



**Centre City
Development
Corporation**

DATE: January 4, 2006

ATTENTION: Planning Commission
Meeting of January 12, 2006

STAFF CONTACT: Alexandra Elias, Senior Planner

SUBJECT: CONTINUED PUBLIC HEARING to consider: Proposed Downtown Community Plan, Proposed Centre City Planned District Ordinance, and Proposed Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project (Fifth Submittal—Please add to Project Binder)

REFERENCE: Staff Reports for Meeting of October 27, November 10, and December 8, 2005 as contained in Project Binder distributed on October 15, 2005 and as supplemented.

ATTACHMENTS: 1. 1992 Mitigation Monitoring & Reporting Program
2. User's Guide (for the Proposed Centre City PDO)
3. Cedar Street photographs

SUMMARY

Staff Recommendation – That the Planning Commission:

- Recommend to the City Council the certification of the proposed Final Environmental Impact Report ("proposed Final EIR") and adoption of the Proposed Downtown Community Plan ("Proposed Community Plan") and Proposed Centre City Planned District Ordinance ("Proposed PDO), for which the proposed Final EIR has been prepared; and
- Having reviewed and considered the Proposed Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project ("Proposed Tenth Amendment") the proposed Final EIR and other documents and information submitted, and having determined that the

Proposed Tenth Amendment is in conformity with the General Plan, recommend to the Redevelopment Agency the adoption of the Proposed Tenth Amendment.

Centre City Development Corporation (CCDC) Board Recommendation(s) – See staff report for Planning Commission public hearing on November 10, 2005 for Board recommendation(s).

Centre City Advisory Committee and Project Area Committee – Please see staff report for Planning Commission Public Hearing of October 27, 2005 for a complete synopsis of votes taken at CCAC meetings.

Fiscal Impact – None with this action.

BACKGROUND

The primary purpose of this staff report is to respond to issues raised by the City Attorney's office, as well as questions and comments raised by the Planning Commission during the public hearing of December 8, 2005. As a result, the staff report is organized by issue/question, as submitted, either by email or in a hearing, as indicated. Email comments/questions are included verbatim.

Generally, the organization of this staff report is as follows:

1. Explanation of issues and responses to the City Attorney's office regarding the Proposed Final Environmental Impact Report (EIR);
2. Request for input from the Planning Commission on specific policy issues.
3. Responses to commissioner questions and issues to date.

Per the Commission's direction at the December 8, 2005 meeting, the documents that are attached to this report are:

1. Proposed Community Plan with errata incorporated
2. Proposed Final EIR/findings with additional language/mitigation
3. Proposed PDO with errata incorporated

Throughout the report, page numbers to the Proposed Community Plan, Proposed PDO and the proposed Final EIR, as appropriate, are cited for ease of reference.

City Attorney questions/concerns:

Subsequent to the last Planning Commission hearing, CCDC staff have worked closely with the City Attorney's Office to resolve concerns that the office had raised regarding

the adequacy of the EIR. During this coordination, three primary issues were discussed. In response to these issues, CCDC also conducted additional research and review of relevant information and applicable law. Where these efforts suggested ways to enhance the Final EIR, modifications have been included in the Final EIR dated January 12, 2005. CCDC believes that the issues raised by the City Attorney's Office have been satisfactorily resolved. The issues discussed and the associated resolutions are summarized below.

1. Air Quality

Issue: The City Attorney's office expressed concern that the effectiveness of automobile emission controls responsible for an overall reduction in emissions at buildout would not be effective in the interim years.

Resolution: CCDC's air quality consultant, Hans Giroux, performed air emission analysis in five-year increments from 2005 through buildout (2030) and concluded that the emission controls would have the same effect as noted at buildout. This information has been included in Table 5.8-3 on page 5-8-9 of the Final EIR.

2. CEQA-Required Alternatives

Issue: The City Attorney's office expressed concern that only one alternative, the "No Project" alternative, was analyzed. CCDC staff and the City Attorney's office discussed whether or not an additional alternative could be identified, which involved phasing downtown development, and if interim automobile emissions were a problem due to delayed effectiveness of emission controls.

Resolution: With the determination that interim automobile emissions would not be proportionately higher than at buildout, it was determined that a phased development alternative would not provide any substantial environmental advantage over either the proposed Plan or the no-project alternative. No other alternatives are required.

3. Transportation

Issue: The City Attorney's office expressed concern that downtown development must share in the responsibility of constructing regional as well as local roadway and transit improvements needed to accommodate downtown development.

Resolution: CCDC worked closely with staff from City Attorney's office, the Environmental Analysis Section of the City's Development Services Department (EAS), City Planning, Caltrans and SANDAG to formulate two new mitigation measures which are designed to provide proactive measures to assure that both local and regional transportation improvements are identified, funded and implemented. The new measures are identified as TRF -A.2.1-1 and TRF-A.2.1-2 in the FEIR (see pages 5.2-

56 *et seq*). The most significant commitments included in the new EIR measures include:

a.) Local Improvements

- Amendment of CCDC's existing Public Facilities Financing Plan (PFFP) to include specific roadway improvements within the downtown grid;
- Commitment to implement a fair-share contribution program through a Development Impact Fee or comparable mechanism to assure that PFFP transportation improvements are adequately funded and implemented in a timely manner; and

b.) Regional Improvements

- A requirement to initiate, and deadlines for undertaking and completing, a multi-agency plan for transportation improvements needed to accommodate downtown impacts on the regional transportation systems serving downtown including freeways and transit;
- Requirement that the plan include cost estimates for construction, maintenance and operation of identified improvements; and
- Annual reporting by CCDC on the progress made toward completing the plan for up to five years.

These are in addition to the two mitigation measures identified prior: TRF-A.1.1-1 and TRF-A.1.1-2 (pages 5.2-49 *et seq*)

POLICY QUESTIONS FOR CONSIDERATION

At recent Planning Commission hearings, Planning Commissioners appeared to have shared interest in the following topics. The questions and discussion are reproduced from previous staff reports here, and it would be staff's hope that the Commission would provide specific direction on these issues.

1. Should Living Units be permitted by right instead of the proposed Neighborhood Use Permit (NUP) process? *[Text taken from staff report for public hearing of November 10, and December 8, 2005]* Currently, Living Unit projects require a Conditional Use Permit (CUP). Based on input from the SRO Ordinance Working Committee, staff proposed reducing the level of review to a NUP, streamlining the regulations for such projects, and eliminating the previous numerical limit of three projects downtown to encourage this type of housing. There has been one Living Unit project built downtown (Island Village Apartments at Market Street and Park Boulevard), with another approved along Broadway at 9th Avenue. At its October 26, 2005 meeting, the CCDC Board also questioned whether Living Unit projects should be allowed by right, but failed to recommend allowing them by right on a 3-3 vote. The NUP process

is not overly burdensome and allows for special consideration of this unique type of housing project.

Discussion at the Planning Commission indicated that the Planning Commission might feel it appropriate not to require a NUP for living units, but that they should be allowed by right.

2. Minimum parking requirements. *[Text taken from staff report for public hearing of November 10, 2005]* The parking requirements contained in the Proposed Centre City PDO represent a balance of providing adequate parking supply while still encouraging transit use and not creating unlimited traffic congestion. The intent is to have minimums which conform with demonstrated market ratios, or slightly lower to allow for and accommodate shared parking strategies, car sharing options, and/or 24-hour use of public parking facilities. Many transit proponents and planners have encouraged staff to lower the proposed parking minimums from those in the Proposed Centre City PDO.

The Proposed PDO contains increased parking standards from the amount that is required under the existing Centre City PDO. These include increased requirements for residential (including a new requirement for the provision of guest/service spaces) and new minimum requirements for retail/commercial uses (which currently have no minimums following the elimination of the maximums in 1999).

At its regular Board meeting of October 26, 2005, the Centre City Development Corporation accepted the Centre City Advisory Committee recommendation that the Proposed PDO contain slightly higher parking ratios than staff proposed. The CCAC recommended one space per residential unit plus 1.5 per two-bedroom unit, plus one space per 10 units guest/service parking, whereas staff recommended one per unit with 1 guest/service space required for every 30 residential units. The Board supported staff's recommendation for commercial parking and other non-residential land uses.

A number of comments by Planning Commissioners indicated that there may be a consensus to return to staff's original parking recommendation of minimum requirements.

3. Industrial/Residential Uses. The Planning Commission has discussed whether or not residential development in areas adjacent to industrial zones (or industrial uses) should be called out as potentially requiring a higher standard of review.

Since the last meeting, CCDC staff has been working to craft policy language in the Proposed Community Plan that would allow a higher standard of review for residential development near or adjacent to industrial zones. To that end, the following sentence has been added to the end of Policy 3.3-P-2 in the Proposed Plan (p. 3-30) that states:

...lands classified as Industrial). Allow for higher standard of review for residential development adjacent to industrial land use districts. Following this policy, the development permit standard conditions for this type of project will have criteria added that must be met, including, but may not be limited to the following: a requirement for disclosure of nearby industrial uses to residents, siting on-site open space, and/or required balconies away from the industrial zone.

RESPONSES TO COMMISSIONER QUESTIONS TO DATE

A. Commissioner Chase, (via email on December 5, 2005)

1. What I meant to ask was WHAT PROJECTS THAT CCDC IS REASONABLY AWARE ARE BEING BUILT to the new FARs in advance of the passage of this proposed plan? There are no projects that are being built to the new FARs in advance of the passage of the Proposed Community Plan. However, numerous projects have obtained entitlements based on the current PDO that could be amended after adoption of the new PDO, essentially adding floors to a building or tower based on additional FAR. In such cases, projects would be required to file a new application and go through the same design review/entitlement process as the previously approved project (may be expedited based on previous reviews). As increased FARs would typically result in additional floors, staff would not expect that any amended applications would qualify for Substantial Conformance review. Currently, staff is aware of six projects that have been entitled at current FARs that may elect to re-submit if the new PDO allows for higher FARs, either by right or through the bonus system.

Other developers have been waiting to formalize their project design and submit an application under the new PDO, but have not been able to do so. Currently staff has had discussions with developers on a dozen specific projects that are awaiting adoption of the PDO, either because of increased FARs or because of changing development regulations that allow more creative design solutions. There have been many additional inquiries regarding potential other projects.

Staff has warned all potential property sellers and buyers that everything in the proposed Community Plan and Proposed PDO is subject to change through the public hearing process, and any transactions based on the proposed regulations are at their own risk. There have been many private land transactions that have occurred over the past year that have not been subject to CCDC review.

2. The one above [ANKA's "Alta" project] is an example. Is CCDC aware of any others? The Alta project is not an example of a project that was approved at a higher FAR than is currently allowed by the current Centre City Community Plan and PDO. ANKA Development obtained approval for a 17-story tower under the

existing 6.0 FAR, and is under construction at this time on that project (up to the 4th floor at this time). The developer, at its own risk, decided to design and build the foundation, structural system, etc. to accommodate an additional four floors based on an anticipated FAR of 7.0 under the new PDO (originally anticipated to be adopted in August 2005). Because of the lead time in ordering materials, the developer has had to continually evaluate whether to continue to anticipate the higher density project or not. While the developer proposed to process a site specific code amendment for the higher density project over the last 18 months, staff opposed such an amendment in the middle of the comprehensive overall Plan and PDO update. This is the only project currently under construction at this time in this situation.

3. Once the plan is passed, what process will they pursue to change their permits?
See response to Question 1.
4. And couldn't they process an amendment to their permit separately? See response to Question 2, especially last paragraph.
5. Would this action make all such future request come in under Substantial Conformance where before they would require a different process? See response to Question 1.
6. What will be the process for all extant building permits to increase the project size? See response to Question 1.
7. And how would environmental review be handled under that? Any new/revised applications would have additional environmental review under the Redevelopment Agency's CEQA Guidelines, which consist of the preparation of a Secondary Study under the Program EIR.
8. What would trigger a reassessment of the Development Impact Fees on any project? A resubmittal for a building permit or change to an existing building permit if there were an increase in the number of units, or amount of floor area would trigger a reassessment of DIFs based on the incremental increases. DIFs are assessed at the time building permit is applied for at the City Development Services Department.
9. Does this proposed EIR completely replace the existing Master EIR downtown?
Yes, when it is certified concurrent with the adoption of the proposed Community Plan and proposed PDO.

10. And are all the mitigations associated with that EIR contained in this one? While the original text of the 1992 MMRP has not been transferred into the proposed MMRP, the intent of the measures has been retained. Due to the age of the language and the regulations upon which the original text was made, changes were appropriate. For example, the new MMRP includes extensive guidance for historic mitigation measures which have been recently developed by the City. In addition, the proposed Community Plan includes a number of goals and policies which are designed to minimize environmental impacts of future development.
11. My sense having reviewed Environmental Assessments from the CCDC Plan Area in the past is that the old EIR mitigation measures are much more detailed than in the new proposed EIR. This is not true. In fact, the measures identified in the current Final EIR are much more detailed and comprehensive than the measures identified in the 1992 EIR. It is important to keep in mind that the existing 1992 MMRP includes mitigation measures which are not required of all downtown projects. Most of the measures in that document apply only to the ballpark or projects within the ballpark district.

As indicated earlier, the historic measures as well as the paleontological measures are much more detailed than the 1992 language. Most notably, the transportation mitigation measures are far more detailed than the 1992 language. Specific transportation improvements are identified and a transportation element will be added to CCDC's PFFP along with a commitment to provide fair share funding through a DIF or comparable mechanism. Periodic evaluation of traffic conditions downtown is also required.

12. Could you please comment on this and provide to the Commission a list of current mitigation measures required of projects. As indicated earlier, the proposed mitigation measures are more detailed and comprehensive than the 1992 measures. A list of measures required of all projects by the 1992 MMRP is included as Attachment 1.
13. There is an extensive list of mitigation measures in the regional Congestion Management Plan, has CCDC listed those and do they all apply to all future projects? These measures deal with regional traffic solutions which will be considered as part of the regional traffic planning effort required by Mitigation Measure TRF-A.2.1-1 (p. 5.2-56).
14. Why hasn't CCDC done a Deficiency Study as required by the CMP for significant projects? The CMP does not require a Deficiency Study for individual projects. Deficiency Studies are undertaken by SANDAG, in partnership with the local agency and Caltrans, based on the results of traffic counts performed every

two years by SANDAG. If these counts identify freeways or prime arterials which are impacted based on existing traffic, SANDAG contacts the local agency within which the affected roadways occur in order to initiate a Deficiency Study. However, in reality, very few Deficiency Studies have been done in the County.

15. The standard for "large projects" being set at 2400 ADTs or 200 peak hour trips - you replied this came from the CMP -but why should the City be applying that to its Community Plans? Although the CMP standard does not apply to the Community Plan, it does apply to individual projects which meet this criteria. The CMP standard was used instead of the City standard of 1,000 ADT in order to avoid unnecessary traffic studies. Given the highly urban nature of downtown and the five-year traffic monitoring that will be required by the FEIR, the more conservative standard of 1,000 ADT was considered unnecessary.
16. And where did that standard come from? The 2,400 ADT (200 peak hour) standard is defined in the CMP as a threshold for determining when traffic studies should be done for individual projects. The studies are intended to address the effect of projects on freeways and prime arterials

Commissioner Garcia (at public hearing of December 8, 2005)

1. Develop language for transportation mitigation measures that provide for both planning for regional transportation, and measures incorporated into the Public Facilities Financing Plan. See Revised proposed Final EIR dated January 5, 2006 (page 5.2-49 *et seq*). Two new traffic mitigation measures have been proposed to satisfy this request.

Commissioner Griswold (at public hearing of December 8, 2005)

1. What is the reason for evaluating the potential to delete the Cedar Street off ramp? *[The response to this question is reproduced verbatim from the staff report for the public hearing of November 10, 2005]*

The current situation that exists with the Cedar Street/Second Avenue off ramp from southbound I-5 was featured by WalkSanDiego as one of the worst pedestrian intersections in San Diego a few years ago. Currently, vehicles moving from a freeway to a pedestrian area are dumped onto Cedar Street at Second Avenue with no stop sign at the end of the ramp (See Attachment 2 for photos). For vehicles coming south on Second Avenue and crossing over Cedar Street into downtown (including the #11 bus route from SDSU to downtown and Spring Valley) the crossing frequently takes more than a few minutes to wait for a break in the traffic. For pedestrians, the intersection can be very dangerous. At a recent meeting with the City of San Diego, a solution of prohibiting pedestrian

crossings on three of the four sides of the intersection was under consideration by staff. This proposal would not solve the problem.

An additional factor complicating the street and causing confusion for pedestrians and drivers is the fact that the ramp causes a disruption in circulation and results in the street alternating between one-way and two way at various points. The impact of this feature reflects three blocks in either direction and is also shown in the photos.

Cedar Street was, in the Comprehensive City Plan for San Diego, California prepared in 1926 by John Nolen for the City Planning Commission, the Harbor Commission and the Park Commission of San Diego, the original Park to Bay Link. The topography into Cortez Hill provides a lovely (save the ramp) vista to the historic County Administration Center.

The proposal to eliminate the Cedar Street off ramp is in the Cortez Focus Plan that was adopted by the Redevelopment Agency in 1995. On pages 25 and 26, the document states:

The view of Cedar Street terminates at the County Administration Building. Unfortunately, this view is interrupted by the Second Avenue to Cedar Street off-ramp located in the right of way of Cedar Street. If the ramp were removed, a portion of the block which contains the ramp (Front, First, Cedar and Interstate 5) could be re-used to create a community amenity, e.g. park/ plaza or open space.

The removal of the Second Avenue off-ramp would accomplish the objective of restoring the view from Cortez Hill to the County Administration Center. An equally important consideration is the mitigation of traffic on Cedar Street and the opportunity to return the street to District status (pedestrian character) as recommended by the Community Plan.

During the I-5 Corridor Study, SANDAG, the City of San Diego, CalTrans and CCDC participated on a Committee through which the proposed improvements were discussed and vetted. While a number of on and off ramps from I-5 were proposed for closure in the final and adopted version of the I-5 Corridor Study and Freeway Deficiency Plan, Cedar Street was not one of them.

A Community Plan is a place to describe a land use vision for the future, and this document is the appropriate place for the goal to remove this ramp. The intent of having this objective in the Proposed Community Plan is to clearly state the goal of improving this intersection, restoring the view corridor and original Park to Bay Link, and providing a vastly improved pedestrian environment in an area adjacent

to California Western School of Law. The EIR considers its removal in its assumptions because the stated desire to close it is documented in a Redevelopment Agency-adopted document, and in the interest of assuming a "worst-case" scenario. The future planning for the I-5 Corridor, including the proposed HOV lanes, the proposed ramp closures, the proposed Collector Distributor and the proposed "lids" over the freeway will all be studied and reconciled as part of inter-agency planning in the future.

2. There is a correction needed to the information on page 5.4-5 of the EIR regarding law enforcement. The correction (stating that the current ratio of 1.55 officers per 1,000 residents is *less than* the established goal of 2.0 per thousand) has been made.
3. Explain the reasons for the proposed parking requirements. Please see parking discussion on p. 5 of this staff report.

Commissioner Otsuji (during public hearing of December 8, 2005)

1. Discuss the Pacific Highway corridor, and specifically the height limits imposed by the proposed Community Plan and the mixed use concept that is proposed. This issue stems from a letter submitted to the Commission from Tom Fat regarding his property at the northeast corner of Pacific Highway and Hawthorn Street, which is subject to numerous zoning regulations in the new PDO, most of which currently are in effect. The letter is concerned with two main issues.

The first is regarding permitted uses on the ground level of any future development. In order to focus and encourage active commercial uses into the Neighborhood Centers, the current draft PDO restricts the inclusion of such uses in other land use districts (i.e., Residential Emphasis district only permits retail uses at the street corners). While the Draft PDO had proposed to allow up to a maximum of 60% of street frontages in the Mixed Commercial District, staff is proposing to allow 100% active commercial uses in this zoning district as requested by Mr. Fat and others, as it will further encourage the redevelopment of northern Little Italy, which may be hindered by a potential future prohibition on residential land uses under the land use plan being proposed by the Airport Authority.

The second concern is the Proposed PDO's height limit of 60 feet (this height limit affects properties in the Coastal Zone north of Hawthorn Street and west of the railway tracks). This height limit has been in effect since 2000 after adoption of the North Embarcadero Visionary Plan amendments to the Centre City Community Plan and Centre City PDO.

During the current process to update the Community Plan, staff had not proposed any changes to the height limits, parking requirements, etc. within the Coastal Zone in an attempt to expedite the Coastal Commission review and approval of the Proposed Community Plan PDO.

However, staff acknowledges that earlier drafts of the Community Plan maps suggested that the height limit on the blocks east of Pacific Highway were proposed for removal, thereby leading to confusion. Staff could support the argument that Hawthorn Street, as a Gateway Street, should be bordered by equal height limits, and therefore could support the change from 60 to 85 feet for the first block north of Hawthorn. If the Commission agrees to this change, the change would also have to be reviewed and approved by the Airport Authority and, ultimately, the Coastal Commission.

Commissioner Steele (during public hearing of December 8, 2005)

1. Please include User's Guide in the package for review by the Planning Commission. The User's Guide is included as Attachment 3 to this staff report.
2. What is the specific definition or intent of Green Streets? In addition to answer #5 on page 13 of the staff report for the public hearing on December 8, 2005, and the paragraph on pg. 7-4 in the Community Plan, the intention for green streets is to:
 - Provide enhanced pedestrian area and landscaping;
 - Provide increased vegetation, trees and pervious surface for sustainable benefits; and
 - Create a "plaid" network of streets with enhanced pedestrian amenity to connect parks, waterfront and major destinations.

Green streets are spaced approximately 4-6 blocks across downtown, and are generally intended to connect neighborhood centers and parks. They are good candidates for bike facilities, may have less on-street parking to afford widened sidewalks, and do accommodate vehicles but typically at lower capacities. The detailed design of the street section and landscape treatment for each street segment might vary due to physical constraints, and will be finalized in concert with relevant agencies. The completed portion of Park Boulevard (G to K streets) and the widened right-of-way along the west portion of Cedar Street are examples of types of Green Streets.

2. The Design Standards in the PDO [151.0312] are too prescriptive. To assist architects with limited high rise experience, the standards describe basic design objectives and minimal standards which allow design freedom for how the objective is accomplished. They build on the most successful components of the existing PDO, and incorporate design principles reinforced by the Steering

Committee and CCDC Board. Some other cities are moving toward completely prescriptive design "rulebooks" with specific shapes, proportions etc. The Proposed Centre City PDO remains very flexible, emphasizes the intent and suggests "and/or options" to accomplish that purpose; truly excellent designs are not precluded. Regarding identical towers, the CCDC Board and numerous other constituents have expressed opposition to "cheap" tower copies; downtown currently has five sets of "twins". Staff has re-evaluated the standards mentioned, and proposes the following revisions:

Street Level Design Standards [151.0312 (c)]

- (2) Wall Plane. To avoid a monotonous flat wall plane, storefront windows, bulkheads, entries, and other surfaces shall recess 6 to 18 inches from primary columns or walls; superior architectural alternatives that achieve the above intent may be evaluated during the Design Review process. At no time should this result in the storefront being set back more than the allowable 5-foot *setback* from the front *property line*.

Tower Design Standards [151.0312 (g)]

- (1) Tower Composition and Materials: To create visual interest, shadows and/or relief, and to avoid the appearance of a repeated single floor extrusion, all building facades of towers shall include a variety of fenestration, material patterns, plane offsets, balconies and/or similar techniques. ~~Building facades over 50 feet wide should have plane offsets and material changes to create shadows and relief.~~ Some elements of towers shall integrate with, and extend into, the building base facades to avoid the appearance of towers isolated from the street and their own bases.
- (4) Identical Towers: To avoid mass-produced forms and ensure each building receives discrete and full design attention, Centre City towers should not be simple copies. Regardless of height or plan variation, no two multiple towers within a project shall exhibit identical, or closely similar, form and/or elevations. No tower shall be designed to be identical ~~or closely similar~~ to another tower located elsewhere in Centre City.
- (5) Upper Tower Composition: To create an intentional graceful transition to the sky, and avoid a simplistic truncated top, the upper 20 percent (minimum) of any tower (measured above the base or mid-zone) should ~~shall~~ achieve an articulated form and/or composition using architectural techniques such as layering, material changes, fenestration patterns, and/or physical setbacks. Actual reduction of floor areas and/or recessed balconies can assist this composition goal, but are not explicitly required. Tower tops shall resolve mechanical penthouses and other technical requirements in an integrated,

coherent manner consistent with the composition below, yet not employ flamboyant or excessive skyline gestures inconsistent with overall tower composition.

Commissioner Chase (during public hearing of December 8, 2005)

1. Please respond to letter received by Planning Commission on November 30, 2005 from Mr. Nico Calavita. The first two comments in Mr. Calavita's letter question the adequacy of the EIR. The adequacy of the EIR document has been the subject of considerable documentation and discussion at the public hearings. Staff addressed the adequacy of the EIR document in the staff report for the Planning Commission public hearing of November 10, 2005 on pages 17-19 (see topics related to EIR on these pages, and on pages 21-24 under the heading "Environmental Impact Report;") and in the staff report for the public hearing of December 8, 2005 (see pages 3-13, and 15-17 of the staff report) and orally at three public hearings.

In his letter, Mr. Calavita suggests the base FAR's be left at 1992 levels and no increases be given "for free". A fundamental premise of updating the Downtown Community Plan was to increase the development intensity of downtown as directed by the Strategic Framework Element of the City's General Plan. The approximately 50,000 population capacity of the 1992 Centre City Community Plan, is proposed to almost double to 89,100. Although bonuses make up a component of that increase, there was a need to balance incentives with a minimum increase necessary to ensure that the Strategic Framework policies would be implemented in the form of increased population. As a result, and based on policy decisions made by the CCDC Board of Directors, the base FAR's are increased only 1-2 on approximately 50% of the developable area of downtown. All increased areas flank the trolley lines, and of those blocks, about 80 are considered "likely redevelopment" or 6% of downtown's 480 blocks. The "free FAR" is not excessive or extensive; the proposed base FARs have been reduced twice during the prior approval process to improve the appeal of the bonus program.

Mr. Calavita's letter states that it is "extremely profitable to build downtown" and tax increment should no longer "subsidize private developers". High density construction with durable materials and full safety compliance is very expensive, and construction materials have increased considerably over the past 2 years alone. From 1975 to 2004 the private sector has invested \$5 billion in downtown, complementing a \$872 million expenditure of tax increment, resulting in a 6:4:1 private-to-public ratio.

The letter claims low-rise housing will disappear, because high FARs make land too valuable. There is a range of proposed FARs across downtown, from existing 3.0 and 6.0 in the SE & NW corners, to 12.0 along the Civic/Office Core. Low-rise would be viable at the lower FARs proposed south of major parks and in Little Italy where the existing 6.0 is retained. Additionally, the creation of the Transfer of Development Rights (TDR) program for historic properties (many at lower FARs) will assist in the retention of historic low-rise and low FAR structures.

The letter also suggests that Development Impact Fees (DIFs) be instituted for specific downtown needs, including some that are the responsibility of other agencies: SANDAG is responsible to provide regional transit to established population centers; Caltrans should be the prime agent on freeway lids; San Diego County is at least partially responsible for homeless and social services. Further, these are not fees that are assessed in other communities.

Finally, Mr. Calavita's letter suggests expanding the proposed TDR and bonus (or "incentive") programs to provide additional amenities. Staff explained on page 14 (see second question under "Parks and Transfer of Development Rights Program) of the Planning Commission staff report for the public hearing on November 10, 2005, that research shows that in an environment of numerous incentives and options for receiving an increase in FAR, TDRs are diluted away from the park acquisition priority. In its evaluation of expanding the program to historic sites, staff determined that numerous already secure historic resources could reap windfall TDR profits for no additional public benefit, and undercut the park TDR sending sites. Once the primary park sites are secured, the TDR program could be re-evaluated and/or expanded.

In discussions with the CCAC in September, staff also evaluated the effect of expanding programs in the Proposed PDO, which currently provides incentives for six different public benefits, including affordable housing and public open space, as well as numerous FAR exemptions and other incentives for historic resources, public facilities and cultural uses. To provide every valid objective with a bonus provision would dilute and diminish the accomplishment of the proposed benefits to the point of no tangible results.

Commissioner Chase, via email on December 20, 2005 (numbering in this paragraph is repeated from the email message):

1. Schools

1a. I presume elementary school children could go to Harborside and that high school could go to San Diego High - but where do middle-school children go? Public elementary students attend Washington Elementary in Little Italy, Perkins Elementary at Newton and Beardsley streets, or Sherman Elementary at 24th and Island. The

designated public middle school serving downtown is Roosevelt on Park Boulevard at Upas.

1b. What kind of forecasting or planning did CCDC do with respect to schools and the needs for new schools based upon adoption of a new Plan? The San Diego City School District is responsible to forecast the need for, plan for and construct new schools. CCDC has worked with the District staff to provide information for its demographic analysis and to find appropriate sites for facilities.

It seems to me that what would happen would be that at some point (when?) the School District would forecast a need for additional schools - and then they would begin the process of looking for a suitable site and establish the costs. Then they would pursue eminent domain and other public funds to pay for acquisition and construction? Yes. Is this what the current plan proposes? This process would be used under the proposed Community Plan. Would this be instead of planning at this point for any new school site - either the land or the square footage - and applying DIF fees that would be available to build them? School fees have always been collected downtown by San Diego City Schools, and the policy decision to site a school would need to be made to secure an additional public school downtown.

2. TDR program and Parks.

2a. If developers opt for no participation in the TDR program - i.e. take advantage of no incentives but simply build to the new proposed FARs - how much parkland is guaranteed by the plan? CCDC has budgeted \$25 million for FY2006-2007 for the purchase of 77,000 square feet of land (at \$325/sq. foot). If no developers opt to participate in the new TDR program, CCDC will rely on funds available to secure parks. If no funds are available, the number of parks may be reduced in size and/or number. See also response to Question 8 on p. 14 of the staff report for the Planning Commission public hearing on December 8, 2006.

2b. Please send me as soon as possible all the background materials related to planning the TDR program. The requested information, in the form of three documents, was provided via email on December 22, 2005.

3. Affordable Housing

3a. Responses to public letter(s). See pages 14-16 of this staff report.

3b. Do you have any break down for production of housing units at 30% and below? CCDC has helped create 1,400 units targeted to persons at 50% AMI and below. Of those, about 150 units are targeted to persons at 30% AMI or below. Did CCDC consider setting targets for 30% AMI and below? Redevelopment Law requires that 40% of the affordable units in a redevelopment project area be affordable to persons at

50% AMI or below. Currently downtown exceeds that requirement with about 60% of units (1,100 units) affordable at that level. Several of the projects targeted to the very low income include units restricted to between 30 and 50% AMI. The most recent examples are Lillian Place, a 74-unit family housing project, the Sunburst Apartments, a 24-unit supportive housing project for homeless youth, and Cortez Hill Family Center, a 150-bed transitional housing facility for homeless families with children. The Five-Year Implementation Plan that is required by Redevelopment Law establishes goals for the unit yield in each category. Funds set aside for affordable housing are reserved annually during the CCDC Board and Redevelopment Agency budget approval process.

Did CCDC consider mitigation for transient impacts? If so, what were they and why were they dismissed so that we have a EIR with significant unmitigated impacts for transient impacts? See response to first question under "Environmental Impact Report" as contained in the staff report for the November 10, 2005 Planning Commission public hearing, and Chapter 5.1, Land Use and Planning Impacts (page 5.1-20 regarding Transient Impacts).

3c. Is there an estimate of how much CCDC will invest in "affordable housing" in the new plan - other than the minimum 20% TI - and are there any goals for unit yield in each category? SANDAG recently promulgated targets for the region and the City for Very Low (9,613), Low (8,126), Moderate (8,645) and Above Moderate (19,358) Housing Needs for the City. (Total of 45,741 citywide). Redevelopment Law requires that 20% of tax increment be set aside for affordable housing. Further, the Five Year Implementation Plan establishes annual estimates for expenditures for low and moderate income housing (\$9-12 million each year under the current Implementation Plan). CCDC Board plans to annually evaluate the need to allocate greater than 20% of tax increment for affordable housing. The Redevelopment Agency (including its fifteen project areas) is required by Redevelopment Law to expend low and moderate income housing funds to help create units to match income level needs.

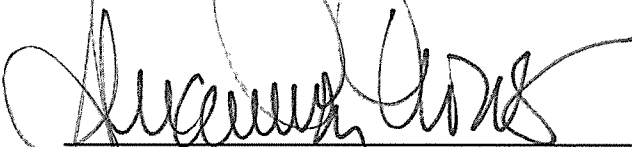
Where are the goals for CCDC to aid in reaching these levels? The goals are contained in CCDC's current Five Year Implementation Plan. What levels in each category can the City expect to realize through the new CCDC Plan? The Five Year Implementation Plan establishes annual targets for units produced to persons at 50% AMI or below and at 120% AMI or below. The current plan sets a target to create at least 1800 units over five years in these two categories combined. See also response to Question 3.c, above.

SUMMARY/CONCLUSION

This staff report is provided to supplement the initial staff report that accompanied the project binder. The action requested of the Planning Commission is to:

- Recommend to the City Council the certification of the proposed Final Environmental Impact Report and adoption of the Proposed Downtown Community Plan and Proposed Centre City Planned District Ordinance for which the proposed Final EIR has been prepared; and
- Having reviewed and considered the Proposed Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project the proposed Final EIR and other documents and information submitted, and having determined that the Proposed Tenth Amendment is in conformity with the General Plan, recommend to the Redevelopment Agency the adoption of the Proposed Tenth Amendment.

Respectfully submitted,



Alexandra Elias
Senior Planner

Attachments: 1. 1992 Mitigation Monitoring & Reporting Program
2. User's Guide (for the Proposed Centre City PDO)
3. Cedar Street photographs

**Plan-wide Mitigation Measures
From the 1992 MEIR**

Mitigation Measure		Implementation Time Frame	Implementation Responsibility	Verification Responsibility
1.0 Aesthetics/Visual Quality/Urban Design				
1.1-1	Wind studies should be required for new high-rise buildings. The recommendations of the wind study shall be incorporated into the design of all new buildings to the maximum extent feasible. The wind studies shall take into consideration not only building-specific effects on wind acceleration, but also the cumulative effect of the proposed building in conjunction with other existing, planned, or proposed development that may effect wind patterns in the Planning Area. <i>(F.I)</i>	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CCDC
2.0 Air Quality				
2.1-1	Prepare and implement a Construction Management Plan which includes but is not necessarily limited to the following, as practical: <ul style="list-style-type: none"> Minimize simultaneous operation of multiple construction equipment units; Use low pollutant emitting equipment; Use electrical construction equipment; Use catalytic reduction for gasoline-powered equipment; Use injection timing retard for diesel-powered equipment; Water the construction area to minimize fugitive dust; and Minimize idling time by construction vehicles. <i>(C.I)</i> 	Prior to Demolition or Grading Permit (Design) Ongoing during Construction (Implementation)	Developer	CCDC
2.1-2	As part of the conditions of approval for certain activities (employers with 15 employees and developments of 25,000 sq. ft. or more), carpools, vanpools, staggered work hours, and the provision of bike storage facilities shall be encouraged through employer-sponsored participation and the implementation of the Centre City Parking Ordinance and the Centre City Transit Ordinance, as required by the City of San Diego. <i>(C.2.3)</i>	Ongoing during Operation	Developer	CCDC
2.1-3	Any site remediation procedures shall comply with all applicable rules and regulations of appropriate regulatory agencies and any necessary permits shall be obtained by remediation contractors.	Ongoing during Construction and Remediation	Developer	CCDC
3.0 Cultural Resources				
3.1-1	Impacts to any designated historical structure shall be reviewed by Agency and/or appropriate City staff and mitigation enforced according to the following criteria: <ol style="list-style-type: none"> National Register Structures <p>Structures listed on the National Register of Historic Places, and structures identified as contributing structures within a National Historic Register District, shall be retained onsite, and any improvements, renovation, rehabilitation and/or adaptive reuse of the historical property shall ensure its preservation according to applicable guidelines. Guidelines relevant to structures listed on the National Register of Historic Places are the Secretary of the Interior Standards for Rehabilitation of Historic Buildings and Guidelines for Rehabilitation of Historic Buildings.</p>	Prior to Demolition, Grading or Building Permit	Developer	CCDC/Historical Site Board

**Plan-wide Mitigation Measures
From the 1992 MEIR**

Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
<p>2. City of San Diego Historical Sites</p> <p>Structures listed on the City of San Diego Historical Sites Register by the San Diego Historical Site Board, that are not listed on the National Register of Historic Places, shall be retained onsite to the extent feasible. Any development that proposes to remove a locally-designated historical structure shall:</p> <ul style="list-style-type: none"> a) prepare an analysis to the satisfaction of the Agency that retention of the historical structure or substantial portions of the historical structure, such as its facade, and incorporation into the proposed development is infeasible. Such analysis shall be reviewed and commented on by the Historical Site Board (HSB) staff. The HSB staff shall determine if the development shall be sent to the Historical Site Board for review. b) provide for relocation and preservation of the historical structure at a site and in a manner acceptable to the Agency, unless such relocation and preservation are proven infeasible to the satisfaction of the Agency, upon consideration of the Historical Site Board staff's review and comments on the issue. The staff's review and comments may include further review and action by the Historical Site Board. Such relocation effort shall include making the structure available to any known interested, responsible party under procedures to be established by the Agency. Any adaptive reuse of a locally-designated historical structure shall ensure its preservation according to applicable guidelines; and, c) in the event that the Agency finds that the historical structure cannot be feasibly retained onsite or relocated, the applicant/developer shall provide for documentation of the historical structure before it is removed from the development site, including but not limited to photographic documentation of the exterior and interior of the structure, and "as built" drawings of the structure according to the standards of the Historic American Building Survey (HABS). Such historical documentation shall be provided to the Agency and the Historical Site Board before a demolition permit is issued by the City for said structure. <p>3. Activities proposing the use of the Floor Area Ratio (FAR) incentive for rehabilitation of a designated historical structure.</p> <p>The Historical Site Board shall review new developments that propose to use FAR incentives for incorporation/preservation of a designated historical structure in the new development. This incentive represents a compromise between the rehabilitation of a designated historical building and potentially significant adverse impacts to its historical scale and setting. Review of those proposed activities by the Historical Site Board for compatibility of design and sympathetic treatment of the designated historical structure would not interfere with the incentive to rehabilitate and adaptively reuse designated historical structures. <i>(E.1)</i></p>			

**Plan-wide Mitigation Measures
From the 1992 MEIR**

Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
3.1-2 A qualified archaeologist shall carefully monitor all excavation and grading activities while an activity is underway. If resources are encountered in the course of ground disturbance, the archaeological monitor shall be empowered to halt grading and to initiate an archaeological testing program. Every effort shall be made to preserve in place any archaeological resource that is found after commencement of the activity. If preservation in place is infeasible, a data recovery testing program shall be prepared. This testing program shall include the recordation of artifacts, controlled removal of the materials, an assessment, (i.e., interpretation) of their importance under CEQA and local guidelines, and curation of a representative sample of recovered resources within a qualified curation facility. A testing report shall be deposited with the California Historical Resources Regional Information Center. All resources found to meet the definition of a unique archaeological resource as defined in Public Resources Code §21083.2 shall be treated in accordance with that Code section.	Ongoing during Construction	Developer	CCDC
3.1-3 For areas identified in the 1992 MEIR as possessing a high potential for archaeological resources, the developer shall have a qualified archaeologist conduct an in-depth study of the particular block or portion thereof where the activity is located and carry out all mitigation measures identified in the study. This study shall include a detailed review of Sanborn fire insurance maps, a directory search, and, if warranted, limited testing of the zones within the area to be impacted. Mitigation of the activity also requires both obtaining cultural resources records searches and a review of aerial photographs. Testing shall include removal of asphalt, backhoe excavation, limited controlled excavation, and a preliminary review of cultural materials recovered from the excavation. The testing data would be used to formulate a more specific mitigation plan. This plan, which would be activity-specific, may include data recovery excavation and monitoring if important resources are encountered. Data recovery may include relatively large-scale excavation, cataloging, analysis, and interpretation. <i>(E.2.1)</i>	Prior to Demolition, Grading or Building Permit	Developer	CCDC
4.0 Geology/Soils			
4.1-1 As required by the City of San Diego, the proper geotechnical investigations for each individual development site shall be identified through consultation with the City Managing and Development Department. Following the proper geotechnical investigations, activity approvals shall be contingent on the suitability of the proposed land use to the risk zone of the proposed site. Effects of seismic shaking may be mitigated by adhering to the Uniform Building Code (UBC) or state-of-the-art seismic design parameters of the Engineering Association of California. <i>(H.1, H.2, H.3)</i>	Prior to Grading or Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City
4.1-2 Site-specific groundwater investigations shall be conducted in areas identified as problematic by the hazardous materials assessment in conformance with applicable regulations. Studies shall include groundwater level monitoring and aquifer characterization by aquifer testing. Dewatering near any plume of hydrocarbon contamination shall be kept to a minimum and of short duration to prevent potential movement of the plume. <i>(H.4.1)</i>	Prior to Grading Permit (Investigation) Ongoing during Construction (Implementation)	Developer	CCDC

**Plan-wide Mitigation Measures
From the 1992 MEIR**

Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
4.1-3 As required by applicable regulations, structures shall be designed to withstand hydrostatic pressures. <i>(H.4.2)</i>	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CCDC
5.0 Hazardous Materials			
5.1-1 Hazardous waste release sites within the Planning Area shall be delineated by the appropriate responsible party and remediated to the satisfaction of the designated lead agency. This may include preparation of a report such as a Phase I and Phase II Assessment. <i>(J.1, J.2)</i>	Prior to Demolition, Grading, or Building Permit	Developer	CCDC
<p>5.1-2 As required by appropriate governmental authorities, any contaminated or hazardous soil and/or water conditions on the site shall be removed and/or otherwise remedied by the developer if, and as, encountered during construction as provided by law and implementing rules and regulations. Such mitigation may include without limitation the following:</p> <ul style="list-style-type: none"> a) Remove (and dispose of) and/or treat any contaminated soil and/or water and/or building conditions on the Site as necessary to comply with applicable governmental standards and requirements. b) Design and construct all improvements on the Site in a manner which will assure protection of occupants and all improvements from any contamination, whether in vapor, particulate, or other form, and/or from the direct and indirect effects thereof. c) Prepare a site-safety plan, if required by any governmental entity, and submit it to such authorities for approval in connection with obtaining a building permit for the construction or 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 particulates 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 and/or building contamination, in connection with the development and construction on the Site. <p>The developer agrees that the Agency, and its consultants and agents, shall have the right (but not the obligation) to enter upon the Site at any time to monitor the excavation and construction on the Site, to test the soils and/or water on the Site, and to take such other actions as may be reasonably necessary.</p>	Prior to Demolition, Grading, or Building Permit	Developer	CCDC

**Plan-wide Mitigation Measures
From the 1992 MEIR**

Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
<p>5.1-3 In conformance with applicable requirements, an assessment of the significance of underground storage tanks shall be conducted.</p> <p>First, on a site-specific basis, a review of underground tank information provided in the Hazardous Materials Contamination Technical Report shall be supplemented by a review of permits recorded at the City of San Diego Fire Department and other historic documents of the specific property to identify locations of underground hazardous materials storage structures. In addition, geophysical methods may be utilized to identify suspected locations of underground hazardous materials storage structures as oftentimes record searches will not indicate their presence.</p> <p>Second, permits to close (or operate if a tank is to remain in use) shall be obtained by the tank owner or operator. Closure permits for hazardous materials storage structures shall be filed if a tank will no longer be used. Requirements of the closure permit include the pumping and purging of the structure to eliminate all residual hazardous substances, the collection of confirmatory soil samples, and the proper disposal of the storage tank and any associated piping and dispensing equipment. Permits to operate underground hazardous materials storage tanks shall be obtained for those that will remain in operation in the Planning Area. If the tanks do not meet operation and construction requirements such as leak detection monitoring, and corrosion and overfill protection, the existing tanks shall be closed and replaced.</p> <p>Lastly, remediation of environmental contamination due to underground storage tanks shall be conducted as required by the local oversight agency. (J.3)</p>	<p>Prior to Demolition, Grading, or Building Permit</p>	<p>Developer</p>	<p>CCDC</p>
<p>5.1-4 In conformance with applicable requirements, a thorough asbestos survey of buildings to be demolished or renovated shall be undertaken on a case-by-case basis as specific development plans are submitted to the Agency.</p> <p>Existing buildings that are to be demolished or renovated shall be thoroughly inspected for the presence of asbestos-containing building materials (ACBM). The inspector must be qualified to identify building materials that may contain asbestos. Samples of suspect building materials must be collected, and submitted to an analytical laboratory that is certified by the State Department of Health Services for asbestos analysis. Results of the inspection shall reveal locations, types, and amounts of friable and non-friable ACBM.</p> <p>Should the inspection reveal friable and/or non-friable ACBM, proper notification shall be made prior to demolition or renovation activities. Public health may be protected by performing proper abatement of the ACBM prior to building demolition or renovation, altering demolition or renovation techniques to prevent non-friable ACBM from becoming friable, and/or by complying with National Emission Standards for Hazardous Air</p>	<p>Prior to Demolition Permit</p>	<p>Developer</p>	<p>CCDC</p>

**Plan-wide Mitigation Measures
From the 1992 MEIR**

Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
<p>Pollutants (NESHAPS) procedures for asbestos emission control, and standards for waste disposal.</p> <p>Only a California Licensed Contractor, certified in asbestos abatement, shall be used for any ACBM removal activities. The abatement activity shall be monitored by an independent third party to insure that the work is performed properly and in compliance with all regulatory standards, to insure a safe and healthful environment prior to reoccupancy, and to document all of the abatement activities. Abatement activities shall comply with all federal and state occupational safety and health requirements. <i>(J.4)</i></p>			
<p>5.1-5 Specific measures for potential safety impacts shall be incorporated into the development design as part of the conditions of approval on an activity-specific basis. All activities shall comply with existing state and local health and safety regulations. <i>(A.1.2)</i></p>	Prior to Certificate of Occupancy	Developer	CCDC
<p>5.1-6 Any buildings constructed above any areas of hydrocarbon shall, as necessary, include active or passive vapor barriers to prevent migration of toxic and explosive vapors into building foundations. <i>(H.4.3)</i></p>	Prior to Certificate of Occupancy	Developer	CCDC
6.0 Hydrology/Water Quality			
6.1 No specific plan-wide mitigation measures for hydrology/water quality were identified in the MEIR.			
7.0 Land Use/Planning			
7.1 No specific plan-wide mitigation measures for land use/planning were identified in the MEIR.			
8.0 Light/Glare			
<p>8.1-1 Specific measures shall be incorporated into the development design as part of the conditions of approval. A lighting plan shall be required for all new activities that propose night lighting as part of their development. All lighting sources shall be directed downwards or otherwise shielded so as to keep all light and glare confined within the development boundary unless the City (i.e., Agency) determines that additional lighting would have benefits to the general public in terms of added security. <i>(A.1.3)</i></p>	<p>Prior to Building Permit (Design)</p> <p>Prior to Certificate of Occupancy (Implementation)</p>	Developer	CCDC

**Plan-wide Mitigation Measures
From the 1992 MEIR**

Mitigation Measure		Implementation Time Frame	Implementation Responsibility	Verification Responsibility
9.0 Noise				
9.1-1	As required by the City of San Diego Noise Ordinance and California Administrative Code (CAC) Title 24, all proposed residential units, hotels, and motels exposed to an exterior noise level of 60 dBA CNEL or greater, are required to have an interior acoustical analysis and implement appropriate mitigation measures to ensure that the building design would limit interior noise to 45 dBA CNEL or below. Similar measures may be necessary to provide professional office and commercial business land uses with exterior and interior noise levels at or below 70 and 50 dBA CNEL, respectively. Site-specific acoustical analyses would be required to identify exact mitigation measures. Residential development within the 60 CNEL noise contour of Lindbergh Field will be required to do a site-specific noise study and implement appropriate mitigation measures to ensure that state and local exterior and interior noise standards are met. <i>(D.1)</i>	Prior to Building Permit (Investigation) Prior to Certificate of Occupancy (Implementation)	Developer	City
9.1-2	Specific noise mitigation measures, as required by City Ordinances, shall be incorporated into the development design as part of the conditions of approval on an activity-specific basis. These measures may include the construction of attenuation walls and/or landscaped berms, the positioning of buildings so that outdoor open space areas are buffered from excessive noise sources, physical setbacks from noise sources, and building design measures to reduce interior noise levels. All activities shall comply with existing City noise ordinances. <i>(A.1.1)</i>	Prior to Building Permit (Investigation) Prior to Certificate of Occupancy (Implementation)	Developer	City
10.0 Paleontological Resources				
10.1-1	<p>The developer shall retain a qualified paleontologist or paleontological monitor to monitor excavation activities when they would occur within an area rated moderate or high for paleontological resources. Monitoring is not required in moderate areas when the excavation would be less than 2,000 cubic yards and ten feet in depth. In areas with a high potential for paleontological resources, monitoring is not required when excavation would be less than 1,000 cubic yards and ten feet in depth. Monitoring is not required in areas rated zero to low. If significant paleontological resources are observed, an appropriate mitigation program will be carried out. The developer shall certify that the required mitigation or monitoring personnel will be given adequate advance notice of the start of the subject activities and adequate coordination with the contractor will be guaranteed by the developer.</p> <p>When fossils are discovered, the paleontologist or paleontological monitor (an individual who has experience in the collection and salvage of fossil materials who works under the direction of a qualified paleontologist) shall recover them. In most cases, this fossil salvage can be completed in a short time. However, some fossil specimens may require extended salvage time. In these instances the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt excavation work to allow recovery of fossil remains in a timely manner.</p>	Ongoing during Construction	Developer	CCDC

**Plan-wide Mitigation Measures
From the 1992 MEIR**

Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
<p>When monitoring is required a paleontologist or paleontological monitor shall be present onsite at all times during the original cutting of previously undisturbed sediments within the San Diego Formation which is known to have a high resource sensitivity, to inspect the excavation and spoils for the presence of fossil remains. paleontologist or paleontological monitor shall be onsite at least half-time during the original cutting of previously undisturbed sediments in the Bay Point Formation which is known to have a moderate resource sensitivity, except is a representative initial sample of the site reveals no significant fossil remains to the satisfaction of the paleontological monitor, then such monitoring may be terminated.</p> <p>Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, sorted, and catalogued, and then with the owner's permission, deposited in a scientific institution with paleontological collections.</p> <p>A final summary report shall be prepared outlining the methods followed and summarizing the results of the mitigation program. This report shall also include a list of the kinds of fossils recovered, and a summary of the stratigraphic context of all collecting localities. This report shall be submitted to the Redevelopment Agency, the San Diego Natural History Museum, and any scientific institution that received salvaged fossils from the activity. <i>(K.1)</i></p>			
11.0 Population/Housing			
11.1-1 Any low to moderate income housing which is removed shall be replaced. The Agency shall serve as the Lead Agency in coordinating with other implementing agencies such as the Housing Commission, and State and Federal agencies, to extend incentives for low and moderate income housing programs downtown. <i>(A.2)</i>	Within Four Years	Redevelopment Agency	CCDC
11.1-2 The Agency shall implement a Relocation Program as required by the California Relocation Assistance Law. <i>(A.3)</i>	Prior to Property Acquisition	Redevelopment Agency	CCDC
12.0 Public Services/Facilities			
12.1-1 Potential impacts to police and fire protection services, gas and electric, parks, public restrooms, libraries, courts and jails, health and social services, senior services, and educational facilities/services would be mitigated by funding available to the City of San Diego through implementation of the proposed Redevelopment Plan, repayment of debt by the Agency to the City, and new sales tax and transient occupancy tax (TOT) revenues generated by new increased development within the Planning Area. The City of San Diego will also receive property tax revenues generated by the Centre City Redevelopment Project pursuant to Section 33676 of the Health and Safety Code. <i>(G.1)</i>	Ongoing during Operation	City	City
12.1-2 Potential impacts to delivery of potable water distribution and supply, stormwater collection and disposal, solid waste disposal, wastewater collection systems and treatment systems would be mitigated by funding available to the City of San Diego through implementation of the proposed Redevelopment Plan, repayment of debt by the Agency to the City, and new sales tax and transient occupancy tax (TOT) revenues	Ongoing during Operation	City	City

**Plan-wide Mitigation Measures
From the 1992 MEIR**

Mitigation Measure	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
generated by new increased development within the Planning Area. The City of San Diego will also receive property tax revenues generated by the Centre City Redevelopment Project pursuant to Section 33676 of the Health and Safety Code. <i>(G.2)</i>			
12.1-3 As required by the City of San Diego, developers shall provide areas in which to store recyclable materials. The Agency shall also encourage the City of San Diego Waste Management Department to increase its promotion of effective recycling programs in the Planning Area. <i>(G.3)</i>	Prior to Certificate of Occupancy	Developer	City
13.0 Transportation, Circulation, Access and Parking			
13.1-1 A 60 percent transit split goal for work trips into the downtown area shall be implemented by the year 2025. <i>(B.1.1, C.2.1)</i>	Prior to Year 2025	City/MTDB	City Manager



Cedar Street Looking East at Front Street



Cedar Street Looking Northeast at Front Street



Cedar Street Looking West at CAC



Cedar Street Looking West at CAC and the Bay beyond

