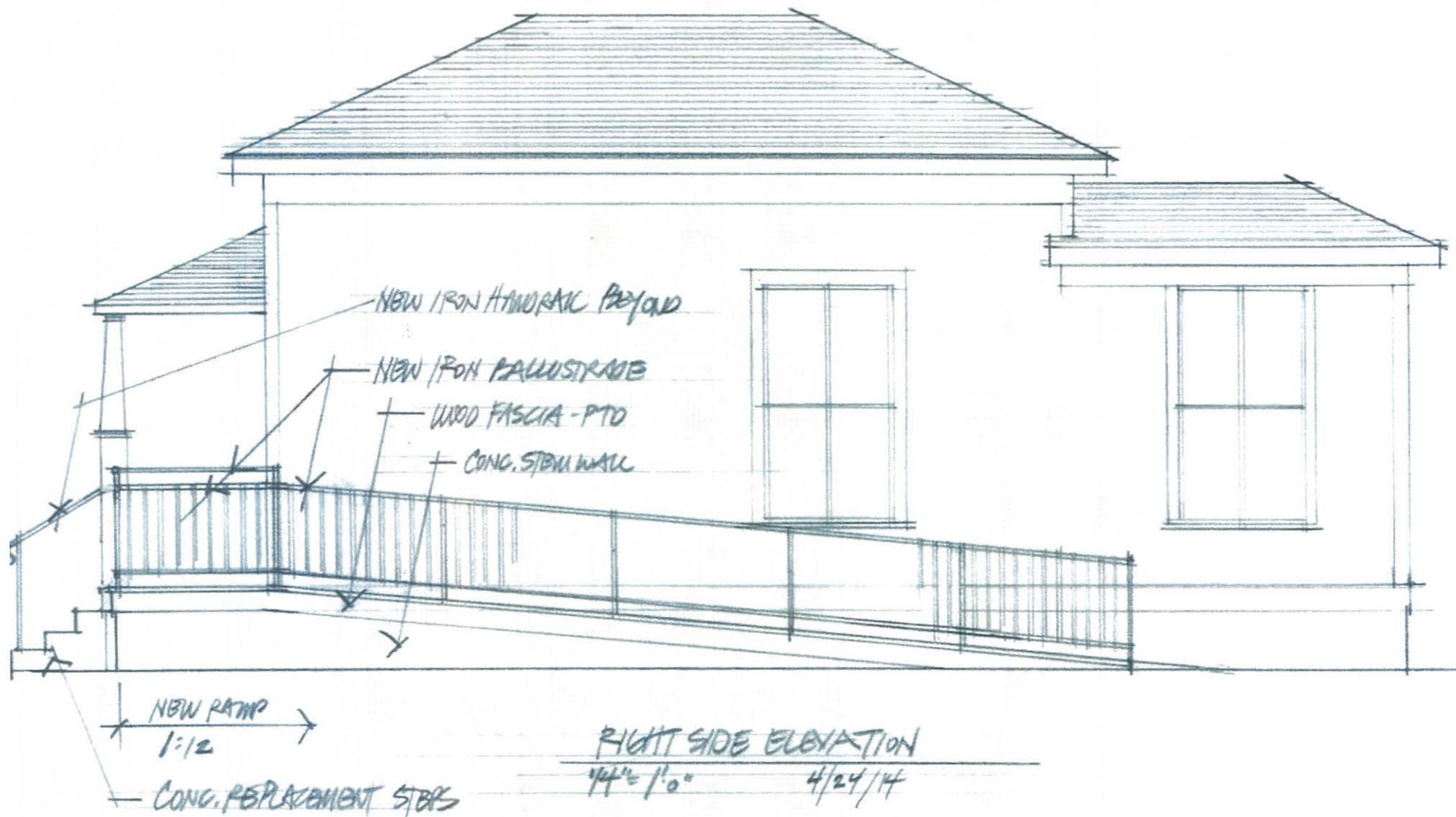
ANTONIO & JOSEPHINE GIACALONE RESIDENCE

HRB #1036

2 of 3

MARTIN ARCHITECTURE

2333 State Street Suite 100 Carlsbad, CA 92008  
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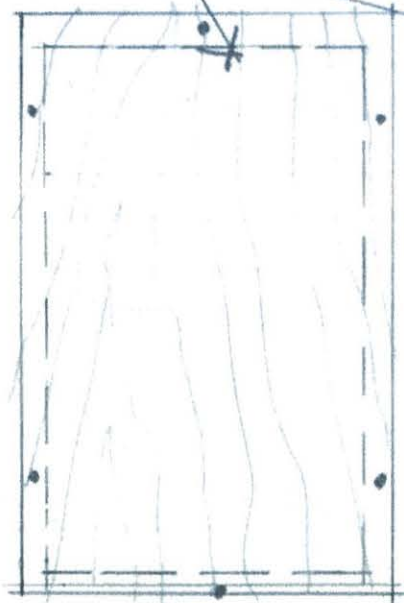
ANTONIO & JOSEPHINE GIACALONE RESIDENCE  
HRS #1026 3 of 3

MARTIN ARCHITECTURE

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760-729-3470 (O) 760-729-3473 (F) 858-349-3474 (C)



3/4" PLYWOOD SHEATHING ON  
EXTERIOR FACE - SECURE  
TO EXIST. CASING W/ MINIMAL  
SCREWS



ELEVATION

PLAN

SECTION

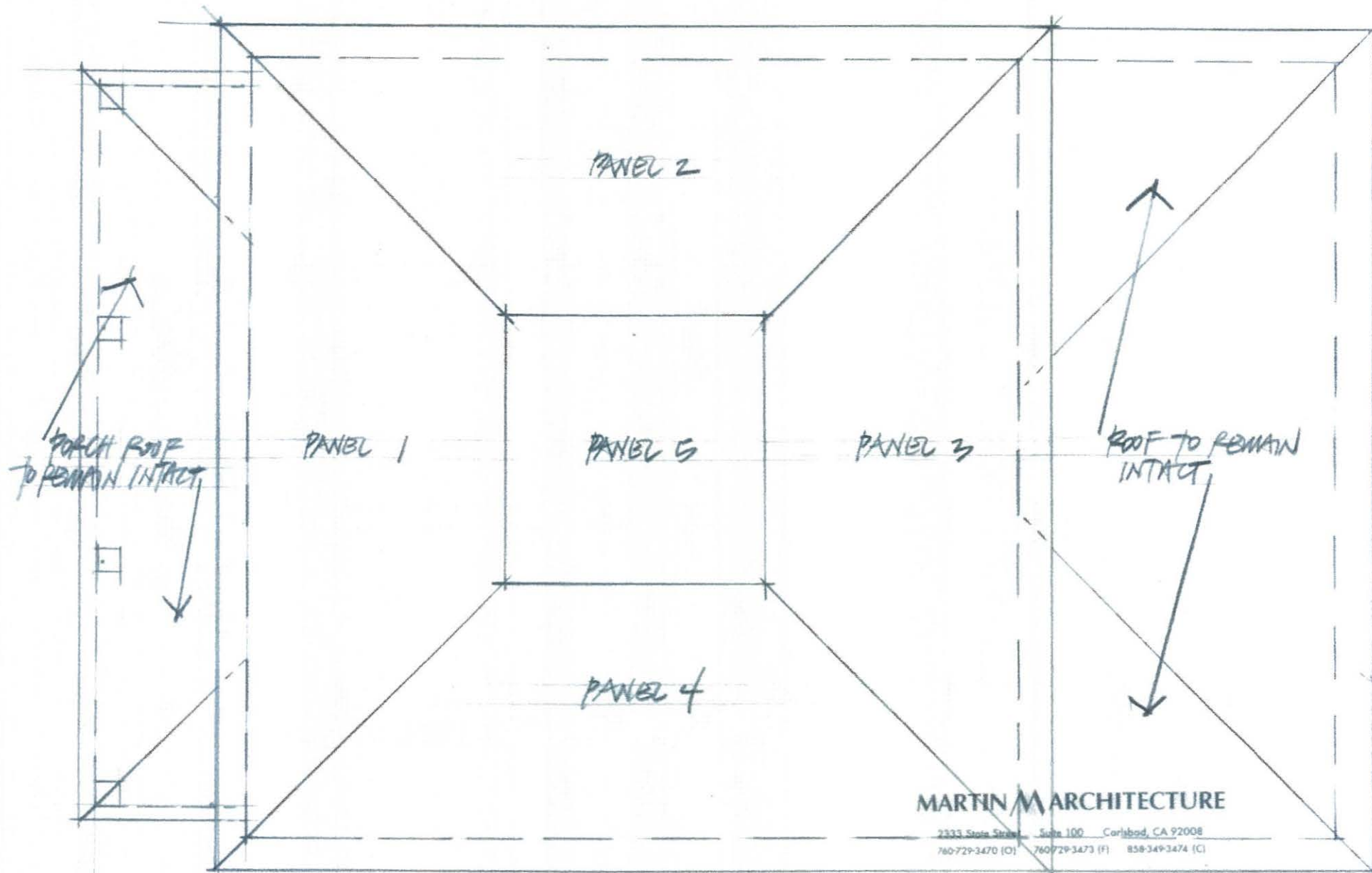
WINDOW PROTECTION DURING HOUSE MOVE

1/2" = 1'-0"

4/24/14

MARTIN ARCHITECTURE

2333 State Street - Suite 100 - Carlsbad, CA 92008  
760-729-3470 (O) - 760-729-3473 (F) - 858-349-3474 (C)



CENTER PORTION OF ROOF TO BE  
 DISASSEMBLED IN PANELS TO CLEAR  
 TRUCK TRACKS DURING TRANSPORT.  
 ROOF TO BE REASSEMBLED AFTER  
 STRUCTURE IS PLACED & SECURED TO  
 NEW FOUNDATION.

ROOF DISASSEMBLY DIAGRAM 1 OF 2

ANTONIO & JOSEPHINE GIACALONE RESIDENCE  
 HRB #1036 1/4"=1'-0" 4/26/14

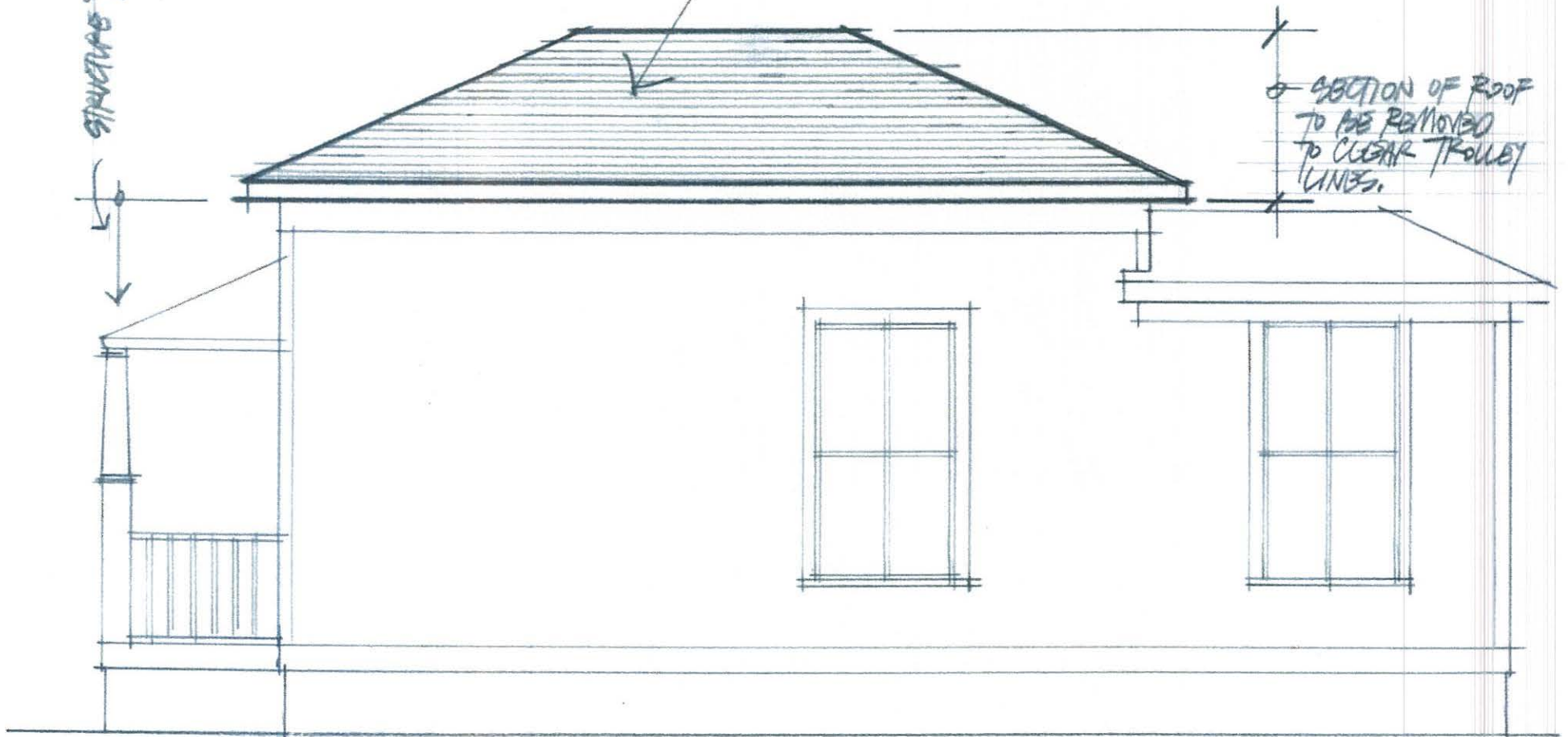


# ROOF DISASSEMBLY DIAGRAM 2 OF 2

DISASSEMBLE ROOF IN PANELS  
PER PLAN

SECTION OF ROOF  
TO BE REMOVED  
TO CLEAR TROLLEY  
LINES.

STRUCTURE TO REMAIN INTACT



MARTIN ARCHITECTURE

2333 State Street Suite 100 Carlsbad, CA 92008  
760-729-3470 (O) 760-729-3473 (F) 858-349-3474 (C)

ANTONIO & JOSEPHINE GIACALONE RESIDENCE

HRB #1036

1/4" = 1'0"

4/26/14

**SIXTH ADDENDUM TO THE 2006 FINAL ENVIRONMENTAL IMPACT  
REPORT FOR THE DOWNTOWN COMMUNITY PLAN, CENTRE CITY  
PLANNED DISTRICT ORDINANCE AND CENTRE CITY  
REDEVELOPMENT PLAN (SCH NO. 2003041001)**

**FOR THE PROPOSED INDIA AND DATE PROJECT**

**May 2014**

**Prepared for:** The City of San Diego  
600 B St., Suite 400  
San Diego, CA 92101

**Preparation Administered by:** Civic San Diego  
401 B Street, Suite 400  
San Diego, CA 92101

**Prepared by:** AECOM  
1420 Kettner Boulevard, Suite 500  
San Diego, CA 92101



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ATTACHMENT 1 – Mitigation, Monitoring, and Reporting Plan

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## **1.0 INTRODUCTION**

This Sixth Addendum to the 2006 Final Environmental Impact Report () for the Downtown Community Plan, Centre City Planned District Ordinance, and 10<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project (SCH No.2003041001) ("Downtown FEIR") prepared for the City of San Diego has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164. The Downtown FEIR and subsequent Addenda are available for review at the offices of Civic San Diego, which are located at 401 B Street, Suite 400, San Diego, CA 92101.

### **1.1 PURPOSE**

This Sixth Addendum has been prepared to evaluate the potential environmental effects of the proposed project consistent with the significance thresholds and analysis methods contained in the Downtown FEIR and Addenda certified thereafter in 2007 through 2014. ; Section 15164(a) of CEQA Guidelines provides that the lead agency shall prepare an addendum to a previously certified environmental impact report ("EIR") if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Sections 15162-15163 calling for preparation of a Supplemental or Subsequent EIR have occurred. The analysis contained within this Addendum conclusively demonstrates that none of the conditions described in CEQA Guidelines Section 15162-15163 have occurred.

### **1.2 BACKGROUND**

In 2014, Civic San Diego (CivicSD) received a request for approval of Centre City Development Permit/Planned Development Permit/Site Development Permit/Neighborhood Use Permit (CCDP/PDP/SDP/NUP) and Street Vacation No. 2013-10 for the construction of a seven-story (approximately 88-foot tall), residential mixed-use project on a 24,000 square-foot parcel located on the north side of Date Street between India and Columbia streets; construction of a five-story (approximately 69-foot tall) residential mixed-use project on a 10,000 square foot parcel located on the south side of Date Street between India and Columbia streets; construction of an underground parking structure under both buildings and across Date Street; the vacation of Date Street between India and Columbia streets; construction of an 11,200 square foot plaza on the vacated portion of Date Street; relocation of a locally designated historical resource and outdoor dining areas along the north and south side of Date Street in the Little Italy neighborhood of the Downtown Community Plan (DCP) area. Implementation of the Project requires consideration of various permits including a CCDP, a PDP for deviations to the development standards of the CCPDO; SDP for the relocation of a historical resource off the southern portion of the site; NUP to create sidewalk café zones adjacent to the public park and easement; Street Vacation of the 80-foot right-of-way for the construction of the public plaza. The Project also requires approval for the allocation of up to 1 million dollars in Development Impact Fee (DIF) funds for the construction of the plaza improvements and execution of a maintenance agreement for the public plaza.

### 1.3 CEQA REQUIREMENTS

Pursuant to section 15164(a) of the CEQA Guidelines, the lead agency or a responsible agency shall prepare an Addendum to a previously certified EIR "if some changes or additions are necessary, but none of the conditions described in Sections 15162-15163 calling for preparation of a subsequent or supplemental EIR have occurred". These sections of the CEQA Guidelines would require a Subsequent or Supplemental EIR if any of the following conditions apply:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - The project will have one or more significant effects not discussed in the previous EIR;
  - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In the event that none of the aforementioned conditions are met, Section 15164(a) states that a Subsequent or Supplemental EIR is not required. Rather, an agency can:

- Decide that no further environmental documentation is necessary; or
- Require that an addendum be prepared.

Based on the results of the Downtown FEIR Consistency Evaluation Checklist ("Consistency Evaluation") prepared for the proposed project, none of the situations described in CEQA Sections 15162-15163 apply. Therefore, the decision was made to prepare an Addendum (see further discussion in Section 1.6).



## **1.4 PREVIOUS ENVIRONMENTAL DOCUMENTS INCORPORATED BY REFERENCE**

Consistent with Section 15150 of the CEQA Guidelines, the following documents were used in the Preparation of this Addendum and are incorporated herein by reference:

Downtown FEIR certified by the Redevelopment Agency (Resolution No. R-04001) and the City of San Diego City Council (Resolution No. R-301265) 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 San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and Mitigation, Monitoring and Reporting Program (MMRP) of the Downtown FEIR certified by the Redevelopment Agency (Resolution R-04193) and by the City Council (R-302932) on August 3, 2007.

Second Addendum to the Downtown FEIR for Amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and MMRP certified by the Redevelopment Agency (Resolution R-04508) and by the City Council (R-305761) on April 23, 2010.

Third Addendum to the Downtown FEIR for Amendments to the Residential Emphasis District Amendments to the Centre City Planned District Ordinance certified by the Redevelopment Agency (Resolution R-04510) and by the City Council (R-305759) on April 21, 2010.

Fourth Addendum to the Downtown FEIR for the San Diego Civic Center Complex Project certified by the Redevelopment Agency (Resolution R-04544) and the City Council (R-306014) on August 3, 2010.

Fifth Addendum to the Downtown FEIR for amendments to the Centre City Planned District Ordinance establishing an Industrial Buffer Overlay Zone certified by the City of San Diego City Council (Resolution R-308724) on February 12, 2014

## **1.5 PROJECT DESCRIPTION**

### **Project Location**

The Downtown Community Plan (DCP) Area includes approximately 1,500 acres of land in the metropolitan core of the City of San Diego, located in the southwest quadrant of San Diego County. The DCP Area is 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 (Figure 1). 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.

Three Planned District Ordinances (PDOs) serve as the zoning documents for downtown. PDOs contain regulations with respect to land use, intensity, density, building massing, sun access, architectural design, parking, open space, landscaping, and other development characteristics. The boundaries of the CCPDO are depicted in Figure 1. The CCPDO applies to all of the DCP Area with the exception of the Gaslamp Quarter and Marina PDO areas. The proposed project would be constructed in the Little Italy neighborhood of the DCP area (Figure 2).

The proposed project is located within the Neighborhood Mixed-Use Center (NC) land use district. The NC designation ensures development of distinctive centers around plazas, parks, and main streets that provide a focus to the neighborhoods by supporting a mix of residential and non-residential developments that contain active commercial uses on the ground floor. Within the NC district, a minimum of 40 percent of the ground-floor street frontage is required to contain active commercial uses. The site is also subject to the Main Street (MS) Overlay requirements of the CCPDO requiring a minimum of 80 percent active commercial uses along India Street. In addition, the site is subject to the Little Italy Sun Access (LISA) Overlay, which establishes height limits in order to ensure developments maintain adequate sunlight and air to sidewalks and residential areas of Little Italy.

### **Proposed Project**

The proposed project consists of the construction of two residential mixed-use buildings (Figures 3 and 4). The North building is a seven-story (approximately 88-foot tall), residential mixed-use project on a 24,000 square-foot parcel located on the north side of Date Street between India and Columbia streets (Figure 5). The project includes 97 market rate units ranging from 540 square feet to 1,350 square feet. The building also includes approximately 14,730 square feet of retail, as well as indoor and outdoor common space. The site is currently developed with a historical resource (historical Resource board (HRB) Site No. 244, The Tony Bernardini Building). Only the front façade is considered significant and will be retained on-site and rehabilitated in accordance with the Secretary of the Interior Standards ("Standards"). The site abuts a variety of low-scale buildings and a two story commercial building to the north.



[illegible]

Figure 2 - Vicinity Map

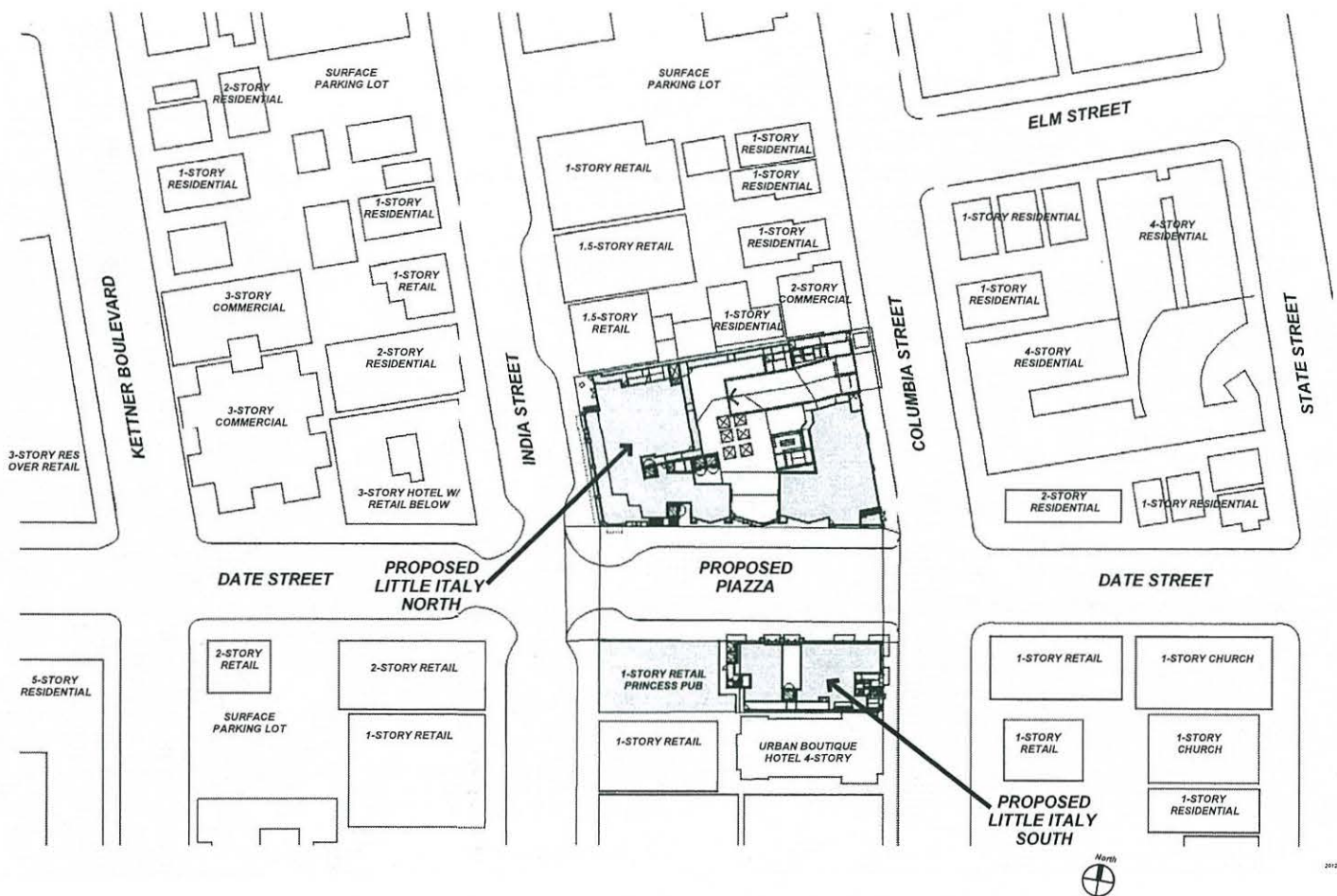




Figure 3 - Project Rendering

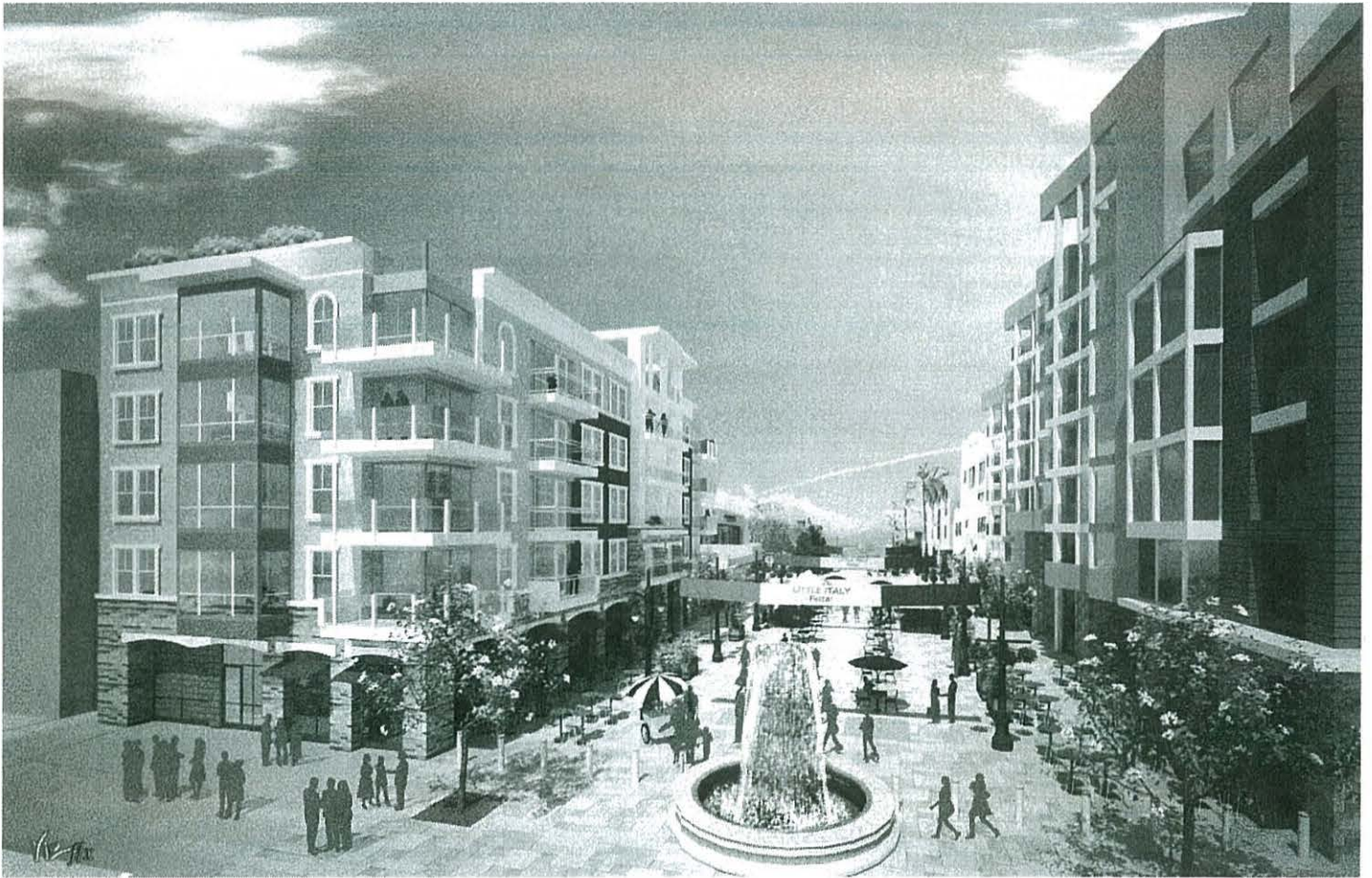
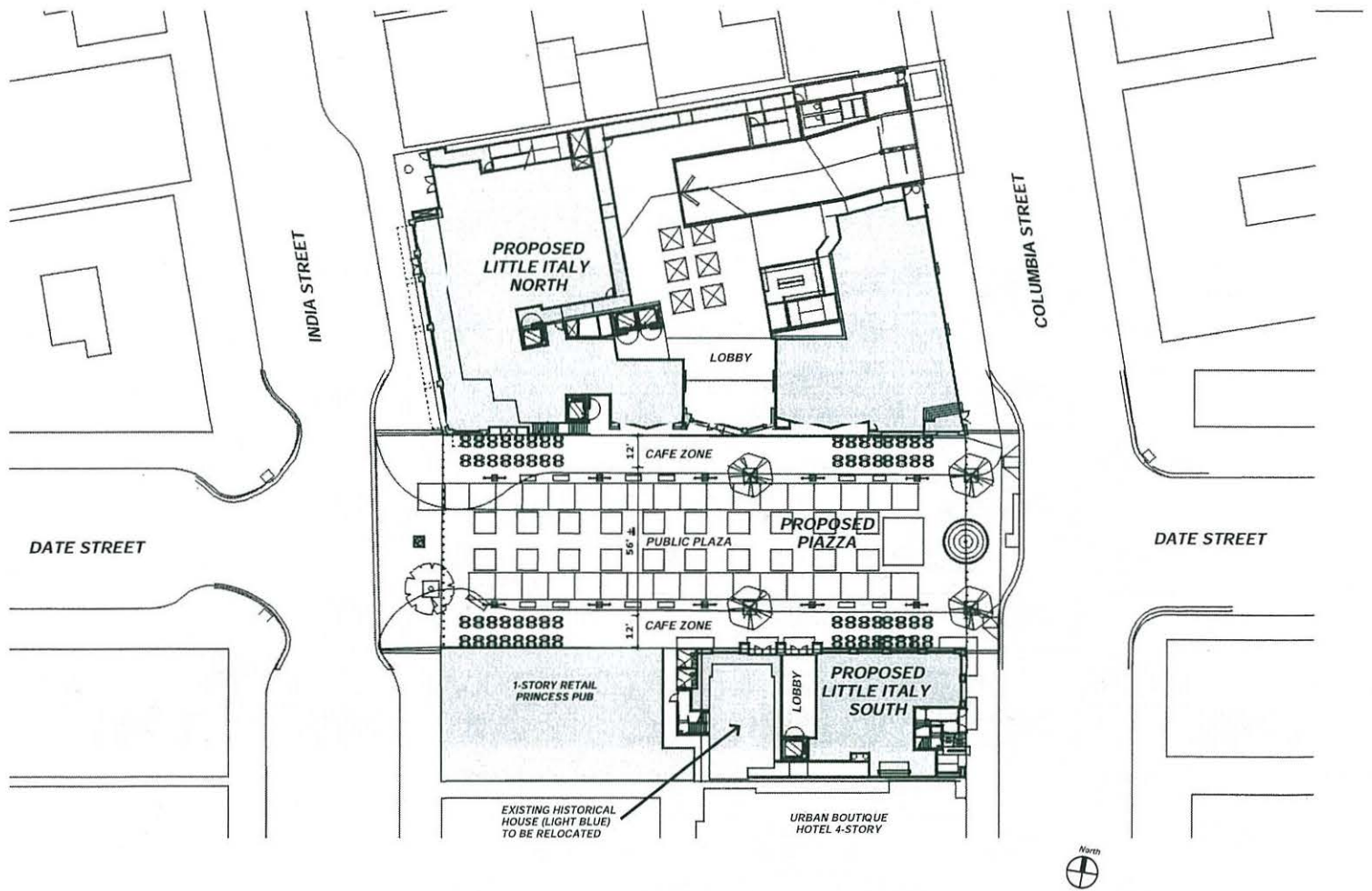


Figure 4 - Composite Street Level Plan





MATERIALS	
Ref. Num.	Material
1	Concrete (smooth finish)
2	Brick (smooth finish)
3	Concrete (smooth finish)
4	Concrete (smooth finish)
5	Concrete (smooth finish)
6	Concrete (smooth finish)
7	Concrete (smooth finish)
8	Concrete (smooth finish)
9	Concrete (smooth finish)
10	Concrete (smooth finish)
11	Concrete (smooth finish)
12	Concrete (smooth finish)

The South building is a five-story (approximately 69-foot tall) residential mixed use project on a 10,000 square-foot parcel located on the south side of Date Street between India and Columbia streets (Figure 6). The project includes 28 units (17 market rate and 11 affordable units) ranging from approximately 373 square feet to 940 square feet in size. The building also includes a 3,100 square-foot roof terrace as a residential amenity. The ground floor consists of a residential lobby and approximately 3,210 square feet of commercial/restaurant space fronting Date Street. The site is currently occupied by a one-story restaurant/bar (Princess Pub) and two one-story single-family residences, one of which is a designated historical resource (HRB Site No. 1036, The Antonio and Josephine Giacalone Residence). The Princess Pub is proposed to remain on the site while the historical resource is proposed to be relocated to an off-site location and rehabilitated in accordance with the Standards. The site abuts the four-story Villa Caterina Hotel and a low-scale commercial building to the north.

Below-grade parking will be constructed under both buildings and across Date Street. The below-grade parking will consist of two-and-a-half levels and provide parking for residential tenants, as well as approximately 50 public parking spaces.

Additional components of the project include the vacation of the 80-foot right-of way along Date Street between India and Columbia streets to accommodate the construction of a public plaza. The plaza is proposed to be located within a 56-foot wide, 11,200 square-foot easement within the vacated street area. The plaza would be covered by a public park easement within a 56-foot wide area and will be open to the general public 24 hours a day, seven days a week. The remaining 4,800 square-feet (twelve feet wide areas abutting the Northern Building and Southern Building respectively) will be private and used for outdoor dining associated with the commercial spaces located in the proposed buildings (Figures 7 and 8).

The proposed project requires consideration of a Planned Development Permit (PDP) for the following deviations to the development regulations of the CCPDO:

#### North Building

- LISA Overlay – The proposed project is subject to the CCPDO's LISA Overlay, which limits the height of the projects street wall along its three street frontages. As currently designed the project encroaches into the LISA Overlay on both the Date Street and Columbia Street frontages.
- Ground Floor Height – The proposed project ground-floor height is below the required 15 feet average for ground-floor active commercial uses. The Columbia Street frontage slopes approximately five feet from north to south. While the commercial space ground-floor height is 13 feet, it averages 11 feet measured from Columbia Street, with the floor level located approximately two feet and five inches below the Columbia Street sidewalk.
- Oriel Windows – Under the CCPDO, the maximum width of an oriel widow is 12 feet may extend vertically no more than 50 feet in height. The current design of three-story element located at the eastern corner of Date Street contains an oriel window of approximately 17 feet wide. Additionally, at two locations the oriel windows exceed the 50-feet height limit.



Figure 6 - South Building



Figure 7 - Plaza Plan

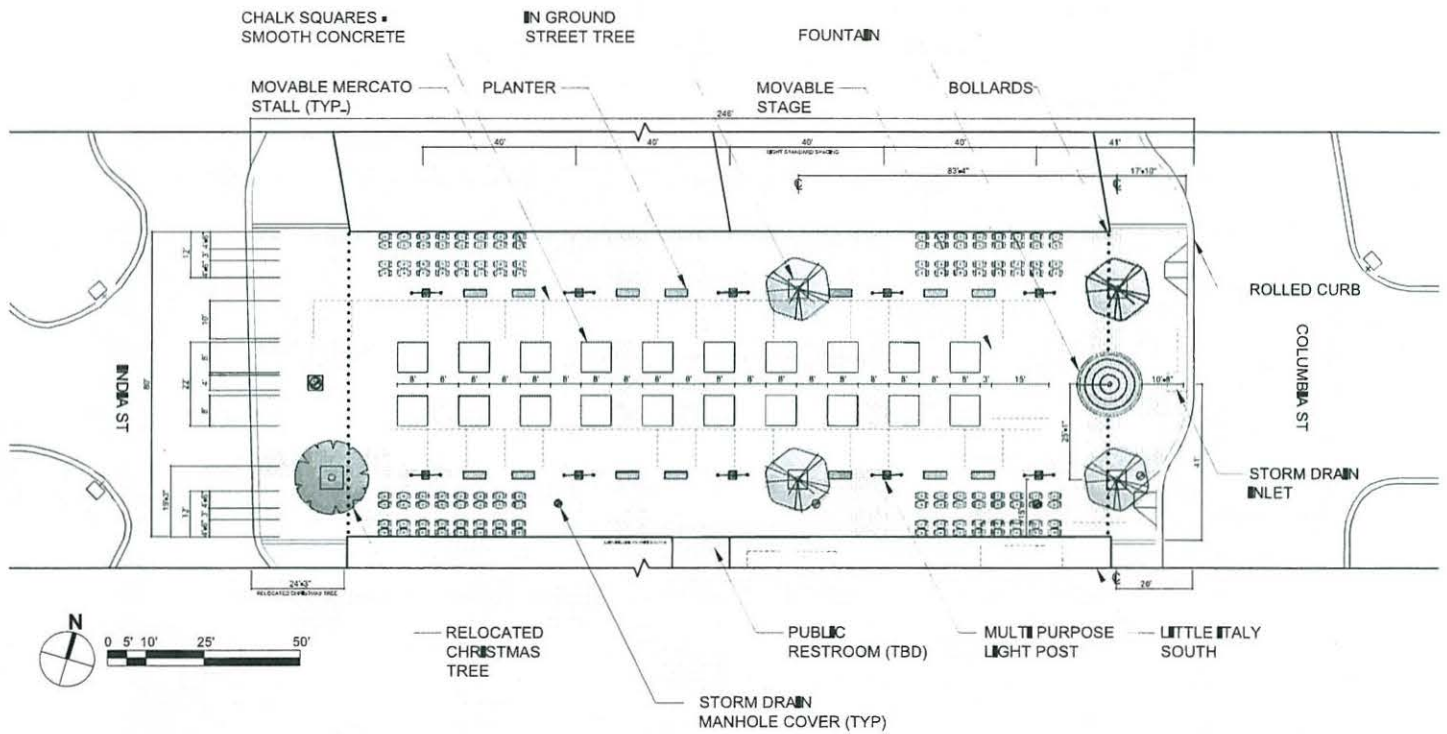
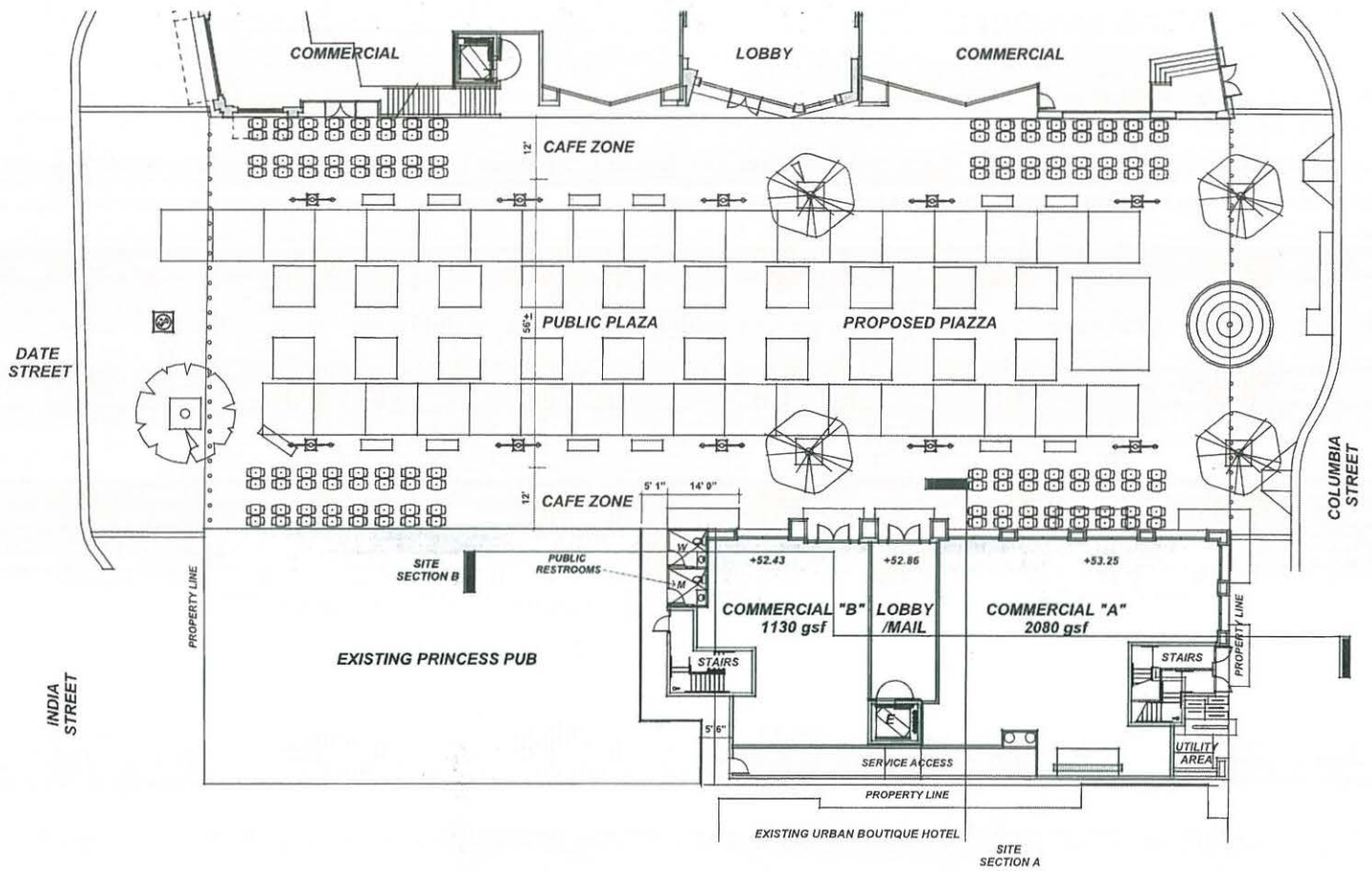




Figure 8 - Building Street Level Plan



### South Building

- LISA Overlay – The South Building is also subject to the LISA Overlay. As currently designed the project encroaches into the LISA Overlay on the Columbia and Date Street frontages.

### Overall development

- Under the CCPDO, development containing 100 or more dwelling units are required to provide one off-street loading bay at a minimum of 300 feet deep, 14 feet wide, and 14 feet tall (measured from the inside walls). The proposed project results in a total of 125 units and would require one off-street loading bay. The current design of the overall development does not provide an off-street loading area.

Additional approvals needed for the project include a Site Development Permit (SDP) for the relocation of a historical resource off the southern portion of the site, and a Neighborhood Use Permit (NUP) to create sidewalk-café zones adjacent to the public plaza.

## **1.6 SUMMARY OF ENVIRONMENTAL IMPACTS AND EXPLANATION OF THE DECISION NOT TO PREPARE A SUPPLEMENTAL OR SUBSEQUENT EIR**

Based on the analysis in the Consistency Determination Checklist (see Section 2.0) prepared as part of this Addendum, the proposed project would not result in any new significant impacts not discussed in the FEIR, or result in any substantial increases in the severity of impacts identified by the FEIR. In addition, no new information of substantial importance has become available since the FEIR was prepared regarding new significant impacts, or feasibility of mitigation measures or alternatives.

As discussed in Section 1.1, the proposed project is an Addendum to the FEIR. This Addendum addresses the potential environmental effects of the proposed project. The proposed project is consistent with the goals and policies of the 2008 City of San Diego General Plan, the DCP, and CCPDO. The proposed project would not result in new significant impacts not previously discussed in the FEIR, nor would it result in an increase in the severity of the previously identified impacts. Therefore, none of the situations described in CEQA Sections 15162-15163 apply.

## **1.7 CONCLUSION**

In summary, the analysis concludes that none of the conditions described in Sections 15162-15163 of the CEQA Guidelines requiring preparation of a Subsequent or Supplemental EIR have occurred. Thus, this Addendum to the 2006 FEIR has been prepared in accordance with section 15164 of the CEQA Guidelines. The proposed project does not introduce new significant environmental effects, increase previously identified significant effects, make previously infeasible mitigation measures or alternatives feasible, or require adoption of infeasible mitigation measures or alternatives. Attachment 1 of this Addendum is the MMRP for this project.



## **2.0 DOWNTOWN FEIR CONSISTENCY DETERMINATION CHECKLIST**

This section includes a completed Downtown FEIR Consistency Determination Checklist that evaluates the potential environmental effects of the proposed project consistent with the significance thresholds and analysis methods contained in the FEIR and the Addendum referenced in Section 1.4 (Previous Environmental Documents Incorporated by Reference). The checklist indicates how the impacts of the proposed projects relate to the conclusions of the previous environmental documents. 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. Supporting technical documents referenced in the checklist are available at CivicSd. The proposed project as described in Section 1.5 (Project Description), would construct two residential mixed used buildings, both underground and above ground parking, and a public plaza. These developments would not change the established and intended character of the northern Little Italy neighborhood, as envisioned by the approved planning documents, and analyzed by the 2006 Downtown FEIR.

Issues and Supporting Information	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>2.1 AESTHETICS/VISUAL QUALITY</b>						
<p>(a) <b>Substantially disturb a scenic resource, vista, or view from a public viewing area, including a State scenic highway or view corridor designated by the Community Plan?</b></p> <p>According to the FEIR, views of scenic resources such as San Diego Bay, San Diego-Coronado Bay Bridge, Point Loma, Coronado and the downtown skyline are afforded by public viewing areas within and around downtown, and along view corridor streets within the planning area. Several view corridor streets that are within or adjacent to the project area are identified in the CCPDO, including segments of Fir Street, Date Street, and Cedar, all of which extend from Kettner Street west to the Bay. The FEIR concludes that build-out of the DCP Area would not significantly impact these designated view corridors. The DCP includes goals and policies, which are implemented by provisions contained in the CCPDO to protect view corridor setbacks on specific streets that are identified as view corridors to maintain views and avoid impacts of future development.</p> <p>Additionally, the FEIR concludes that there no designated scenic resources within the DCP Area except for a small portion of State Designated Scenic Highway 163, as it enters the downtown. However, this designated Highway segment is not in close proximity to the project area.</p> <p>The proposed project would include the construction of a seven-story residential mixed-use building located on a 24,00 square –foot parcel on the north side of Date Street, and a five-story building on a 10,00 square-foot parcel on the south side of Date Street between India and Columbia Street in Little Italy. Both structures would be compatible with the visual</p>					X	X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<p>characteristics of the surrounding neighborhood.</p> <p>The project site is not located on any portions of the streets that have been designated as view corridors by the FEIR, DCP, and the CCPDO. Furthermore, the FEIR concluded that development in Little Italy pursuant to the DCP would not result in significant impacts to the San Diego Bay. The project site does not possess any significant scenic resources that could be impacted by the proposed project. Therefore, no significant direct or cumulative impacts associated with this issue area have been identified.</p> <p>In addition, the proposed project does not include modifications that would allow greater intensity of development other than that which is assumed in the FEIR. Future proposed projects would still be required to adhere to all policies pertaining to scenic resources and view corridor stepbacks. As such, the proposed project would not result in direct or cumulative impacts on the scenic resources of the DCP Area.</p>						
<p><b>(b) Substantially incompatible with the bulk, scale, color and/or design of surrounding development?</b> The bulk, scale, color and design of the proposed project would be compatible with the existing and planned development of the surrounding area in the Little Italy neighborhood. Although the new structure would be larger than the existing structures on the site, redevelopment of the site would improve the aesthetic condition of the site by providing a newly designed and constructed building on a currently underutilized site. Therefore, the proposed project would be compatible with the bulk, scale, color, and design of the surrounding existing and planned development and there would be no significant direct or cumulative impacts.</p>					X	X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
(c) <b>Substantially affect daytime or nighttime views in the area due to lighting?</b> The proposed project would not include a substantial amount of exterior lighting or include materials that would generate substantial glare. Furthermore, the City's Light Pollution Law (Municipal Code Section 101.1300 et seq.) also protects nighttime views (e.g., astronomical activities) and light-sensitive land uses from excessive light generated by development in the downtown area. The proposed project's conformance with these requirements would ensure that direct and cumulative impacts associated with this issue are not significant.					X	X
<b>2.2 AGRICULTURAL RESOURCES</b>						
(a) <b>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?</b> The proposed project area is located in an urban downtown environment that does not contain land designated as prime agricultural soils by the Soils Conservation Service, nor does it contain prime farmlands designated by the California Department of Conservation. Therefore, no direct or cumulative impacts to agricultural resources would occur.					X	X
(b) <b>Conflict with existing zoning for agricultural use, or a Williamson Act contract?</b> The proposed project site does not contain, nor is it near, land zoned for agricultural use or land subject to a Williamson Act contract pursuant to Section 51201 of the California Government Code. Therefore, no direct or cumulative impacts resulting from conflicts with existing zoning for agricultural use or a Williamson Act contract would occur.					X	X
<b>2.3 AIR QUALITY</b>						
(a) <b>Conflict with or obstruct implementation of an applicable air quality plan, including the County's Regional Air Quality Strategies or the State Implementation Plan?</b> The proposed					X	X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
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 (PM2.5) in equivalent diameter. The SDAPCD has developed a Regional Air Quality Strategy (RAQS) to achieve the state air quality standards for ozone. According to the FEIR, development consistent with the DCP would not conflict with regional air quality planning, and would be consistent with the RAQS. Therefore, the proposed project would not conflict with or obstruct implementation of applicable air quality plans and no direct or cumulative impacts relative to the obstruction of air quality attainment plans would occur with implementation of the proposed project.						
(b) Expose sensitive receptors to substantial air contaminants including, but not limited to, criteria pollutants, smoke, soot, grime, toxic fumes and substances, particulate matter, or any other emissions that may endanger human health? During demolition, site preparation, and construction of the project, the proposed project could involve the exposure of surrounding sensitive receptors to substantial air contaminants associated with the use of construction equipment and the generation of dust. The potential for impacts to surrounding sensitive receptors during construction activities would be mitigated to below a level of significance through compliance with the City's mandatory standard dust control measures and the dust control and construction equipment emission reduction measures required by FEIR Mitigation Measure AQ-B.1-1. The long-term operation of the proposed project could involve the exposure of residents of the project			X			X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
and surrounding sensitive receptors to substantial air contaminants including reactive organic gases (ROGs) from the residential land uses, toxic air contaminants (TACs) from the commercial retail land uses, emissions from trolley operations, and substantial concentrations of carbon monoxide (commonly referred to as CO "hot spots"). However, the FEIR concludes that development within the downtown would not expose sensitive receptors to significant levels of any of the substantial air contaminants discussed above. Since the land use designation of the proposed development is compatible with the land use designation assumed in the FEIR analysis, the project would not expose sensitive receptors to a level of air contaminants beyond the level assumed by the FEIR. Additionally, the project is not located near any industrial activities and therefore would not be impacted by any emissions associated with such activities. Therefore, impacts associated with this issue would not be significant. Project impacts associated with the generation of substantial air contaminants are discussed below in 3.c.						
<b>(c) Generate substantial air contaminants including, but not limited to, criteria pollutants, smoke, soot, grime, toxic fumes and substances, PM, or any other emissions that may endanger human health?</b> Implementation of the proposed project could result in potentially adverse air quality impacts related to the following air emission generators: construction activities, mobile- and stationary-sources. Demolition of the existing structures and adjacent surface parking lot, site preparation activities, and construction of the proposed project would involve potentially adverse impacts associated with hazardous building materials, the creation of dust, and the generation of emissions from construction equipment. Compliance with the		X	X			



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
City's existing regulations requiring a pre-construction hazards assessment and strict remediation measures if harmful materials are present and would ensure that air quality impacts associated with hazardous building materials are not significant (See also Section 7a). However, the clearing, grading, excavation and construction activities associated with the proposed project would result in dust and equipment emission that could endanger human health. Implementation of FEIR Mitigation Measure AQ-B.1-1 would reduce dust and construction equipment emissions generated during construction of the proposed project to below a level of significance. The proposed residential project, and included retail component, does not propose any uses that would significantly increase stationary-source emissions in the downtown planning area; therefore, impacts from stationary sources would not be significant. However, the project's mobile source emissions, in combination with dust generated during construction of the project, would contribute to the significant and unmitigated cumulative impact to air quality identified in the FEIR. Therefore, direct impacts associated with project implementation are potentially significant but mitigated below a level of significance while cumulative impacts remain significant and not mitigated, consistent with the FEIR.						
<b>2.4 BIOLOGICAL RESOURCES</b>						
(a) <b>Substantially effect, either directly or through habitat modifications, on 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?</b> The project area is located in a developed, urbanized area of downtown, and there are no sensitive plants or animal species, habitats, or wildlife migration corridors within the area. The FEIR concludes that there would not be a					X	X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
significant impact to biological resources. Therefore, no significant direct or cumulative impact associated with this issue is anticipated to occur.						
(b) <b>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations by local, state, or federal agencies?</b> As identified in the FEIR, the DCP area is not within a subregion of the San Diego County Multiple Species Conservation Program (MSCP). In addition, the proposed project will comply with the provisions of the Migratory Bird Treaty Act regarding nesting birds, nests, and fledglings, as applicable. Furthermore, the proposed project will comply with any applicable local, regional, state, and federal plans, policies and regulations protecting riparian habitat or other sensitive natural communities. Therefore, impacts associated with substantial adverse effects on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations by local, state or federal agencies would not occur.					X	X
<b>2.5 HISTORICAL RESOURCES</b>						
(a) <b>Substantially impact a significant historical resource, as defined in § 15064.5?</b> The North building site is currently developed with a surface-parking lot and contains a one-story locally designated historical resource (Historical Resource board (HRB) Site No. 244, The Tony Bernardini Building). Only the front façade is considered significant and will be retained on-site and rehabilitated in accordance with the Secretary of the Interior Standards (Standards). The South building site is currently occupied by a one-story restaurant/bar (Princess Pub) and two one-story single-family residences, one of which is a designated historical resource (HRB Site No. 1036, The Antonio and Josephine Giacalone			X			X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Residence). The Princess Pub is proposed to remain on the site while the historical resource is proposed to be relocated to an off-site location and rehabilitated in accordance with the Standards. The FEIR determined that impacts to historical resources due to future development would be significant and requires mitigation. Implementation of FEIR Mitigation Measure HIST-A.1-2 would reduce impacts from the relocation of Site No. 1036, to below a level of significance. Therefore, no direct or significant impacts to important historical resources would contribute to the potentially significant and mitigated cumulative impacts identified in the FEIR.						
(b) <b>Substantially impact a significant archaeological resource pursuant to § 15064.5, including the disturbance of human remains interred outside of formal cemeteries?</b> 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., vacant sites and surface parking lots). Since archaeological resources have been found within inches of the ground surface in the downtown planning area, even minimal grading activities can impact these resources. In addition, the likelihood of encountering subsurface human remains during construction and excavation activities, although considered low, is possible. Although the site has already been disturbed to allow for the construction of the existing structure and parking lot, the excavation, demolition, and surface clearance activities associated with development of the proposed project and the subterranean parking levels could have potentially adverse impacts to archaeological resources, including buried human remains. Implementation	X	X				

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
of FEIR Mitigation Measure HIST-B.1-1 would minimize, but not fully mitigate, these impacts. Since the potential for archaeological resources and human remains on the proposed project site cannot be confirmed until site excavation and grading are 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, impacts associated with this issue remain potentially significant and not fully mitigated, and consistent with the analysis of the FEIR. Furthermore, project-level significant impacts to important archaeological resources would contribute to the potentially significant and unmitigated cumulative impacts identified in the FEIR.						
(c) <b>Substantially impact a unique paleontological resource or site or unique geologic feature?</b> The proposed project site is underlain by the San Diego Formation, which has high paleontological resource sensitivity. The FEIR concludes that development would have potentially adverse impacts to paleontological resources if grading and/or excavation activities are conducted beyond a depth of 1-3 ft. The project's proposal for two levels of subterranean parking would involve excavation to a depth in excess of the FEIR standard, resulting in potentially significant impacts to paleontological resources. However, implementation of FEIR Mitigation Measure PAL-A.1-1 would ensure that the proposed project's potentially direct and cumulative impacts to paleontological resources are not significant.			X	X		
<b>2.6 GEOLOGY AND SOILS</b>						
<b>Substantial health and safety risk associated with seismic or geologic hazards?</b> The proposed project site is located in a seismically active					X	X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<p>region and lies within the City of San Diego's Special Study Zone as defined by the City's Seismic Safety Study. A Geotechnical Evaluation was prepared by NOVA Services Inc. to address potential seismic and geologic hazards for the project site. The active Newport-Inglewood and Rose Canyon fault system is located approximately 150 feet east of the site. Based on findings from the Geotechnical Investigation, a seismic event could cause significant seismic groundshaking. In addition, the site is located on old Paralic Deposits, Unit 6 and although the potential for geologic hazards (landslides, liquefaction, slope failure, and seismically induced settlement) is considered low due to the site's moderate to low-expansive geologic structure, such hazards could nevertheless occur.</p> <p>The FEIR indicates that conformance with, and implementation of, all seismic-safety development requirements, including City requirements for the Downtown Special Fault Zone, the seismic design requirements of the Uniform Building Code (UBC), 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. Since the proposed project would not significantly alter the type of land uses or intensity of development allowed, nor impede conformance with, or implementation of, the abovementioned seismic safety development requirements, the impacts of the proposed projects would be consistent with the conclusions assumed in the FEIR, and no potential direct or cumulative impacts related to this issue are anticipated.</p>						
<b>2.7 GREENHOUSE GAS EMISSIONS</b>						
<b>(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a</b>					X	X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<p><b>significant impact on the environment?</b>  California's Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006, codified the State's greenhouse gas (GHG) emissions target by requiring the State's GHG emissions to be reduced to 1990 levels by 2020. To achieve these GHG reductions outlined in AB 32, there will have to be widespread reductions of GHG emissions across the California economy. Some of the reductions will come in the form of changes in vehicle emissions and mileage, changes in the sources of electricity, and increases in energy efficiency by existing facilities as well as other measures. The remainder of the necessary GHG reductions will come from requiring new facility development to have lower carbon intensity than "Business-as-Usual" (BAU), or existing, conditions.</p> <p>Neither CivicSD nor the City of San Diego has adopted thresholds of significance for GHG emissions. However, according to the Technical Memorandum entitled "Addressing Greenhouse Gas Emissions from Projects Subject to CEQA" the City is utilizing, for the interim, the 900 metric ton (MT) threshold presented by CAPCOA (CAPCOA 2008). The memorandum identifies Project types and Project sizes that are estimated to emit 900 MT of GHGs per year. Projects that are greater than or equal to the Project sizes listed in the memorandum must perform a GHG analysis. The analysis should include, at a minimum, the five primary sources of GHG emissions: vehicular traffic, generation of electricity, natural gas consumption/combustion, solid waste generation, and water usage.</p> <p>Based on the analysis of project-related emissions, the project would result in GHG emissions of 1,916 metric tons of CO<sub>2</sub>e annually, and net</p>						



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
emissions of 1,635 metric tons of CO <sub>2</sub> e, which are above the City's screening threshold of 900 metric tons annually. Because BAU are above the City's screening-level threshold of 900 metric tons per year, a Global Climate Change Technical Report was prepared by Science Resources Associated to assess the potential greenhouse gas impacts associated with the proposed project, and to evaluate whether emissions would be reduced by 28.3% of the business as usual, as requires by the AB 32 reduction mandate.. The site is currently developed with existing buildings historically used for commercial/office and a parking lot. The building and parking lot are sources of existing GHG Emissions. Emissions of GHGs were quantified for both construction and operation of the proposed project. Operational emissions were calculated assuming a "business as usual" operational scenario as well as an operational scenario with GHG reduction measures employed. Based on the analysis, quantifiable emission reductions that will be implemented through state and local requirements demonstrate that emissions will be reduced by more than 28.3% below BAU levels. The project would therefore not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.						
(a) <b>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?</b> As stated in 2.7 (a) the proposed project would demonstrate a reduction in GHG emissions and would fall below the level deemed by CAPCOA and the City of San Diego to be less than significant. Implementation of the proposed project would not hinder the State's ability to attain the GHG reduction goals identified in Assembly Bill 32 (the Global Warming Solutions Act). Thus, the proposed project would not result in significant					X	X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
direct, indirect, or cumulative impacts with respect to this issue and would not conflict with applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.						
<b>2.8 HAZARDS &amp; HAZARDOUS MATERIALS</b>						
<p>(a) <b>Substantial health and safety risk related to on-site hazardous materials?</b> A Phase I Environmental Site Assessment Report was prepared by PIC Environmental Services to assess any potential hazards on the site. Based on the findings of the report the proposed project would not be located on a site that has known hazardous materials, nor is it anticipated to involve the use or storage of materials which may be considered hazardous to the public. Consistent with the uniformly applied development policies and standards identified within the FEIR, if contamination is identified, the County of San Diego Department of Environmental Health (DEH) has a Voluntary Assistance Program, whereby the applicant (or its consultant) can submit a work plan which identifies the manner in which the contamination will be excavated, sampled, and analyzed for waste profiling purposes; transported; and the manner in which it will be disposed. With or without DEH oversight, these activities must comply with all existing waste profiling and disposal laws and regulations. The project's adherence to these uniformly applied development policies and standards will ensure that the impacts associated with this issue are not significant. However, the demolition and excavation activities associated with the redevelopment of the project site could result in the exposure of construction workers to hazardous or potentially hazardous materials. Consistent with the conclusions in the FEIR, the proposed project's adherence to existing mandatory federal, state and local regulations controlling hazardous</p>					X	X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
materials would ensure that impacts associated with this issue are not significant. Therefore, no significant direct or cumulative impacts associated with this issue would occur.						
<b>(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?</b> A search of the current Federal, State and Local regulatory agency databases was conducted by Track Info Services, LLC. The proposed project was not listed in any of the databases. An additionally search was done for nearby properties in accordance with distances outlines in the ASTM Standard Practice E-1527 guidelines. According to the search, 253 off-site listings are located within the search area. Of these listings, 123 are associated with sites with leaky underground storage tanks (LUST). There are no LUST sites listed in the immediate vicinity of the proposed project site. It is unlikely that the proposed project has been impacted by releases of hazards or regulated substances at any of these listed sites based on the location or the sites and the nature of the listings. Additionally, in accordance with the analysis in the FEIR, adherence to existing mandatory federal, state, and local regulations as well as uniformly applied development policies and standards would avoid significant impacts to human health and the environment					X	X
<b>(c) Substantial safety risk to operations at San Diego International Airport?</b> The proposed project site is within the boundaries of the Airport Influence Area of the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA). The Airspace Protection guidelines for the project site limit building heights to 350 feet. The proposed project					X	X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
would consist of a seven-story building with a building high point of 88 feet on the north side of Date Street and a five-story building at 69 feet on the south side of Date Street. As such, the proposed project would be well within the limits for airspace protection. The Project is located within Review Area 2 and is not within either of two safety zones located in Northern Little Italy. This zone category is used for projects outside of an area where safety is of moderate concern. Therefore, no direct or cumulative impacts associated with this issue are anticipated to occur.						
(d) <b>Substantially impair implementation of an adopted emergency response plan or emergency evacuation plan?</b> The FEIR concludes that development that occurs in accordance with the DCP would not adversely affect implementation of the City of San Diego's Emergency Operations Plan. Since the proposed land use designation of the proposed project is compatible with the designation assumed in the FEIR analysis, construction and operation of the proposed project would not affect the City's ability to adequately respond during an emergency. Therefore, no direct or cumulatively significant impacts associated with this issue are anticipated.					X	X
<b>2.9 HYDROLOGY &amp; WATER QUALITY</b>						
(a) <b>Substantially degrade groundwater or surface water quality?</b> Urban runoff generated within the DCP area is collected by storm drains that eventually discharge into San Diego Bay. San Diego Bay is currently experiencing water quality problems caused by urban development within its watershed. The proposed project site is currently paved or covered by a structure, and redevelopment of the site would not result in an increase in impervious surfaces onsite, and therefore no increase in runoff would occur. Construction activities onsite could result in					X	X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<p>groundwater discharge of runoff, which would contribute in a cumulative nature to the water quality impacts to San Diego Bay. However, existing state and local regulations as described under the FEIR, would apply to the project, and would provide protection against significant water quality impacts.</p> <p>Implementation of Best Management Practices required by the City's Standard Urban Storm Water Mitigation Program would likely reduce the project's urban runoff contribution below the present level. In addition, Waste Discharge Permits required for groundwater discharge during construction would ensure that impacts to groundwater quality are not significant. According to the Geotechnical Evaluation prepared by NOVA Services Inc., the ground water level on the proposed site is significantly below the depth required by the proposed project's excavation and construction and dewatering activities would not be required. Therefore, no direct impacts associated with groundwater and surface water quality would not be significant. Although the proposed project would not result in direct impacts to water quality, the FEIR concluded that the water quality of San Diego Bay is already impacted, and the addition of any pollutants in urban runoff discharged to the Bay would result in a cumulatively significant impact. Thus, the project's incremental contribution to the discharge of polluted urban runoff into San Diego Bay, when viewed in connection with polluted runoff discharged into San Diego Bay by past, existing, and reasonably foreseeable future projects, is considered a significant cumulative impact. No mitigation other than adhering to existing regulations has been identified to feasibly reduce this impact to below a level of significance. Consistent with the FEIR, the cumulative water</p>						

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	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
quality impact would remain significant and not mitigated						
<b>(b) Substantially increase impervious surfaces and associated runoff flow rates or volumes?</b> The proposed project is located on a site that is currently developed and covered with impervious surfaces. Implementation of the proposed project would result in impervious surfaces similar to the surfaces that presently exist onsite. Therefore, redevelopment of the proposed site would not substantially increase the runoff volume entering the storm drain system, and the proposed project would not substantially increase the runoff volume or pollutant concentration entering the storm drain system since the amount of impervious surfaces would not increase. Consistent with the analysis of the FEIR, direct and cumulative impacts associated with this issue are not significant.					X	X
<b>(c) Substantially impede or redirect flows within a 100-year flood hazard area?</b> The proposed project is located on a site that is not within a 100-year floodplain. Similarly, the proposed project would not affect off-site flood hazard areas, as no 100-year floodplains are located downstream. Therefore, direct and cumulative impacts associated with this issue are not significant.					X	X
<b>(d) Substantially increase erosion and sedimentation?</b> The proposed project is located on a site that is currently developed with impervious surfaces. The hydrology of the proposed site would not be substantially altered by implementation of the proposed project as the site would maintain a similar quantity of impervious surfaces and, therefore, the proposed project would not substantially increase the long-term potential for erosion and sedimentation. However, the potential for erosion and sedimentation could increase during the short-term during site preparation, excavation and other					X	X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
construction activities. The proposed project's compliance with regulations mandating the preparation and implementation of a Storm Water Pollution Prevention Plan would ensure that impacts associated with erosion and sedimentation are not significant. Therefore, no direct or cumulative impacts associated with this issue are anticipated.						
<b>2.10 LAND USE AND PLANNING</b>						
(a) <b>Physically divide an established community?</b> No features or structures of the proposed project would physically divide an established community; rather, it would be an amenity to the Little Italy neighborhood by providing additional housing on Date Street, the neighborhood's activity center, and a small amount of retail space on the ground level along Date street between India and Columbia Street. The proposed project would not include any greater intensity of development or permit any new or additional uses other than that which is assumed in the FEIR. Therefore, no significant direct or cumulative impacts associated with this issue would occur.					X	X
(b) <b>Substantially conflict with the City's General Plan and Progress Guide, Downtown Community Plan, CCPDO or other applicable land use plan, policy, or regulation?</b> The proposed project is located in the Neighborhood Mixed -Use Center Land Use District, which is intended to accommodate a diverse array of uses including residential, artists' studios, live/work spaces, hotels, offices, research and development, retail, and a variety of additional support services. Both the North and South buildings are located within the Centre City Planned District and are subject to the development regulations in the CCPDO. The applicant is seeking deviations from development regulations identified in the ordinance including deviations to the LISA Overlay, ground floor heights, oriel windows, and					X	X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<p>off-street loading requirements.</p> <p>The North building is located in the LISA Overlay and as currently designed encroaches into the LISA Overlay on the Date and Columbia Street frontages. However the proposed projects overall massing is distributed as such that the majority of the buildings mass is located on the eastern side of the building along Columbia Street and steps down to a historical building façade of the Northern building along India street. This configuration results in a better designed project by lowering the scale of the building massing along India Street, representing the pedestrian oriented nature of the street. Additionally, the South building as currently designed encroaches into the LISA overlay on the Columbia and Date street frontages. Under the LISA requirements, the building could be built up to 150 feet in height. The South building is only five-stories tall and provides the minimum 15-foot tall ground floor; the building reaches a height of 55.57 feet. The proposed encroachments are minimal and would have less of a shadow impact on the public plaza than it would if the building were taller and conformed to the LISA overlay.</p> <p>The minimum ground-floor height for building containing active commercial uses is an average of 15- feet measured from the adjoining sidewalk. The proposed project ground-floor height for the North building is below the required 15 feet average for ground-floor active commercial uses. The Columbia Street frontage slopes approximately five feet from north to south. While the commercial space ground-floor height is 13 feet, it averages 11 feet measured from Columbia Street, with the floor level located approximately two feet and five inches below the Columbia Street sidewalk. It is envisioned that this space</p>						



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	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<p>will house a single restaurant operator with the emphasis being on a chef's table and open kitchen concept, which will create a more balanced façade of the fluctuating ground-floor height.</p> <p>Under the CCPDO, the maximum width of an oriel widow is 12 feet may extend vertically no more than 50 feet in height. The current design of three-story element of the North building, located at the eastern corner of Date Street contains an oriel window of approximately 17 feet wide. Additionally, at two locations the oriel windows exceed the 50-foot height limit. The intent of the deviation is to simplify the massing and create an element of scale with the overall design. Additionally, the oriel window's exceeding the height limit will allow the project to "set-up" along with the natural grade of the site along Date Street.</p> <p>The proposed project includes the vacation of 80-foot right-of-way along Date Street between India and Columbia streets to allow for the development of an 11,200 square-foot public plaza. Date Street was originally intended and is currently utilized for vehicular traffic. The proposed vacation would no longer allow vehicular access on Date Street as originally intended, but the creation of the public plaza would continue to serve a public purpose. The proposed vacation would convert and improve the right-of-way as a public plaza with pedestrian access. The proposed vacation would allow the creation of a public use consistent with the DCP Parks and Open Space and Recreation Chapter (Goals and Policies 4.1-G, 4.1 G-2, 4.1-P-4, 4.1-P-8 and 4.1-P-15) which envisions the creation of new parks and plazas in conjunction with development projects as well as encourages incorporating parking under all new open spaces wherever possible. The DCP Urban Design</p>						

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<p>Chapter (Goals and Policies 5.1-G-1 and 5.1-P-1 encourages the maintenance of the downtown street-grid system and discourages full or partial closures by new buildings, utilities, and transportation improvements. However, the DCP also recognizes the need for additional open space downtown and acknowledges that the only allowable use enabled through a street closure should be for parks or open spaces providing access for pedestrians and bicycles be maintained. The vacated right-of-way will not be accessible to vehicular traffic (except for special events such as farmer markets), but will maintain pedestrian and bicycle access. Therefore the proposed vacation of Date Street would not adversely affect any applicable land use plans. As discussed in 2.16 (a) a traffic impact analysis was prepared to evaluate the traffic impact associated with the street vacation. The findings of the analysis concluded that the street vacation would not result in any significant traffic impacts. The proposed project will meet all the requirements of the Land Development code and CCPDO with approval of the deviations, which are allowable under a CCPDP. The proposed deviations are relatively minor and result in appropriately massed buildings consistent with the surrounding neighborhood.</p> <p>As discussed in 2.8 (c), the proposed project is within the jurisdiction of the ALUCP for SDIA; however, the proposed project would result in the construction of a building that would be no more than seven stories in height, it is well within the limits for airspace protection. Therefore, impacts associated with this issue are not anticipated to occur. The proposed project would comply with the goals and requirements of the DCP and would meet all applicable standards of the CCPDO. Therefore, no significant direct or cumulative</p>						



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
impact associated with an adopted land use plan would occur. Therefore, no direct or cumulative impacts associated with this issue are anticipated.						
<p>(c) <b>Substantial incompatibility with surrounding land uses?</b> Sources of land use incompatibility include noise, lighting/shading, and industrial activities. It is not anticipated that construction of the proposed project would result in, or be subject to, adverse impacts due to substantially incompatible land uses, with the exception of noise. Compliance with the City's Light Pollution Ordinance would ensure that land use incompatibility impacts related to the proposed project's emitting of, and exposure to, lighting are not significant. Additionally, the project is located in the LISA Overlay, which establishes a maximum building envelope to ensure adequate light and air and sidewalks to residential areas in Little Italy. Existing mandatory local, state, and federal regulations controlling industrial activities would ensure that if the project were to be constructed and operated at the project site, it would not be vulnerable to potential land use compatibility impacts resulting from its proximity to nearby industrial activities.</p> <p>The proposed project is not located on or near any portion of street segments identified in the FEIR as exceeding the 70 dB (A) CNEL. Potential impacts associated with the project's incompatibility with traffic noise on adjacent grid streets and railroad noises are likely to occur; these potential noise impacts are discussed in detail in Section 11(b). As discussed in the 2006 FEIR, noise levels from train and trolley operations do not exceed the exterior noise standard of 65 dBA CNEL and would, therefore, not result in significant impacts. Additionally, the FEIR states that diesel train engines may produce short-term noise levels of 85 dBA but concludes</p>					X	X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
that the duration of these events is not sufficient to create a measurable noise constraint. Horns and crossing bells are categorized as “nuisance” noise within the 2006 FEIR. Noise from these sources can reach up to 95 dBA at a distance of 50 feet. While these nuisance noises would likely be heard intermittently at the proposed project site, they would not serve to exceed the 70 dBA CNEL standard at the proposed project site on a consistent basis. In addition, the proposed project is located in a downtown, urban environment adjacent it the trolley and train, which contribute short-term intermittent noise events to the area. No significant direct or cumulative impacts associated with this issue are anticipated.						
(d) <b>Substantially impact surrounding communities due to sanitation and litter problems generated by transients displaced by downtown development?</b> Because the project involves the redevelopment of an existing site with no impact to development off-site, and because transients are not known to currently congregate on site, the project will not contribute in a direct or cumulative manner to the impact of sanitation and litter problems generated by displaced transients.					X	X
<b>2.11 MINERAL RESOURCES</b>						
(a) <b>Substantially reduce the availability of important mineral resources?</b> The FEIR concludes that the viable extraction of mineral resources is limited in downtown due to its urbanized nature and the fact that the area is not designated as having high mineral resource potential. Therefore, no direct or cumulative impacts associated with this issue would occur.					X	X
<b>2.12 NOISE</b>						
(a) <b>Substantial noise generation?</b> The proposed project would result in short-term impacts from noise generated from construction activity. Impacts from construction noise would be avoided by adherence to construction noise limitations imposed		X			X	



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
by the City's Noise Abatement and Control Ordinance. According to the analysis in the FEIR, long-term impacts associated with noise generation could result from new development and an increase in traffic on identified street segments. However, the FEIR concludes that noise generation resulting from new development would not generate substantial stationary noise to adversely affect the acoustic environment. However, the FEIR defines a significant long-term traffic noise increase as an increase of at least 3.0 dBA CNEL for street segments already exceeding 65 dBA CNEL. The FEIR identified nine segments in the downtown planning area that would be significantly impacted as a result of traffic generation. The proposed project is not located on any of the identified segments. However, the proposed project may contribute to the increase in traffic noise associated with the identified segments downtown and would result in a long-term cumulative impact. The FEIR concludes that there are no feasible mitigation measures available to reduce the significant cumulative increase in noise on affected roadways and this impact remains significant and unavoidable consistent with the analysis in the FEIR.						
(b) <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)?</b> A Noise Assessment was prepared by Mestre Greve Associates Division of Landrum & Brown to address potential noise impacts for the project site. The City of San Diego has established an exterior noise standard of 65 CNEL. This standard is applied to outdoor noise sensitive areas (i.e., outdoor living areas), such as rear yards of single family homes and balconies of multi-family homes and hotels. The only residential outdoor areas proposed by the project are the balconies and roof terraces located on both the north and					X	X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
south buildings In addition, the project proposes closing Date Street from traffic and using this area as a public plaza. This space is also subject to the 65 CNEL noise standard. Based on the analysis conducted in the noise assessment the exterior traffic and aircraft noise are projected to be less than 65 CNEL on all balconies, roof decks, and on Date Street. Therefore, no significant impacts would occur and no noise mitigation measures are required to comply with the City's exterior noise standard.						
(c) <b>Substantial interior noise within habitable areas of residences, hospitals, and hotels (e.g., levels in excess of 45 dBA CNEL)?</b> The proposed project would include 125 residential dwelling units and would be required to meet the City of San Diego indoor noise standard of 45 CNEL for residential uses. Based upon the construction details, the exterior to interior noise reduction provided by the worst-case rooms, the second floor Living Room and Bedroom were 22 to 24 dB respectively. This results in maximum interior CNEL levels up to 40 dB without building upgrades. Therefore, all residential units are projected to meet the City's 45 CNEL interior noise standard without noise mitigation measures. Therefore, project-level impacts associated with this issue are anticipated to be less than significant with mitigation. Cumulative impacts associated with this issue would not occur.					X	X
<b>2.13 POPULATION AND HOUSING</b>						
(a) <b>Substantially induce population growth in an area?</b> The FEIR concludes that build-out of the DCP would not induce substantial population growth that results in adverse physical changes. Redevelopment of the project site is consistent in land use with the DCP. The project would not induce growth to exceed that analyzed throughout the FEIR. Therefore, additional impacts associated with this issue would not occur.					X	X



Issues and Supporting Information	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>(b) Substantial displacement of existing housing units or people?</b> Redevelopment of the project site would involve the demolition of existing residences on the site. However, the proposed project would not displace a substantial number of housing units or people, and the project would provide new housing in its place. Furthermore, the proposed project is consistent in land use with the DCP.					X	X
<b>2.14 PUBLIC SERVICES &amp; UTILITIES</b>						
<b>(a) Substantial adverse physical impacts associated with the provision of new schools?</b> The population of school-aged children attending public schools is dependent upon current and future residential development. According to the FEIR, cumulative residential development in downtown would generate additional students, and would exceed the capacity of the present elementary schools and the existing high school. Students generated by cumulative residential development would not exceed the capacity of existing middle schools. The FEIR concludes that the additional student population anticipated at buildout of downtown would require the construction of at least one additional school and that additional capacity could potentially be accommodated in existing facilities. The proposed project would provide 125 dwelling units. Using the generation rates assumed in the FEIR, the proposed project would generate 3 elementary-aged student (K-5th), and 2 secondary-aged (grades 6th – 12th). Given this, the proposed project would not generate a sufficient number of students to warrant construction of a new school facility. Nevertheless, the specific future location of new facilities is unknown at the present time. Pursuant to Section 15145 of CEQA, analysis of the physical changes in the downtown planning area, which may occur from future construction of these public facilities, would be speculative and no further analysis of their impacts is required.					X	X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
Construction of any additional schools would be subject to CEQA. Environmental documentation prepared pursuant to CEQA would identify potentially significant impacts and appropriate mitigation measures. Therefore, the proposed project would not result in direct or cumulative impacts associated with this issue. Therefore, the proposed project would not result in direct or cumulative impacts associated with this issue.						
<b>(b) Substantial adverse physical impacts associated with the provision of new libraries?</b> The FEIR concludes that, cumulatively, development in the downtown would generate the need for a new Main Library and possibly several smaller libraries within the downtown. In and of itself, the proposed project would not generate significant additional demand necessitating the construction of new library facilities. However, according to the analysis in the FEIR, the proposed project is considered to contribute to the cumulative need for new library facilities in the downtown identified in the FEIR. Nevertheless, the specific future location of these facilities is unknown at present time. Pursuant to Section 15145 of CEQA, analysis of the physical changes in the downtown planning area, which may occur from future construction of these public facilities, would be speculative and no further analysis of their impacts is required. 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, the proposed project would not result in direct or cumulative impacts associated with this issue.					X	X
<b>(c) Substantial adverse physical impacts associated with the provision of new fire protection/emergency facilities?</b> The FEIR does not conclude that the cumulative development of the downtown area would generate additional					X	X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
demand necessitating the construction of new fire protection/emergency facilities. Therefore, the proposed project would not result in direct or cumulative impacts associated with the provision of new fire protection/emergency services beyond those analyzed within this Evaluation.						
(d) <b>Substantial adverse physical impacts associated with the provision of new law enforcement facilities?</b> The FEIR analyzes impacts to law enforcement service resulting from the cumulative development of the downtown and concludes that the construction of new law enforcement facilities would not be required. Since the land use designation of the proposed development is consistent with the DCP land use designation for the site, the project would not generate a level of demand for law enforcement facilities beyond the level assumed by the FEIR. However, the need for a new facility could be identified in the future. Pursuant to Section 15145 of CEQA, analysis of the physical changes in the downtown planning area, which may occur from future construction of law enforcement facilities, would be speculative and no further analysis of their impacts is 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. Therefore, the proposed project would not result in direct or cumulative impacts associated with this issue.					X	X
(e) <b>Substantial adverse physical impacts associated with the provision of new water transmission or treatment facilities?</b> The FEIR concludes that new water treatment facilities would not be required to address the cumulative development of the downtown. In addition, water pipe improvements that may be needed to serve projects in the project area are categorically exempt					X	X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
from environmental review under CEQA as stated in the FEIR.						
<p>(f) <b>Substantial adverse physical impacts associated with the provision of new storm water facilities?</b> The FEIR concludes that the cumulative development of the downtown would not impact the existing downtown storm drain system. Since implementation of the proposed project would result in impervious surfaces similar to the existing use of the site, the amount of runoff volume entering the storm drain system would not increase. As part of the Project the developer will be replacing and improving the storm drain and water lines running below the project site. The storm drain system will capture and carry water from the east end of West Date Street (at the intersection with Columbia St) and from the Piazza surface drainage and carry the water to the west end of the West Date Street (at the intersection with India St) where it will connect to the existing storm drain system. Furthermore, the applicant will be removing an existing water line in West Date Street between India and Columbia. The applicant will be replacing and upsizing the water main in India Street between West Date St and West Fir Street, and will be replacing and upsizing the water main in West Fir Street between India and Columbia. Therefore, the proposed project would not result in direct or cumulative impacts associated with this issue.</p>					X	X
<p>(g) <b>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</b> 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. The proposed project does not require the preparation of a Water Supply Assessment (WSA) as it does not meet any of the thresholds established</p>					X	X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
by SB 610 or SB 221. According to the FEIR, in the short term, planned water supplies and transmission or treatment facilities are adequate. Water transmission infrastructure necessary to transport water supply to the downtown area is already in place. Potential direct impacts would not be significant. However, buildout of the 2006 DCP would generate more water demand than planned for in the adopted 2010 UWMP. This additional demand was not considered in SDCWA's Urban Water Management Plan (UWMP). To supplement this and meet the additional need, SDCWA indicates that it will have a local water supply (from surface water, water recycling, groundwater, and seawater desalination) to meet the additional demand resulting from buildout of the DCP. In accordance with the conclusion in the FEIR, this additional demand would not represent a substantial increase in the challenge of meeting the otherwise anticipated demand for water within the SDCWA service area. Since the proposed project does not meet the requirements of SB 610 and is consistent with the DCP, direct and cumulative impacts related to water supply would be considered not significant.						
<b>(h) Substantial adverse physical impacts associated with the provision of new wastewater transmission or treatment facilities?</b> The FEIR concludes that new wastewater treatment facilities would not be required to address the cumulative development of the downtown. In addition, sewer improvements that may be needed to serve the proposed project are categorically exempt from environmental review under CEQA as stated in the FEIR. Therefore, the proposed project would not result in direct or cumulative impacts associated with this issue.					X	X
<b>(i) Substantial adverse physical impacts associated with the provision of new landfill facilities?</b> The FEIR concludes that cumulative					X	X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<p>development within the downtown planning area would increase the amount of solid waste sent to the Miramar Landfill and contribute to the eventual need for an alternative landfill. The proposed project is not likely to generate a higher level of solid waste than the existing use of the site; however, implementation of a mandatory Waste Management Plan and compliance with the applicable provisions of the San Diego Municipal Code would ensure that both short- and long-term project-level impacts are not significant. However, the project would contribute, in combination with other development activities in the downtown, to the cumulative increase in the generation of solid waste sent to the Miramar Landfill and the eventual need for a new landfill as identified in the FEIR. The location and size of a new landfill is unknown at this time. Pursuant to Section 15145 of CEQA, analysis of the physical changes that may occur from future construction of landfills would be speculative and no further analysis of their impacts is required. However, construction or expansion of a landfill would be subject to CEQA. Environmental documentation prepared pursuant to CEQA would identify potentially significant impacts and appropriate mitigation measures. Therefore, the proposed project would not result in direct or cumulative impacts associated with this issue.</p>						
<b>2.15 PARKS &amp; RECREATIONAL FACILITIES</b>						
<p>(a) <b>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?</b> The FEIR discusses impacts to park and recreational facilities and the maintenance thereof and concludes that buildout pursuant to the DCP would not result in significant impacts associated with this issue. The proposed project would not likely generate a level</p>					X	X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
of demand for parks and recreational facilities beyond the level assumed by the FEIR. Additionally, the proposed public use plaza would have a positive impact and would further reduce the need for additional parks and open space. Therefore, substantial deterioration of existing neighborhood or regional parks would not occur or be substantially accelerated as a result of the proposed project. No direct or cumulative significant impacts associated with this issue would occur.						
<b>2.16 TRANSPORTATION/TRAFFIC</b>						
<p>(a) <b>Cause the level of service (LOS) on a roadway segment or intersection to drop below LOS E?</b>  The proposed project intends to create an 11,200 square-foot public plaza within the right-of-way along Date Street. The development of the plaza would require a street vacation of the existing 80-foot right of way along Date Street between Columbia and India Street. The plaza would be covered by an easement within a 56-foot wide area and will be open to the general public 24 hours a day, seven days a week. A traffic assessment was prepared by RBF to evaluate the existing and future intersection operations for the proposed project with and without the proposed street vacation.</p> <p>The findings of the analysis under existing conditions showed that the study area intersections would continue operating at LOS B or better during the peak hours without or with the proposed street closure. The results of the near-term conditions analysis show that the study intersections are forecast to operate at LOS B or better during the peak hours both without and with the proposed street closure. Under future year 2035 conditions, the study intersections are forecast to operate at LOS C or better without or with the proposed street closure. Therefore, the redistribution of existing and future traffic</p>		X			X	

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
<p>associated with the proposed street closure would not result in significant traffic impacts.</p> <p>While no study intersections would drop below the LOS E threshold as a direct impact of the proposed project, the traffic generated by the proposed project, in conjunction with other development downtown, could contribute to the cumulative traffic impacts anticipated by the FEIR. The FEIR includes mitigation measures to address these impacts, but they may or may not be able to fully mitigate these cumulative impacts (these mitigation measures are not the responsibility of the proposed project and are therefore not included here.</p> <p>Therefore, consistent with the conclusions in the FEIR, the proposed project would contribute to significant cumulative impacts associated with roadway and intersection capacity and could contribute to causing the level of service (LOS) on a roadway segment or intersection to drop below LOS E</p>						
<p><b>(b) Cause the LOS on a freeway segment to drop below LOS E or cause a ramp delay in excess of 15 minutes?</b> The FEIR concludes that development pursuant to the DCP would result in significant cumulative impacts to freeway segments and ramps serving the downtown planning area. The proposed project would not have a significant direct impact because of the relatively low traffic generation that is estimated to occur according to the analysis conducted in 2.16 (a). As discussed above. ADT generated by the proposed project would not exceed the 2,400 ADT threshold established by the FEIR. However, the FEIR concludes that new development and redevelopment within the downtown area would result in significant cumulative impacts to freeway segments and</p>		X				X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
ramps serving the downtown area. Since the land use designation of the project is not substantially different from the land use designation assumed in the FEIR analysis, the proposed development would contribute on cumulative-level to the substandard LOS F identified in the FEIR on all freeway segments in the downtown area and on several ramps serving the downtown. FEIR Mitigation Measure TRF-A.2.1-1 would reduce these impacts to the extent feasible, but not below a level of significance, (this mitigation measure is not the responsibility of the proposed project, and therefore, is not included). The FEIR concludes that the uncertainty associated with implementing freeway improvements and limitations in increasing ramp capacity limits the feasibility of fully mitigating impacts to these facilities. Thus, the proposed project's cumulative-level impacts to freeways would remain significant and unavoidable, consistent with the analysis of the FEIR.						
<b>(c) Create an average demand for parking that would exceed the average available supply?</b> The proposed street closure will remove a total of 13 public on-street parking spaces along Date Street. The displaced public parking spaces will be accommodated with below-grade parking under both buildings and across from Date Street. The below-grade parking will consist of two-and-a-half levels and provide parking for residential tenants, as well as approximately 50 public parking spaces. This would meet the residential parking requirements established in the CCPDO. While the proposed parking spaces will be available for a minimum of five years, the loss of 13 parking spaces would not be significant. Therefore, it is anticipated that the proposed project would not create an average demand for parking that would exceed the average supply and impacts would not be significant. Therefore, no		X				X

Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
direct significant direct impacts associated with this issue would occur. However, although the CCPDO establishes a minimum requirement for off-site parking, the FEIR concludes that the cumulative effect of the parking requirements established in the CCPDO would result in a parking demand that is greater than parking supply. FEIR Mitigation Measure TRF-D.1.1 would reduce these impacts to the extent feasible, but not below a level of significance, (this mitigation measure is not the responsibility of the proposed project, and therefore, is not included). The FEIR identifies actions that could be taken to help balance parking supply and demand, but that the actions identified would not provide a guarantee that parking demand would be met. Furthermore, the FEIR concludes that unrestricted parking availability would be contrary to transportation, air quality, and quality of life goals established in the DCP. Therefore, the proposed project would contribute to significant cumulative impacts associated with this issue.						
(d) <b>Substantially discourage the use of alternative modes of transportation or cause transit service capacity to be exceeded?</b> The proposed project does not include any features that would discourage the use of alternative modes of transportation, nor does it include any design features that would cause hazards or barriers for pedestrians or bicyclists. The proposed project provides an engaging environment to passing pedestrians, and provides on-site bike parking for residents. The project is located in close proximity to transit and would allow residents to choose to take the bus, trolley, and commuter rail. Therefore, no impact will occur associated with transit or alternative modes of transportation. The proposed project does not include any features that would discourage the use of alternative modes of transportation, nor does it include any design features that would cause hazards or barriers for					X	X



Issues and Supporting Information	Significant And Not Mitigated (SNM)		Significant But Mitigated (SM)		Not Significant (NS)	
	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)	Direct (D)	Cumulative (C)
pedestrians or bicyclists. The proposed plaza will have pedestrian and bicycle access and be available to the general public 24 hours a day, seven days a week. Therefore, no impact will occur associated with transit or alternative modes of transportation.						
<b>2.17 MANDATORY FINDINGS OF SIGNIFICANCE</b>						
(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? As indicated in the FEIR, due to the highly urbanized nature of the downtown area, no sensitive plant or animal species, habitats, or wildlife migration corridors are located in the Downtown area. However, the project does have the potential to eliminate important examples of major periods of California history or prehistory at the project level. No other aspects of the project would substantially degrade the environment. Cumulative impacts are described in subsection 16.b below.	X	X				
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? As acknowledged in the FEIR, implementation of the DCP, CCPDO, and Redevelopment Plan would result in cumulative impacts associated with: aesthetics/visual quality, air quality, historical and archaeological resources, physical changes		X				

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



## **ATTACHMENT 1**

### **MITIGATION, MONITORING, AND REPORTING PLAN**

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
<b>AIR QUALITY (AQ)</b>				
<b>Impact AQ-B.1:</b> Dust and construction equipment engine emissions generated during grading and demolition would impact local and regional air quality. (Direct and Cumulative)	<p><i>Mitigation Measure AQ-B.1-1:</i> 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 miles per hour, 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 the CCDC.</li> <li>On-site access points shall be paved as soon as feasible or watered periodically or otherwise stabilized.</li> <li>Material transported offsite 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 miles per hour.</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> </ol>	Prior to Demolition or Grading Permit (Design)	Developer	City



SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<ol style="list-style-type: none"> <li>5. Where vehicles leave the construction site and enter adjacent public streets, the streets shall be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface. Any visible 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> <li>6. All diesel-powered vehicles and equipment shall be properly operated and maintained.</li> <li>7. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than five minutes, as required by state law.</li> <li>8. The construction contractor shall utilize electric or natural gas-powered equipment in lieu of gasoline or diesel-powered engines, where feasible.</li> <li>9. As much as possible, the construction contractor shall time the construction activities so as not to interfere with peak hour traffic. In order to minimize obstruction of through traffic lanes adjacent to the site, a flag-person shall be retained to maintain safety adjacent to existing roadways, if necessary.</li> <li>10. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.</li> <li>11. Low VOC coatings shall be used as required by SDAPCD Rule 67. Spray equipment with high transfer efficiency, such as the high volume-low pressure (HPLV) spray method, or manual coatings application such as paint brush hand roller, trowel, spatula, dauber, rag, or sponge, shall be used to reduce VOC emissions, where feasible.</li> <li>12. If construction equipment powered by alternative fuel sources (LPG/CNG) is available at comparable cost, the developer shall specify that such equipment be used during all construction activities on the development site.</li> <li>13. The developer shall require the use of particulate filters on diesel construction equipment if use of such filters is demonstrated to be cost-competitive for use on this development.</li> <li>14. During demolition activities, safety measures as required by City/County/State for removal of toxic or hazardous materials shall be utilized.</li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<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>			
<b>HISTORICAL RESOURCES (HIST)</b>				
<p><b>Impact HIST-A.1:</b>  <b>Future development in downtown could impact significant architectural structures (Direct and Cumulative)</b></p>	<p><i>Mitigation Measure HIST-A.1-2:</i> If the potential exists for direct and/or indirect impacts to retained or relocated designated and/or potential historical resources ("historical resources"), the following measures shall be implemented in coordination with a Development Services Department designee and/or City Staff to the Historic Resources Board (HRB) ("City Staff") in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the Land Development Code.</p> <p><b>I. Prior to Permit Issuance</b></p> <p><b>A. Construction Plan Check</b></p> <p><b>1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit Building Permits, but prior to the first Preconstruction (Precon) Meeting, whichever is applicable, City Staff shall verify that the requirements for historical monitoring during demolition and/or stabilization have been noted on the appropriate construction documents.</b></p> <p><b>(a) Stabilization work can not begin until a Precon Meeting has been held at least one week prior to issuance of appropriate permits.</b></p> <p><b>(b) Physical description, including the year and type of historical resource, and extent of stabilization shall be noted on the plans.</b></p>	<p>Prior to Development Permit (Design)</p> <p>Prior to Demolition, Grading, and/or Building Permit (Design)</p> <p>Prior to Certificate of Occupancy (Implementation)</p>	Developer	CCDC/City



SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>B. Submittal of Treatment Plan for Retained Historical Resources</p> <ol style="list-style-type: none"> <li>1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit and Building Permits, but prior to the first Precon Meeting, whichever is applicable, the Applicant shall submit a Treatment Plan to City Staff for review and approval in accordance in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995) and the associated Guidelines. The Treatment Plan shall include measures for protecting any historical resources, as defined in the Land Development Code, during construction related activities (e.g., removal of non-historic features, demolition of adjacent structures, subsurface structural support, etc.). The Treatment Plan shall be shown as notes on all construction documents (i.e., Grading and/or Building Plans).</li> </ol> <p>C. 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 Principal Investigator (PI) for the project and the names of all persons involved in this MMRP (i.e., Architectural Historian, Historic Architect and/or Historian), as defined in the City of San Diego Historical Resources Guidelines (HRG).</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 historical monitoring of the project meet the qualification standards established by the HRG.</li> <li>3. Prior to the start of work, the applicant must obtain approval from City Staff for any personnel changes associated with the monitoring program.</li> </ol> <p>II. Prior to Start of Construction</p> <p>A. Documentation Program (DP)</p> <ol style="list-style-type: none"> <li>1. Prior to the first Precon Meeting and/or issuance of any construction permit, the DP shall be submitted to City Staff for review and approval and shall include the following:</li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>(a) Photo Documentation</p> <p>(1) Documentation shall include professional quality photo documentation of the historical resource(s) prior to any construction that may cause direct and/or indirect impacts to the resource(s) with 35mm black and white photographs, 4x6 standard format, taken of all four elevations and close-ups of select architectural elements, such as, but not limited to, roof/wall junctions, window treatments, and decorative hardware. Photographs shall be of archival quality and easily reproducible.</p> <p>(2) Xerox copies or CD of the photographs shall be submitted for archival storage with the City of San Diego Historical Resources Board and the CCDC Project file. One set of original photographs and negatives shall be submitted for archival storage with the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other relative historical society or group(s).</p> <p>(b) Required drawings</p> <p>(1) Measured drawings of the building's exterior elevations depicting existing conditions or other relevant features shall be produced from recorded, accurate measurements. If portions of the building are not accessible for measurement, or cannot be reproduced from historic sources, they should not be drawn, but clearly labeled as not accessible. Drawings produced in ink on translucent material or archivally stable material (blue-line drawings) are acceptable. Standard drawing sizes are 19" x 24" or 24" x 36", standard scale is 1/4" = 1 foot.</p>			



SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>(2) One set of measured drawings shall be submitted for archival storage with the City of San Diego Historical Resources Board, the CCDC Project file, the South Coastal Information Center, the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other historical society or group(s).</p> <p>2. Prior to the first Precon Meeting, City Staff shall verify that the DP has been approved.</p> <p>B. PI Shall Attend Precon Meetings</p> <p>1. Prior to beginning any work that may impact any historical resource(s) which is/are subject to this MMRP, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Historical Monitor(s), Building Inspector (BI), if appropriate, and City Staff. The qualified Historian and/or Architectural Historian shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Historical 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. Historical Monitoring Plan (HMP)</p> <p>(a) Prior to the start of any work that is subject to an HMP, the PI shall submit an HMP which describes how the monitoring would be accomplished for approval by City Staff. The HMP shall include an Historical Monitoring Exhibit (HME) based on the appropriate construction</p>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>documents (reduced to 11x17) to City Staff identifying the areas to be monitored including the delineation of grading/excavation limits.</p> <p>(b) 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>(c) 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 underpinning, shoring and/or extensive excavation which could result in impacts to, and/or reduce impacts to the on-site or adjacent historical resource.</p> <p>C. Implementation of Approved Treatment Plan for Historical Resources</p> <ol style="list-style-type: none"> <li>1. Implementation of the approved Treatment Plan for the protection of historical resources within the project site may not begin prior to the completion of the Documentation Program as defined above.</li> <li>2. The qualified Historical Monitor(s) shall attend weekly jobsite meetings and be on-site daily during the stabilization phase for any retained or adjacent historical resource to photo document the Treatment Plan process.</li> <li>3. The qualified Historical Monitor(s) shall document activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day and last day (Notification of Monitoring Completion) of the Treatment Plan process and in the case of ANY unanticipated incidents. The RE shall forward copies to City Staff.</li> <li>4. Prior to the start of any construction related activities, the applicant shall provide verification to City Staff that all historical resources on-site have been adequately stabilized in</li> </ol>			



SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>accordance with the approved Treatment Plan. This may include a site visit with City Staff, the CM, RE or BI, but may also be accomplished through submittal of the draft Treatment Plan photo documentation report.</p> <p>5. City Staff will provide written verification to the RE or BI after the site visit or upon approval of draft Treatment Plan report indicating that construction related activities can proceed.</p> <p><b>III. During Construction</b></p> <p>A. Qualified Historical Monitor(s) Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> <li>1. The Qualified Historical Monitor(s) shall be present full-time during grading/excavation/trenching activities which could result in impacts to historical resources as identified on the HME. The Construction Manager is responsible for notifying the RE, PI, and City Staff of changes to any construction activities.</li> <li>2. The Qualified Historical Monitor(s) shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY incidents involving the historical resource. The RE shall forward copies to City Staff.</li> <li>3. The PI may submit a detailed letter to City Staff during construction requesting a modification to the monitoring program when a field condition arises which could effect the historical resource being retained on-site or adjacent to the construction site.</li> </ol> <p>B. Notification Process</p> <ol style="list-style-type: none"> <li>1. In the event of damage to a historical resource retained on-site or adjacent to the project site, the Qualified Historical Monitor(s) shall direct the contractor to temporarily divert construction activities in the area of historical resource and immediately notify the RE or BI, as appropriate, and the PI (unless Monitor is the PI).</li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>2. The PI shall immediately notify City Staff by phone of the incident, 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.</p> <p>C. Determination/Evaluation of Impacts to a Historical Resource</p> <p>1. The PI shall evaluate the incident relative to the historical resource.</p> <p>(a) The PI shall immediately notify City Staff by phone to discuss the incident and shall also submit a letter to City Staff indicating whether additional mitigation is required.</p> <p>(b) If impacts to the historical resource are significant, the PI shall submit a proposal for City Staff review and written approval in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the Land Development Code and the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995) and the associated Guidelines. Direct and/or indirect impacts to historical resources from construction activities must be mitigated before work will be allowed to resume.</p> <p>(c) If impacts to the historical resource are not considered significant, the PI shall submit a letter to City Staff indicating that the incident will be 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 and/or weekend work is included in the contract</p> <p>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.</p>			



SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>2. The following procedures shall be followed.</p> <p>(a) No Impacts/Incidents In the event that no historical resources were impacted during night and/or weekend work, the PI shall record the information on the CSV and submit to City Staff via fax by 8 am of the next business day.</p> <p>(b) Potentially Significant Impacts If the PI determines that a potentially significant impact has occurred to a historical resource, the procedures detailed under Section III - During Construction shall be followed.</p> <p>(c) 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.</p> <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>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), prepared in accordance with the Historical Resources Guidelines and Appendices which describes the results, analysis, and conclusions of all phases of the Historical Monitoring Program (with appropriate graphics) to City Staff for review and approval within 90 days following the completion of monitoring.</li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<ul style="list-style-type: none"> <li>(a) The preconstruction Treatment Plan and Documentation Plan (photos and measured drawings) and Historical Commemorative Program, if applicable, shall be included and/or incorporated into the Draft Monitoring Report.</li> <li>(b) The PI shall be responsible for updating (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any existing site forms to document the partial and/or complete demolition of the resource. Updated forms shall be submitted to the South Coastal Information Center with the Final Monitoring Report.</li> <li>2. City Staff 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 City Staff for approval.</li> <li>4. City Staff shall provide written verification to the PI of the approved report.</li> <li>5. City Staff shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</li> <li>B. Final Monitoring Report(s) <ul style="list-style-type: none"> <li>1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to City Staff (even if negative), within 90 days after notification from City Staff 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 City Staff.</li> </ul> </li> </ul>			



SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p><i>Mitigation Measure HIST-A.1-3:</i> If a designated or potential historical resource ("historical resource") as defined in the Land Development Code would be demolished, the following measure shall be implemented in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the Land Development Code.</p> <p><b>I. Prior to Issuance of a Demolition Permit</b></p> <p>A. A Documentation Program (DP) shall be submitted to <u>City Staff to the Historic Resources Board (HRB)</u> ("City Staff") for review and approval and shall include the following:</p> <ol style="list-style-type: none"> <li>1. Photo Documentation <ol style="list-style-type: none"> <li>(a) Documentation shall include professional quality photo documentation of the structure prior to demolition with 35mm black and white photographs, 4x6 standard format, taken of all four elevations and close-ups of select architectural elements, such as, but not limited to, roof/wall junctions, window treatments, decorative hardware. Photographs shall be of archival quality and easily reproducible.</li> <li>(b) Xerox copies or CD of the photographs shall be submitted for archival storage with the City of San Diego Historical Resources Board and the CCDC Project file. One set of original photographs and negatives shall be submitted for archival storage with the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other relative historical society or group(s).</li> </ol> </li> <li>2. Required drawings <ol style="list-style-type: none"> <li>(a) Measured drawings of the building's exterior elevations depicting existing conditions or other relevant features shall be produced from recorded, accurate measurements. If portions of the building are not accessible for measurement, or cannot be reproduced from historic sources, they should not be drawn, but clearly labeled as not accessible. Drawings produced in ink on translucent material or archivally stable material (blue-line drawings are acceptable). Standard drawing sizes are 19" x 24" or 24" x 36", standard scale is 1/4" = 1 foot.</li> </ol> </li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>(b) One set of measured drawings shall be submitted for archival storage with the City of San Diego Historical Resources Board, the CCDC Project file, the South Coastal Information Center, the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other historical society or group(s).</p> <p>B. Prior to the first Precon Meeting City Staff shall verify that the DP has been approved.</p> <p>C. In addition to the Documentation Program, the Applicant shall comply with any other conditions contained in the Site Development Permit pursuant to Chapter 14, Article 3, Division 2, Historical Resources Regulations of the Land Development Code.</p>			
<p><b>Impact HIST-B.1:</b> Development in downtown could impact significant buried archaeological resources. (Direct and Cumulative)</p>	<p><i>Mitigation Measure HIST-B.1-1:</i> 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 Historic Resources Board (HRB) ("City Staff") in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the Land Development Code. 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 Land Development Code, 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>Prior to Demolition or Grading Permit (Design)</p> <p>Prior to Certificate of Occupancy (Implementation)</p>	Developer	<u>City Staff</u>



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	<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 Land Development Code, 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 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 (SOHO), 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>			

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	<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>Step 2-Testing</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 Land Development Code, Historical Resources Guidelines. 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 Historical Resources Guidelines 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> <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>			



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	<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 Public Resources Code (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>Step 3-Data Recovery</p> <p>For any site determined to be significant, a Research Design and Data Recovery Program (RDDR) 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 further disturbance in</p>			

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	<p>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 reinterment 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> <p>1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first Precon Meeting, whichever is applicable, City Staff shall verify that the requirements for Archaeological Monitoring and</p>			



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	<p>Native American monitoring, where the project may impact Native American resources, have been noted on the appropriate construction documents.</p> <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 Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.</li> <li>2. 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), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), the Native American representative(s) (where Native American</li> </ol>			

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	<p>resources may be impacted), Building Inspector (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 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 NA 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 11x17) 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>			



SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p><b>III. During Construction</b></p> <p>A. Monitor(s) Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> <li>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 is responsible for notifying the RE, PI, and City Staff of changes to any construction activities.</li> <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 Consultant Site Visit Record (CSVSR). The CSVSR'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. Discovery Notification Process</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> </ol>			

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	<p>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.</p> <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. 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 (ADRP) 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> 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>			

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	<p>A. Notification</p> <ol style="list-style-type: none"> <li>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 Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery process.</li> <li>2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.</li> </ol> <p>B. Isolate discovery site</p> <ol style="list-style-type: none"> <li>1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.</li> <li>2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.</li> <li>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.</li> </ol> <p>C. If Human Remains are determined to be Native American</p> <ol style="list-style-type: none"> <li>1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, <b>ONLY</b> the Medical Examiner can make this call.</li> <li>2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.</li> <li>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.</li> <li>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.</li> </ol>			



SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and if:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,</li> <li>(c) In order to protect these sites, the Landowner shall do one or more of the following: <ul style="list-style-type: none"> <li>(1) Record the site with the NAHC;</li> <li>(2) Record an open space or conservation easement on the site;</li> <li>(3) Record a document with the County.</li> </ul> </li> </ul> <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> <ul style="list-style-type: none"> <li>1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.</li> <li>2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).</li> <li>3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the 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.</li> </ul>			

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	<p><b>V. Night and/or Weekend Work</b></p> <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 CSV 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>			

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	<p><b>VI. Post Construction</b></p> <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 Historical Resources Guidelines 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>			



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	<ol style="list-style-type: none"> <li>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.</li> </ol> <p>C. Curation of artifacts: Accession Agreement and Acceptance Verification</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with City Staff and the Native American representative, as applicable.</li> <li>2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and City Staff.</li> <li>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).</li> </ol> <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> <li>1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to City Staff (even if negative), within 90 days after notification from City Staff 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 City Staff which includes the Acceptance Verification from the curation institution.</li> </ol>			

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<b>PALEONTOLOGICAL RESOURCES (PAL)</b>				
<b>Impact PAL-A.1:</b> <b>Excavation in geologic formations with a moderate to high potential for paleontological resources could have an significant impact on these resources, if present. (Direct)</b>	<p><i>Mitigation Measure PAL-A.1-1:</i> In the event the Secondary Study indicates the potential for significant paleontological resources, the following measures shall be implemented as determined appropriate by CCDC.</p> <p><b>I. Prior to Permit Issuance</b></p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> <li>1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, Centre City Development Corporation (CCDC) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.</li> </ol> <p>B. Letters of Qualification have been submitted to CCDC</p> <ol style="list-style-type: none"> <li>1. The applicant shall submit a letter of verification to CCDC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.</li> <li>2. CCDC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.</li> <li>3. Prior to the start of work, the applicant shall obtain approval from CCDC for any personnel changes associated with the monitoring program.</li> </ol> <p><b>II. Prior to Start of Construction</b></p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> <li>1. The PI shall provide verification to CCDC that a site-specific records search has been completed. Verification includes, but is 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>			

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	<p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> <li>1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and CCDC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.               <ol style="list-style-type: none"> <li>a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with CCDC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</li> </ol> </li> <li>2. Identify Areas to be Monitored               <ol style="list-style-type: none"> <li>a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to CCDC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).</li> </ol> </li> <li>3. When Monitoring Will Occur               <ol style="list-style-type: none"> <li>a. Prior to the start of any work, the PI shall also submit a construction schedule to CCDC through the RE indicating when and where monitoring will occur.</li> <li>b. The PI may submit a detailed letter to CCDC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as 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.</li> </ol> </li> </ol> <p><b>III. During Construction</b></p> <ol style="list-style-type: none"> <li>A. Monitor Shall be Present During Grading/Excavation/Trenching               <ol style="list-style-type: none"> <li>1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the</li> </ol> </li> </ol>			



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	<p>PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and CCDC of changes to any construction activities.</p> <ol style="list-style-type: none"> <li>2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of any discoveries. The RE shall forward copies to CCDC.</li> <li>3. The PI may submit a detailed letter to CCDC during construction requesting a modification to the monitoring program when a field condition such as 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.</li> </ol> <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> <li>1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.</li> <li>2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</li> <li>3. The PI shall immediately notify CCDC by phone of the discovery, and shall also submit written documentation to CCDC within 24 hours by fax or email with photos of the resource in context, if possible.</li> </ol> <p>C. Determination of Significance</p> <ol style="list-style-type: none"> <li>1. The PI shall evaluate the significance of the resource. <ol style="list-style-type: none"> <li>a. The PI shall immediately notify CCDC by phone to discuss significance determination and shall also submit a letter to CCDC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.</li> <li>b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from CCDC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to</li> </ol> </li> </ol>			

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>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 appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to CCDC unless a significant resource is encountered.</p> <p>d. The PI shall submit a letter to CCDC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.</p> <p><b>IV. Night Work</b></p> <p>A. If night work is included in the contract</p> <p>1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.</p> <p>2. The following procedures shall be followed.</p> <p>a. No Discoveries</p> <p>(1) In the event that no discoveries were encountered during night work, The PI shall record the information on the CSV and submit to CCDC via fax by 9am the following morning, if possible.</p> <p>b. Discoveries</p> <p>(1) All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.</p> <p>c. Potentially Significant Discoveries</p> <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> <p>d. The PI shall immediately contact CCDC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</p> <p>B. If night work becomes necessary during the course of construction</p> <p>1. The Construction Manager shall notify the RE, or BI, as</p>			

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	<p>appropriate, a minimum of 24 hours before the work is to begin.</p> <p>2. The RE, or BI, as appropriate, shall notify CCDC immediately.</p> <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> <p>1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to CCDC for review and approval within 90 days following the completion of monitoring,</p> <p>a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.</p> <p>b. Recording Sites with the San Diego Natural History Museum</p> <p>(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.</p> <p>2. CCDC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</p> <p>3. The PI shall submit revised Draft Monitoring Report to CCDC for approval.</p> <p>4. CCDC shall provide written verification to the PI of the approved report.</p> <p>5. CCDC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</p> <p>B. Handling of Fossil Remains</p> <p>1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.</p> <p>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</p>			



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	<p>completed, as appropriate</p> <p>C. Curation of fossil remains: Deed of Gift and Acceptance Verification</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.</li> <li>2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and CCDC.</li> </ol> <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> <li>1. The PI shall submit two copies of the Final Monitoring Report to CCDC (even if negative), within 90 days after notification from CCDC that the draft report has been approved.</li> <li>2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from CCDC which includes the Acceptance Verification from the curation institution.</li> </ol>			
<b>TRAFFIC AND CIRCULATION (TRF)</b>				
<p><b>Impact TRF-A.2.1:</b></p> <p><b>Additional traffic on freeway segments and ramps serving downtown associated with future downtown development would result in unacceptable delays and level of service. (Direct and Cumulative)</b></p>	<p><i>Mitigation Measure TRF-A.2.1-1:</i> Upon adoption of the Community Plan, CCDC shall initiate a multi-jurisdictional effort to develop a detailed, enforceable plan [the Plan] that will identify transportation improvements that would reduce congestion on I-5 through downtown, as well as identify funding sources including federal, state, regional and local funding and which may also include fair share contributions by development as well as other mechanisms based on a nexus study. The process and Plan required by this mitigation measure shall include the following.</p> <ol style="list-style-type: none"> <li>a) The responsible entities [the Entities] included in this effort will include, but may not be limited to, the City of San Diego, CCDC, SANDAG, Caltrans, and the Metropolitan Transit System. Other entities may be included upon the concurrence of the foregoing Entities.</li> <li>b) The Plan will specifically identify physical and operational improvements to I-5, other freeways, relevant arterial roads and transit facilities [the Improvements], that are focused on specific transportation impacts created by downtown development, and will also identify the specific responsibilities of each Entity for the construction, maintenance and financing for each Improvement. The Plan may also identify other</li> </ol>	Upon Plan Adoption	CCDC	CCDC/City

SIGNIFICANT IMPACT(S)	MITIGATION MEASURE(S)	IMPLEMENTATION TIME FRAME	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	<p>improvements necessary to address regional transportation needs, but for purposes of this mitigation measure, the Improvements included in the Plan need only be designed to mitigate the impacts created by downtown development.</p> <p>c) The Plan will set forth a timeline and other agreed-upon relevant criteria for implementation of each Improvement.</p> <p>d) The Plan will identify the total estimated costs for each such Improvement, including construction, maintenance and operational costs [the Total Costs], and the responsibility of each Entity for both implementation and funding for such Total Costs.</p> <p>e) The Plan will include the parameters for any fair-share or development impact fee programs (or the like) to be implemented, that would require private and/or public developers to contribute to the Total Costs, in a manner that will comply with applicable law.</p> <p>f) In developing the Plan, the Entities shall also consider ways in which the Improvements can be coordinated with existing local and regional transportation and facilities financing plans and programs, in order to avoid duplication of effort and expenditure; however, the existence of such other plans and programs shall not relieve the Entities of their collective obligation to develop and implement the Plan as set forth in this mitigation measure. Nothing in the Plan shall be construed as relieving any Entity (or any other entity) from its independent responsibility (if any) for the planning, funding, construction, maintenance or operation of any transportation improvement.</p> <p>g) Upon adoption of the Plan by the City Council, SANDAG, MTS and Caltrans will also seek endorsement of same through their government structures.</p> <p>h) CCDC shall seek adoption of the Plan at a public hearing before the City Council within one year of the initiation of the multi-jurisdictional effort to develop the Plan. CCDC shall report in writing, and at a public hearing before the City Council and SANDAG (if SANDAG agrees to place such a report on its agenda), regarding the progress made to develop the Plan, within six months of the first meeting of the entities. Thereafter, CCDC shall report to the City Council at least annually</p>			

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	<p>regarding the progress of the Plan, for a period of not less than five years, which may be extended at the request of the City Council.</p> <p>i) The Plan shall also expressly include each Entity's pledge that it will cooperate with CCDC in making the required reports to the Agency, including the presence and participation of a responsible representative of the Entity at all public hearings called for the purpose of reviewing the progress of development and implementation of the Plan.</p> <p>j) The PFFP shall be amended to include any projects in the Plan that CCDC and the City Council determine are appropriate for inclusion in the PFFP. The amendment to the PFFP to accommodate such appropriate improvements shall be processed for adoption at the time the Plan is submitted for adoption to the City Council.</p> <p>The failure or refusal of any Entity other than CCDC or the City to cooperate in the implementation of this mitigation measure shall not constitute a failure of CCDC or the City to implement this mitigation measure; however, the CCDC and City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of the mitigation measure.</p> <p>Further, if the City Council or Redevelopment Agency finds that (1) any of the Entities fails or has failed to cooperate in the development or implementation of this Plan, or (2) there is insufficient funding for implementation of the improvements in accord with the Plan, or (3) development downtown has significantly outpaced the development of infrastructure needed to support the development, the Council/Agency shall thereafter review the status of the Plan and its improvements, to determine whether substantial evidence shows that any of the conditions listed in Public Resources Code section 21166 and Guidelines section 15162 exist, so that additional environmental documentation would be required. In any event, the annual progress report delivered by CCDC pursuant to this mitigation measure shall include an evaluation of whether any of these conditions exist.</p>			



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<b>Impact TRF-D.1:</b> Parking demand would exceed the supply generated by proposed parking requirements which could increase parking demand in areas surrounding downtown. (Direct and Cumulative)	<i>Mitigation Measure TRF-D.1-1:</i> At five-year intervals, commencing upon adoption of the proposed Community Plan, CCDC shall evaluate the parking supply and demand within the downtown area as well as assess the amount of parking generated by downtown development in residential areas within a quarter-mile radius of downtown. The evaluations will include an inventory of the number of public and private parking spaces available for public parking within downtown and the residential neighborhoods within a quarter-mile radius of downtown. The evaluation shall determine the current as well as anticipated parking supply and demand during the ensuing five-year period. Based on the evaluation, CCDC shall determine if the discrepancy between demand and supply warrant ameliorative actions which may include but not be limited to: (1) constructing new public parking, (2) implementing specific shared parking programs with private parking facilities, (3) implementing parking meter programs that respond to changes in the parking demand which occur during a 24-hour period and/or (4) implementing residential permit parking programs. Any actions identified during the parking evaluation shall be incorporated into CCDC's Capital Improvement Program, if appropriate, or carried out through some other form of enforcement such as amending Planned District Ordinances or other regulatory programs dealing with parking.	Every five years	CCDC/City	CCDC/City



March 11, 2014

To: Civic San Diego Board of Directors

**SUBJECT: Little Italy Association Support for the Fenton Development at Date Street  
And Use of Developer Impact Fees for the Proposed Piazza Famiglia**

Dear Board of Directors:

The Little Italy Association Board of Directors would like to reiterate the following positions to the Board of Civic San Diego, in regards to the above referenced development:

Since last Spring, the Association worked with Council President Gloria's office, the Fenton Company, the Little Italy Residents Association and Civic San Diego staff to work out an arrangement whereby Date Street between Columbia and India would be vacated and turned into a public piazza. The Association has experience doing such projects and maintaining them and we believed that this would help re-create our Town Center. Please understand the following:

1. Funding and Maintenance of the new Piazza: *The Little Italy Community in particular and the people of San Diego and visitors to Downtown will be the primary beneficiaries of this Piazza. We have worked closely with the Fenton Company, held 3 to 4 public meetings and Civic San Diego staff and are presenting this project to you for support today.*

San Diego is very poor on the development and management of public spaces and we believe that this Piazza, in conjunction with other projects Downtown, will do much to alleviate this deficit. The Association has committed publicly to maintain the Piazza, funded by the Maintenance Assessment District, fundraising activities and an annual contribution from the Fenton Company.

This Piazza has won approval of the Association, the Little Italy Residents Association, the Council President's office, the Mayor's office, of Civic San Diego staff and demonstrates that such projects can be created in a post-redevelopment environment with the right partnership between the private sector and non-profit sector.

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**LITTLE ITALY ASSOCIATION OF SAN DIEGO**

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Facebook: Little Italy Association of San Diego • Twitter: @LittleItalySD

We are not in a competition for public spaces with other communities in Downtown. This project must go forward in FY 15 with DIF to ensure that the vacation of the street can coincide with the completion of the Fenton project on both sides of Date Street in late 2015.

2. Publicly Assessable Restrooms: *Unlike other areas in the City, the Association understands that good public spaces require publicly assessable restrooms.* We have worked out an arrangement with the Fenton Company whereby the restrooms to be built on the south side of the Piazza, within their structure, will be maintained by the Association maintenance staff. Our staff will open and close the restrooms each day to coincide with the opening and closing of the Piazza.

The issue of public restrooms in Downtown has not been resolved up until now due to the maintenance and monitoring issue. We have committed to maintain and monitor these restrooms.

We encourage other groups in Downtown to make such a commitment so the general public can enjoy the use of these facilities.

3. Moving the Historic House: *The Association and the San Diego Unified School District have recently approved an agreement whereby the Association will manage the hardscape and half of the grassy area at Amici Park.* We intend, with School Board support, to move the historic house currently on the south side of Date Street and move it to the northeastern corner of the intersection of Union and Date Streets. The purpose will be to transform the historic home into publicly assessable restrooms to complement the new plans we have for the school grounds. Please see the letter from School Board Director Scott Barnett acknowledging this commitment.

4. Use of Property Assessment Funds: *Comments have been made lately that the Little Italy Maintenance Assessment District cannot use their funds to maintain the piazza.* Rather than the Little Italy BID should fund the maintenance of the new Piazza. This is nonsense and can only be advocated by someone who doesn't understand the law, the state constitution and further, that much of the public space management and maintenance in Little Italy is funded with revenues generated by Association activities such as the Mercato, special events and donors.

5. This Versus other Projects: *As we said earlier, we welcome and encourage the use of DIF funds to fund other new and planned public spaces in Downtown.* We all win with that growth. The key sticking point in the creation of these new public spaces is, and has always been, who would maintain them. The Association committed up front to maintain this Piazza on Date, the public spaces at Amici Park, the Piazza Basilone and the 3 new Piazzas we have planned. We would only hope that other groups would step forward, whether private or non-profit, and commit to maintain the new planned public spaces in Downtown.



We hope this clarifies our position and we ask that the Civic San Diego Board approve:

- a. the vacating of Date Street for the new Piazza,
- b. the use of the proposed DIF funds for construction of the Piazza in FY 15,
- c. the moving of the historic house up to Amici Park and
- d. the Fenton north and Fenton south mixed use projects on each side of Date Street.

Sincerely,



Steve Galasso  
President  
Little Italy Association of San Diego



Marco Li Mandri  
Chief Executive Administrator  
Little Italy Association of San Diego

**From:** Graeme Gabriel [<mailto:graemeg@colrich.com>]  
**Sent:** Tuesday, March 18, 2014 5:41 PM  
**To:** [contreras@civicsd.com](mailto:contreras@civicsd.com); Morgan, Cynthia; [lgarrett.ccac@gmail.com](mailto:lgarrett.ccac@gmail.com)  
**Subject:** Support for Fenton Project

To Whom It May Concern:

As a local San Diego developer whose corporate office is located in Little Italy, ColRich supports the Fenton mixed use project in Little Italy. The opportunity to vacate Date Street between Columbia and India is particularly appealing which we see benefiting both the residential and business users. Specifically, this will add to the unique charm that defines Little Italy where inviting, street level retail contributes to the vitality of the community.

Sincerely,  
Graeme Gabriel

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