

~~PUBLIC REVIEW DRAFT~~
FINAL
SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT FOR THE
1122 4TH AVENUE REDEVELOPMENT PROJECT
SAN DIEGO, CALIFORNIA

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SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
FOR THE
1122 4TH AVENUE REDEVELOPMENT PROJECT

Lead Agency: Civic San Diego

Affected Jurisdiction: San Diego, San Diego County

Designation: Final SEIR Submitted Pursuant to Public Resources Code 21000 et seq., 14 California Code Regulations 15000 et seq.

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PREFACE

This Final Supplemental Environmental Impact Report (SEIR) was prepared in accordance with California Environmental Quality Act (CEQA) statute and guidelines to address the development of 1122 4th Avenue in the City of San Diego (City). The project proposes to demolish the California Theatre, and build a 40-story residential tower on the site.

The Draft SEIR was circulated for two 45-day public review periods from August 8, 2016 to September 22, 2016, and again from October 6, 2016, to November 21, 2016 to correct an administrative error. Chapter 9 of this Final EIR includes a list of agencies and organizations that provided written comments on the Draft EIR. Responses to comments are also included in Chapter 9. As part of the responses to comments, some minor clarifications/additions were made to the text of the Final SEIR. In addition, modifications to the proposed project design were made as a result of coordination with Civic San Diego and the Downtown Community Planning Council and are reflected in this Final SEIR. As a result of these project changes, including the incorporation of replicas of the 4th and C Street office tower facades, the proposed project is now considered to be similar to that described as Alternative 1 and would have equivalent impacts with respect to historical resources. Appendix A has also been updated to remove the findings and overriding considerations sections, as these would be project specific and made by the decision making body at the time of Certification of this SEIR.

These design changes merely provide more detail on the proposed project design and incorporate elements of Alternative 1 into the proposed project. They do not represent significant new information requiring recirculation of this SEIR under CEQA section 21092.1 and CEQA Guidelines section 15088.5.

To assist the reader in identifying changes between the Draft SEIR and the Final SEIR, added or revised text is noted by strikeout of deleted text, and inserted text is underlined.

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EXECUTIVE SUMMARY

A programmatic Final Environmental Impact Report for the Downtown Community Plan (Downtown FEIR) (March 2006) was prepared and adopted by the City of San Diego Redevelopment Agency. The proposed 1122 4th Avenue Redevelopment proposal (proposed project) is within the Downtown Community Plan Area. The purpose of this Supplemental Environmental Impact Report (SEIR) is to examine potential environmental effects and provide project-specific mitigation measures for the proposed development of a high-rise residential tower at the California Theatre site, which includes amendments to the Downtown Community Plan (DCP) and the Centre City Planned District Ordinance (CCPDO). The project site is contained within a city-block bounded by 4th Avenue to the East; C Street to the South; 3rd Avenue to the West; and to the north Lots 3 and 7 of Horton's Addition, Block 16, in the City of San Diego.

ES.1 PROJECT DESCRIPTION

The proposed project would develop a 40-story, 420-foot-tall mixed-use development of 282 residential units, with street level retail, lobby, associated residential amenities, two and a half levels of underground parking, and four levels of above grade parking. The proposed development would have a total gross area of approximately 373,546 sf with 279,544 sf of above grade gross floor area and 70,000 sf below grade with 314 parking spaces. Façade materials would include glass, sealed concrete, painted concrete, porcelain accents, granite accents, and stainless steel column covers, among others. A painted perforated metal screen with images of the original California Theatre would serve as the façade of the four levels of above ground parking. On the east and west side of the property, the existing 9-story office building façade will be re-created, and will coincide with the proposed floor-by-floor program.

The proposed project would require the demolition of all existing structures on-site, including the historical California Theatre and office building to accommodate the new building. The project is anticipated to be constructed over a 24-month period starting in the spring of 2017. Demolition of the existing building would include the removal of approximately 16,000 tons of building debris over a 3-month period. Grading would take approximately 4 months and result in the excavation and export of approximately 32,400 cubic yards of soil.

The proposed project would involve amendments to the DCP and CCPDO that would remove the Employment Overlay which covers much of the Civic/Core Land Use District where the project would be located. This Overlay requires that a minimum of 50 percent of the gross floor area in a development shall be dedicated to employment uses such as office, education, retail, hotel and

other commercial uses. The purpose of the amendment is to allow the proposed project to contain residential uses in an area greater than 50 percent of the gross floor area of the project.

Project Objectives

The project objectives are as follows:

- Provide new multi-family housing opportunities within walking distance of existing employment opportunities, along a trolley line, and in proximity to downtown civic and recreational opportunities.
- Create economic growth through revitalization of commercial areas along C Street, through the creation of new retail space as part of the project, and also by bringing residents to patronize existing businesses in the area.
- Pay homage to the historical nature of the California Theatre using features resembling those of the California Theatre, such as the building-front marquee and art features that depict the historical building, and by re-creating the 9-story office building.

ES.2 DOWNTOWN FEIR PROGRAMMATIC IMPACTS AND MITIGATION MEASURES

The Downtown FEIR prepared for the DCP, CCPDO, and the six subsequent addenda to the Downtown FEIR address the potential environmental effects of development within the DCP based on buildout forecasts projected from the land use designations, density bonus, and other policies and regulations governing development intensity and density. Based on this analysis, the Downtown FEIR and its subsequent addenda concluded that development would result in significant impacts related to the following issues (mitigation and type of impact shown in parentheses):

Significant but Mitigated Impacts

- Air Quality: Construction Emissions (AQ-B.1) (Direct)
- Paleontology: Impacts to Significant Paleontological Resources (PAL-A.1) (Direct/Cumulative)
- Noise: Interior Traffic Level Increase on Grid Streets (NOI-B.1) (Direct/Cumulative)

Significant and Not Mitigated Impacts

- Air Quality: Mobile Source Emissions (AQ-C.1) (Cumulative)
- Historical Resources: Historic Structures (HIST-A.1), Archaeological (HIST-B.1) (Direct/Cumulative)
- Water Quality: Urban Runoff (WQ-A.1) (Cumulative)
- Land Use: Noise Generated by Trains (LU-B.4) (Direct), Physical Changes Related to Transient Activity (LU-B.6) (Cumulative), Sanitation and Trash (LU-B.6) (Direct/Cumulative)
- Noise: Exterior Traffic Level Increase on Grid Streets (NOI-A.1) (Cumulative), Traffic Noise in Residential Development (NOI-C.1) (Direct/ Cumulative), Aircraft Noise in Residential Open Space (NOI-C.2) (Direct), Traffic Noise from Parks and Plazas (NOI-D.2) (Direct), Aircraft Noise in Parks and Plazas (NOI-D.2) (Direct).
- Traffic: Impact on Surrounding Streets (TRF-A.1.1) (Direct/Cumulative), Impact on Streets Surrounding Downtown (TRF-A.1.2) (Direct/Cumulative), Impact on Freeway Ramps and Segments (TRF-A.2.1) (Direct/Cumulative), Elimination of Cedar St. Off-ramp (TRF-A.2.2) (Direct)
- Visual Quality: Development in East Village Interrupt Views (VIS-B.1) (Direct)
- Water Quality: Surface Runoff (WQ-A.1) (Cumulative)

The programmatic impacts of development consistent with the DCP, CCPDO, and 10th Amendment to the Redevelopment Plan and the associated mitigation measures and significance conclusions are shown in Table ES-1. Applicability of the programmatic mitigation measures to the proposed project is also summarized in Table ES-1.

Table ES-1
Summary of Programmatic Significant Impacts and Mitigation Measures

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
PROGRAMMATIC MITIGATION REQUIRED BY THE DOWNTOWN FEIR					
Air Quality (AQ)					
Impact AQ-B.1: Dust and construction equipment engine emissions generated during grading and demolition would impact local and regional air quality. (Direct and Cumulative)	<p>Mitigation Measure AQ-B.1-1: 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"> Exposed soil areas shall be watered twice per day. On windy days or when fugitive dust can be observed leaving the development site, additional applications of water shall be applied as necessary to prevent visible dust plumes from leaving the development site. When wind velocities are forecast to exceed 25 mph, all ground disturbing activities shall be halted until winds that are forecast to abate below this threshold. Dust suppression techniques shall be implemented including, but not limited to, the following: <ol style="list-style-type: none"> Portions of the construction site to remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to Civic San Diego. On-site access points shall be paved as soon as feasible or watered periodically or otherwise stabilized. Material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust. The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times. Vehicles on the construction site shall travel at speeds less than 15 mph. Material stockpiles subject to wind erosion during 	Prior to Demolition or Grading Permit (Design)	Developer	City	Yes

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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.</p> <p>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.</p> <p>6. All diesel-powered vehicles and equipment shall be properly operated and maintained.</p> <p>7. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than five minutes, as required by state law.</p> <p>8. The construction contractor shall utilize electric or natural gas-powered equipment in lieu of gasoline or diesel-powered engines, where feasible.</p> <p>9. As much as possible, the construction contractor shall time the construction activities so as not to interfere with peak hour traffic. In order to minimize obstruction of through traffic lanes adjacent to the site, a flag-person shall be retained to maintain safety adjacent to existing roadways, if necessary.</p> <p>10. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.</p> <p>11. Low VOC coatings shall be used as required by SDAPCD Rule 67. Spray equipment with high transfer efficiency, such as the high volume-low pressure spray method, or manual coatings application such as paint brush hand roller, trowel, spatula, dauber, rag, or sponge, shall be used to reduce VOC emissions, where feasible.</p> <p>12. If construction equipment powered by alternative fuel</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>sources (liquefied natural gas/compressed natural gas) is available at comparable cost, the developer shall specify that such equipment be used during all construction activities on the development site.</p> <p>13. The developer shall require the use of particulate filters on diesel construction equipment if use of such filters is demonstrated to be cost-competitive for use on this development.</p> <p>14. During demolition activities, safety measures as required by City/County/State for removal of toxic or hazardous materials shall be utilized.</p> <p>15. Rubble piles shall be maintained in a damp state to minimize dust generation.</p> <p>16. During finish work, low-VOC paints and efficient transfer systems shall be utilized, to the extent possible.</p> <p>17. If alternative-fueled and/or particulate filter-equipped construction equipment is not feasible, construction equipment shall use the newest, least-polluting equipment, whenever possible. During finish work, low-VOC paints and efficient transfer systems shall be utilized, to the extent possible.</p>				
Historical Resources (HIST)					
Impact HIST-A.1: Future development in downtown could impact significant architectural structures. (Direct and Cumulative)	Mitigation Measure HIST-A.1-1: For construction or development permits that may impact potentially historical resources which are 45 years of age or older and which have not been evaluated for local, state and federal historic significance, a site specific survey shall be required in accordance with the Historical Resources Regulations in the LDC. Based on the survey and the best information available, City Staff to the Historical Resources Board (HRB) shall determine whether historical resources exist, whether potential historical resource(s) is/are eligible for designation as designated historical resource(s) by the HRB, and the precise location of the resource(s). The identified historical resource(s) may be nominated for HRB designation as a result of the survey pursuant to Chapter 12, Article 3, Division 2,	<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	CivicSD/City	No; California Theatre is a historical resource listed in the City's Register of Historical Resources and has been determined eligible for listing in the NRHP and

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>Designation of Historical Resource procedures, of the LDC.</p> <p>All applications for construction and development permits where historical resources are present on the site shall be evaluated by City Staff to the HRB pursuant to Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC.</p> <ol style="list-style-type: none"> 1. National Register-Listed/Eligible, California Register-Listed/Eligible Resources: Resources listed in or formally determined eligible for the National Register or California Register and resources identified as contributing within a National or California Register District, shall be retained onsite and any improvements, renovation, rehabilitation and/or adaptive reuse of the property shall ensure its preservation and be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995) and the associated Guidelines. 2. San Diego Register-Listed Resources: Resources listed in the San Diego Register of Historical Resources, or determined to be a contributor to a San Diego Register District, shall, whenever possible, be retained on-site. Partial retention, relocation, or demolition of a resource shall only be permitted according to Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC. 				CRHR. The proposed project cannot be completed in a manner that ensures its preservation according to the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings and Guidelines for Rehabilitation of Historic Buildings
	<p>Mitigation Measure HIST-A.1-2: 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 HRB ("City Staff") in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC.</p> <p>I. Prior to Permit Issuance</p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> 1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading 				No

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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.</p> <p>(a) Stabilization work cannot begin until a Precon Meeting has been held at least one week prior to issuance of appropriate permits.</p> <p>(b) Physical description, including the year and type of historical resource, and extent of stabilization shall be noted on the plans.</p> <p>B. Submittal of Treatment Plan for Retained Historical Resources</p> <p>1. Prior to 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 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 LDC, 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).</p> <p>C. Letters of Qualification have been submitted to City Staff</p> <p>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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>San Diego HRG.</p> <ol style="list-style-type: none"> 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. 3. Prior to the start of work, the applicant must obtain approval from City Staff for any personnel changes associated with the monitoring program. <p>II. Prior to Start of Construction</p> <p>A. Documentation Program (DP)</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (a) Photo Documentation <ol style="list-style-type: none"> (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. (2) Xerox copies or CD of the photographs shall be submitted for archival storage with the City of San Diego HRB and the Civic San Diego 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 				

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	<p>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 by 24 inches or 24 by 36 inches, standard scale is 1/4 inch = 1 foot.</p> <p>(2) One set of measured drawings shall be submitted for archival storage with the City of San Diego HRB, the Civic San Diego 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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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</p> <p>(a) Prior to the start of any work that is subject to an Historical Monitoring Plan, the PI shall submit an Historical Monitoring Plan which describes how the monitoring would be accomplished for approval by City Staff. The Historical Monitoring Plan shall include an Historical Monitoring Exhibit (HME) based on the appropriate construction documents (reduced to 11x17 inches) 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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>historical resource.</p> <p>C. Implementation of Approved Treatment Plan for Historical Resources</p> <ol style="list-style-type: none"> 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. 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. 3. The qualified Historical Monitor(s) shall document activity via the Consultant Site Visit Record (CSVSR). The CSVSR'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. 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 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. 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>III. During Construction</p> <p>A. Qualified Historical Monitor(s) Shall be Present During Grading/Excavation/ Trenching</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<ol style="list-style-type: none"> 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. 2. The Qualified Historical Monitor(s) shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY incidents involving the historical resource. The RE shall forward copies to City Staff. 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 affect the historical resource being retained on-site or adjacent to the construction site. <p>B. Notification Process</p> <ol style="list-style-type: none"> 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). 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>C. Determination/Evaluation of Impacts to a Historical Resource</p> <ol style="list-style-type: none"> 1. The PI shall evaluate the incident relative to the 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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 LDC 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 that no further work is required.</p> <p>IV. Night Work</p> <p>A. If night and/or weekend work is included in the contract</p> <ol style="list-style-type: none"> 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. 2. The following procedures shall be followed. <ol style="list-style-type: none"> (a) No Impacts/Incidents <p>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 a.m. of the next business day.</p> 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>(b) Potentially Significant Impacts</p> <p>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 a.m. 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"> 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. 2. The RE, or BI, as appropriate, shall notify City Staff immediately. <p>C. All other procedures described above shall apply, as appropriate.</p> <p>V. Post Construction</p> <p>A. Submittal of Draft Monitoring Report</p> <ol style="list-style-type: none"> 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (HRG) and Appendices which describes the results, analysis, and conclusions of all phases of the Historical Monitoring Plan (with appropriate graphics) to City Staff for review and approval within 90 days following the completion of monitoring. <p>(a) The preconstruction Treatment Plan and Documentation Plan (photos and measured drawings) and Historical Commemorative Program, if applicable, shall be included and/or</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>incorporated into the Draft Monitoring Report.</p> <p>(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.</p> <ol style="list-style-type: none"> City Staff shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report. The PI shall submit revised Draft Monitoring Report to City Staff for approval. City Staff shall provide written verification to the PI of the approved report. City Staff shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. <p>B. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 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. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from City Staff. 				
	<p>Mitigation Measure HIST-A.1-3: If a designated or potential historical resource (“historical resource”) as defined in the LDC would be demolished, the following measure shall be implemented in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC.</p> <p>I. Prior to Issuance of a Demolition Permit</p>				Yes

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>A. A DP shall be submitted to City Staff to the HRB ("City Staff") for review and approval and shall include the following:</p> <ol style="list-style-type: none"> 1. Photo Documentation <ol style="list-style-type: none"> (a) Documentation shall include professional quality photo documentation of the structure prior to demolition with 35 millimeter black and white photographs, 4x6 inch 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. (b) Xerox copies or CD of the photographs shall be submitted for archival storage with the City of San Diego HRB and the Civic San Diego 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). 2. Required drawings <ol style="list-style-type: none"> (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 by 24 inches or 24 by 36 inches, standard scale is 1/4 inch = 1 foot. (b) One set of measured drawings shall be submitted 				

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	<p>for archival storage with the City of San Diego HRB, the Civic San Diego 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 LDC.</p>				
Impact HIST-B.1: Development in downtown could impact significant buried archaeological resources. (Direct and Cumulative)	<p>Mitigation Measure HIST-B.1-1: If the potential exists for direct and/or indirect impacts to significant buried archaeological resources, the following measures shall be implemented in coordination with a Development Services Department designee and/or City Staff to the HRB ("City Staff") in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC. Prior to issuance of any permit that could directly affect an archaeological resource, City Staff shall assure that all elements of the MMRP are performed in accordance with all applicable City regulations and guidelines by an Archaeologist meeting the qualifications specified in Appendix B of the San Diego LDC, Historical Resources Guidelines. City Staff shall also require that the following steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with pre-historic Native American activities. Archeological resources which also meet the definition of historical resources or unique archaeological resources under CEQA or the SDMC shall be treated in accordance with the following evaluation procedures and</p>	<p>Prior to Demolition or Grading Permit (Design)</p> <p>Prior to Certificate of Occupancy (Implementation)</p>	Developer	CivicSD	Yes

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>applicable mitigation program:</p> <p><u>Step 1–Initial Evaluation</u></p> <p>An initial evaluation for the potential of significant subsurface archaeological resources shall be prepared to the satisfaction of City Staff as part of an Environmental Secondary Study for any activity which involves excavation or building demolition. The initial evaluation shall be guided by an appropriate level research design in accordance with the City’s LDC, Historical Resources Guidelines. The person completing the initial review shall meet the qualification requirements as set forth in the Historical Resources Guidelines and shall be approved by City Staff. The initial evaluation shall consist, at a minimum, of a review of the following historical sources: The 1876 Bird’s Eye View of San Diego, all Sanborn Fire Insurance Company maps, appropriate City directories and maps that identify historical properties or archaeological sites, and a records search at the South Coastal Information Center for archaeological resources located within the property boundaries. Historical and existing land uses shall also be reviewed to assess the potential presence of significant prehistoric and historic archaeological resources. The person completing the initial review shall also consult with and consider input from local individuals and groups with expertise in the historical resources of the San Diego area. These experts may include the University of California, San Diego State University, San Diego Museum of Man, Save Our Heritage Organization, local historical and archaeological groups, the Native American Heritage Commission (NAHC), designated community planning groups, and other individuals or groups that may have specific knowledge of the area. Consultation with these or other individuals and groups shall occur as early as possible in the evaluation process.</p> <p>When the initial evaluation indicates that important archaeological sites may be present on a project site but their presence cannot be confirmed prior to construction or demolition due to obstructions or spatially limited testing and data recovery, the applicant shall prepare and implement an archaeological monitoring program as a condition of</p>				

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	<p>development approval to the satisfaction of City Staff. If the NAHC Sacred Lands File search is positive for Native American resources within the project site, then additional evaluation must include participation of a local Native American consultant in accordance with CEQA Sections 15064.5(d), 15126.4(b)(3) and Public Resources Code Section 21083.2.</p> <p>No further action is required if the initial evaluation demonstrates there is no potential for subsurface resources. The results of this research shall be summarized in the Secondary Study.</p> <p><u>Step 2–Testing</u></p> <p>A testing program is required if the initial evaluation demonstrates that there is a potential for subsurface resources. The testing program shall be conducted during the hazardous materials remediation or following the removal of any structure or surface covering which may be underlain by potential resources. The removal of these structures shall be conducted in a manner which minimizes disturbance of underlying soil. This shall entail a separate phase of investigations from any mitigation monitoring during construction.</p> <p>The testing program shall be performed by a qualified Historical Archaeologist meeting the qualifications specified in Appendix B of the San Diego LDC, HRG. The Historical Archaeologist must be approved by City Staff prior to commencement. Before commencing the testing, a treatment plan shall be submitted for City Staff approval that reviews the initial evaluation results and includes a research design. The research design shall be prepared in accordance with the City’s HRG and include a discussion of field methods, research questions against which discoveries shall be evaluated for significance, collection strategy, laboratory and analytical approaches, and curation arrangements. All tasks shall be in conformity with best practices in the field of historic urban archaeology.</p>				

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	<p>A recommended approach for historic urban sites is at a minimum fills and debris along interior lot lines or other areas indicated on Sanborn maps.</p> <p>Security measures such as a locked fence or surveillance shall be taken to prevent looting or vandalism of archaeological resources as soon as demolition is complete or paved surfaces are removed. These measures shall be maintained during archaeological field investigations. It is recommended that exposed features be covered with steel plates or fill dirt when not being investigated.</p> <p>The results of the testing phase shall be submitted in writing to City Staff and shall include the research design, testing results, significance evaluation, and recommendations for further treatment. Final determination of significance shall be made in consultation with City Staff, and with the Native American community, if the finds are prehistoric. If no significant resources are found and site conditions are such that there is no potential for further discoveries, then no further action is required. If no significant resources are found but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required and shall be conducted in accordance with the provisions set forth in Step 4 - Monitoring. If significant resources are discovered during the testing program, then data recovery in accordance with Step 3 shall be undertaken prior to construction. If the existence or probable likelihood of Native American human remains or associated grave goods area discovered through the testing program, the Qualified Archaeologist shall stop work in the area, notify the City Building Inspector, City staff, and immediately implement the procedures set forth in CEQA Guidelines Section 15064.5 and the California PRC Section 5097.98 for discovery of human remains. This procedure is further detailed in the Mitigation, Monitoring and Reporting Program (Step 4). City Staff must concur with evaluation results before the next steps can proceed.</p>				

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	<p><u>Step 3–Data Recovery</u></p> <p>For any site determined to be significant, a Research Design and Data Recovery Program shall be prepared in accordance with the City’s Historical Resources Guidelines, approved by City Staff, and carried out to mitigate impacts before any activity is conducted which could potentially disturb significant resources. The archaeologist shall notify City Staff of the date upon which data recovery will commence ten (10) working days in advance.</p> <p>All cultural materials collected shall be cleaned, catalogued and permanently curated with an appropriate institution. Native American burial resources shall be treated in the manner agreed to by the Native American representative or be reinterred on the site in an area not subject to further disturbance in accordance with CEQA section 15164.5 and the Public Resources Code section 5097.98. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate. All newly discovered archaeological sites shall be recorded with the South Coastal Information Center at San Diego State University. Any human bones and associated grave goods of Native American origin encountered during Step 2-Testing, shall, upon consultation, be turned over to the appropriate Native American representative(s) for treatment in accordance with state regulations as further outlined under Step 4-Monitoring (Section IV. Discovery of Human Remains).</p> <p>A draft Data Recovery Report shall be submitted to City Staff within twelve months of the commencement of the data recovery. Data Recovery Reports shall describe the research design or questions, historic context of the finds, field results, analysis of artifacts, and conclusions. Appropriate figures, maps and tables shall accompany the text. The report shall also include a catalogue of all finds and a description of curation arrangements at an approved facility, and a general statement indicating the disposition of any human remains encountered during the data recovery effort (please note that the location of</p>				

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	<p>reinternment and/or repatriation is confidential and not subject to public disclosure in accordance with state law). Finalization of draft reports shall be subject to City Staff review.</p> <p><u>Step 4 – Monitoring</u></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>I. Prior to Permit Issuance</p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> 1. Prior to NTP for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first Precon Meeting, whichever is applicable, City Staff shall verify that the requirements for Archaeological Monitoring and Native American monitoring, where the project may impact Native American resources, have been noted on the appropriate construction documents. <p>B. Letters of Qualification have been submitted to City Staff</p> <ol style="list-style-type: none"> 1. The applicant shall submit a letter of verification to City Staff identifying the PI for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego HRG. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour Hazardous Waste Operations and Emergency Response training with certification documentation. 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. 				

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	<p>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.</p> <p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <p>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.</p> <p>2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.</p> <p>3. The PI may submit a detailed letter to City Staff requesting a reduction to the 1/4 mile radius.</p> <p>B. PI Shall Attend Precon Meetings</p> <p>1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), CM and/or Grading Contractor, RE, the Native American representative(s) (where Native American resources may be impacted), BI, if appropriate, and City Staff. The qualified Archaeologist and the Native American consultant/monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions 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</p>				

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	<p>appropriate, prior to the start of any work that requires monitoring.</p> <p>2. Archaeological Monitoring Plan (AMP)</p> <p>(a) Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Plan (with verification that the AMP has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) which describes how the monitoring would be accomplished for approval by City Staff and the Native American monitor. The AMP shall include an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11 by 17 inches) to City Staff identifying the areas to be monitored including the delineation of grading/ excavation limits.</p> <p>(b) The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).</p> <p>(c) Prior to the start of any work, the PI shall also submit a construction schedule to City Staff through the RE indicating when and where monitoring will occur.</p> <p>(d) The PI may submit a detailed letter to City Staff prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.</p>				

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	<p>III. During Construction</p> <p>A. Monitor(s) Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> 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. 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. 3. The archeological and Native American consultant/monitor shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to City Staff. 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. 				

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	<p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 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. 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery. 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. 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>C. Determination of Significance</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> (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. (b) If the resource is significant, the PI shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor when applicable, and obtain written approval from City Staff and 				

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	<p>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>IV. Discovery of Human Remains</p> <p>If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:</p> <p>A. Notification</p> <ol style="list-style-type: none"> 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 of the Development Services Department to assist with the discovery process. 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone. <p>B. Isolate discovery site</p> <ol style="list-style-type: none"> 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 				

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	<p>of the remains.</p> <ol style="list-style-type: none"> 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance. 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin. <p>C. If Human Remains are determined to be Native American</p> <ol style="list-style-type: none"> 1. The Medical Examiner will notify the NAHC within 24 hours. By law, ONLY the Medical Examiner can make this call. 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information. 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 & Safety Codes. 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. 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and if: <ol style="list-style-type: none"> (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; (b) The landowner or authorized representative rejects the recommendation of the MLD and 				

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	<p>mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,</p> <p>(c) In order to protect these sites, the Landowner shall do one or more of the following:</p> <ol style="list-style-type: none"> (1) Record the site with the NAHC; (2) Record an open space or conservation easement on the site; (3) Record a document with the County. <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> <ol style="list-style-type: none"> 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial. 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98). 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. 				

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	<p>V. Night and/or Weekend Work</p> <p>A. If night and/or work is included in the contract</p> <ol style="list-style-type: none"> 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. 2. The following procedures shall be followed. <ol style="list-style-type: none"> (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. (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. (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. (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. <p>B. If night and/or weekend work becomes necessary during the course of construction</p> <ol style="list-style-type: none"> 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. 2. The RE, or BI, as appropriate, shall notify City Staff 				

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	<p>immediately.</p> <p>C. All other procedures described above shall apply, as appropriate.</p> <p>VI. Post Construction</p> <p>A. Submittal of Draft Monitoring Report</p> <ol style="list-style-type: none"> 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) prepared in accordance with the HRG and Appendices which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to City Staff, for review and approval within 90 days following the completion of monitoring, <ol style="list-style-type: none"> (a) For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report. (b) Recording sites with State of California Department of Parks and Recreation <p>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.</p> 2. City Staff shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report. 3. The PI shall submit revised Draft Monitoring Report to City Staff for approval. 				

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	<ol style="list-style-type: none"> 4. City Staff shall provide written verification to the PI of the approved report. 5. City Staff shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. <p>B. Handling of Artifacts and Submittal of Collections Management Plan, if applicable</p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued. 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. 3. The PI shall submit a Collections Management Plan to City Staff for review and approval for any project which results in a substantial collection of historical artifacts. <p>C. Curation of artifacts: Accession Agreement and Acceptance Verification</p> <ol style="list-style-type: none"> 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. 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. 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 				

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	<p>and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance in accordance with section IV – Discovery of Human Remains, subsection 5.(d).</p> <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 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. 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. 				
Land Use (LND)					
Impact LU-B.1: Noise generated by major ballpark events could cause interior noise levels in noise-sensitive uses (e.g. residential and hotels) within four blocks of the ballpark to exceed the 45 dB(A) limit mandated by Title 24 of the California Code. (Direct)	Implementation of the noise attenuation measures required by Mitigation Measure NOI-B.2-1 would reduce interior noise levels to 45 dB (A) CNEL and reduce potential impacts to below a level of significance.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CivicSD/City	No; the proposed project is not located within four blocks of Petco Park.

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
Impact LU-B.2: Noise generated by I-5 and highly traveled grid streets could cause noise levels in noise-sensitive uses not governed by Title 24 to exceed 45 dB(A). (Direct)	Mitigation Measures NOI-B.1-1 and NOI-C.1.1, as described below.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CivicSD/City	Yes; an Exterior Noise Report (Appendix G) for the proposed project determined that noise attenuation measures would reduce noise levels to 45 dB(A) CNEL or less in habitable rooms.
Impact LU-B.3: Noise levels in downtown areas within the 65 CNEL contour of SDIA could exceed 45 dB(A) for noise sensitive uses not covered by Title 24. (Direct)	Mitigation Measures NOI-B.1-1, as described below.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City/City	No; the proposed project is not located within the 65 CNEL contour of SDIA.
Impact LU-B.4: Noise generated by train horns, engines and wheels as well as bells at crossing gates would significantly disrupt sleep of residents along the railroad tracks. (Direct)	Mitigation Measure LU-B.4-1: Prior to approval of a Building Permit which would expose habitable rooms to disruptive railroad noise, an acoustical analysis shall be performed. The analysis shall determine the expected exterior and interior noise levels related to railroad activity. As feasible, noise attenuation measures shall be identified which would reduce noise levels to 45 dB(A) CNEL or less in habitable rooms. Recommended measures shall be incorporated into building plans before approval of a Building Permit.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City	Yes; an Exterior Noise Report (Appendix G) for the proposed project determined that noise attenuation measures would reduce noise levels to

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
					45 dB(A) CNEL or less in habitable rooms.
Impact LU-B.5: Ballpark lighting would interrupt sleep in residences and hotels within two blocks of the ballpark. (Direct)	Mitigation Measure LU-B.5.1: Prior to approval of a Building Permit which would result in a light sensitive use within a two-block radius of Petco Park, the applicant shall provide a lighting study that demonstrates to the satisfaction of Civic San Diego that habitable rooms would be equipped with light attenuation measures which would allow occupants to reduce night-time light levels to 2.0 foot-candles or less.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CivicSD/City	No; the proposed project is not located within a two-block radius of Petco Park.
Noise (NOI)					
Impact NOI-B.1: Noise generated by I-5 and highly traveled grid streets could cause interior noise levels in noise-sensitive uses (exclusive of residential and hotel uses) to exceed 45 dB(A). (Direct)	Mitigation Measure NOI-B.1-1: Prior to approval of a Building Permit for any residential, hospital, or hotel within 475 feet of the centerline of Interstate 5 or adjacent to a roadway carrying more than 7,000 ADT, an acoustical analysis shall be performed to confirm that architectural or other design features are included which would assure that noise levels within habitable rooms would not exceed 45 dB(A) CNEL.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CivicSD/City	Yes; an Exterior Noise Report (Appendix G) for the proposed project determined that noise attenuation measures would reduce noise levels to 45 dB(A) CNEL or less in habitable rooms.
Impact NOI-B.2: Noise generated by major ballpark events could cause interior noise levels in noise-sensitive uses (e.g. residential and hotels) within four blocks of the ballpark to exceed the 45 dB(A) limit	Mitigation Measure NOI-B.2-1: Prior to approval of a Building Permit for any noise-sensitive land uses within four blocks of Petco Park, an acoustical analysis shall be performed. The analysis shall confirm that architectural or other design features are included in the design which would assure that noise levels within habitable rooms would not exceed 45 dB(A) CNEL.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City	No; the proposed project is not located within four blocks of Petco Park.

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
mandated by Title 24 of the California Code. (Direct)					
Impact NOI-C.1: Exterior required outdoor open space in residential could experience traffic noise levels in excess 65 dB(A) CNEL. (Direct)	Mitigation Measure NOI-C.1-1: Prior to approval of a Development Permit for any residential development within 475 feet of the centerline of Interstate 5 or adjacent to a roadway carrying more than 7,000 ADT, an acoustical analysis shall be performed to determine if any required outdoor open space areas would be exposed to noise levels in excess of 65 dB(A) CNEL. Provided noise attenuation would not interfere with the primary purpose or design intent of the exterior use, measures shall be included in building plan, to the extent feasible.	Prior to Development Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City	Yes
Impact NOI-D.1: Recreation areas within public parks and plazas may experience traffic noise levels in excess 65 dB(A) CNEL. (Direct)	Mitigation Measure NOI-D.1-1: Prior to approval of a Development Permit for any public park or plaza within 475 feet of the centerline of Interstate 5 or adjacent to a roadway carrying more than 7,000 ADT, an acoustical analysis shall be performed to determine if any recreation areas would be exposed to noise levels in excess of 65 dB(A) CNEL. Provided noise attenuation would not interfere with the intended recreational use or park design intent, measures shall be included, to the extent feasible.	Prior to Development Permit (Design) Prior to Certificate of Occupancy (Implementation)	CivicSD/Developer	City	No; no public park or plaza is proposed.
Paleontological Resources (PAL)					
Impact PAL-A.1: Excavation in geologic formations with a moderate to high potential for paleontological resources could have an significant impact on these resources, if present. (Direct)	<p>Mitigation Measure PAL-A.1-1: In the event the Secondary Study indicates the potential for significant paleontological resources, the following measures shall be implemented as determined appropriate by Civic San Diego.</p> <p>I. Prior to Permit Issuance</p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> 1. Prior to NTP for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, Centre City Development Corporation Civic San Diego shall verify that the requirements for paleontological monitoring have been noted on the appropriate construction documents. 	Prior to Demolition, Grading or Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CivicSD/City	Yes

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>B. Letters of Qualification have been submitted to Civic San Diego</p> <ol style="list-style-type: none"> 1. The applicant shall submit a letter of verification to Civic San Diego identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines. 2. Civic San Diego will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project. 3. Prior to the start of work, the applicant shall obtain approval from Civic San Diego for any personnel changes associated with the monitoring program. <p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> 1. The PI shall provide verification to Civic San Diego that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed. 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> 1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, CM and/or Grading Contractor, RE, BI, if appropriate, and Civic San Diego. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>paleontological monitoring program with the Construction Manager and/or Grading Contractor.</p> <p>(a) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with Civic San Diego, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</p> <p>2. Identify Areas to be Monitored</p> <p>(a) Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11 by 17 inches) to Civic San Diego identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).</p> <p>3. When Monitoring Will Occur</p> <p>(a) Prior to the start of any work, the PI shall also submit a construction schedule to Civic San Diego through the RE indicating when and where monitoring will occur.</p> <p>(b) The PI may submit a detailed letter to Civic San Diego prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>III. During Construction</p> <p>A. Monitor Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and Civic San Diego of changes to any construction activities. The monitor shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of any discoveries. The RE shall forward copies to Civic San Diego. The PI may submit a detailed letter to Civic San Diego during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present. <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 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 PI, as appropriate. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery. The PI shall immediately notify Civic San Diego by phone of the discovery, and shall also submit written documentation to Civic San Diego within 24 hours by fax or email with photos of the resource in 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>context, if possible.</p> <p>C. Determination of Significance</p> <ol style="list-style-type: none"> 1. The PI shall evaluate the significance of the resource. <ol style="list-style-type: none"> (a) The PI shall immediately notify Civic San Diego by phone to discuss significance determination and shall also submit a letter to Civic San Diego indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI. (b) If the resource is significant, the PI shall submit a Paleontological Recovery Program and obtain written approval from Civic San Diego. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. (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 Civic San Diego unless a significant resource is encountered. (d) The PI shall submit a letter to Civic San Diego indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required. <p>IV. Night Work</p> <p>A. If night work is included in the contract</p> <ol style="list-style-type: none"> 1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting. 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>2. The following procedures shall be followed.</p> <p>(a) No Discoveries – In the event that no discoveries were encountered during night work, The PI shall record the information on the CSV and submit to Civic San Diego via fax by 9 a.m. the following morning, if possible.</p> <p>(b) Discoveries – All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.</p> <p>(c) Potentially Significant Discoveries – If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.</p> <p>(d) The PI shall immediately contact Civic San Diego, or by 8 a.m. the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</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 appropriate, a minimum of 24 hours before the work is to begin.</p> <p>2. The RE, or BI, as appropriate, shall notify Civic San Diego immediately.</p> <p>C. All other procedures described above shall apply, as appropriate.</p> <p>V. Post Construction</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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>the Paleontological Monitoring Program (with appropriate graphics) to Civic San Diego 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 – 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. Civic San Diego 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 Civic San Diego for approval.</p> <p>4. Civic San Diego shall provide written verification to the PI of the approved report.</p> <p>5. Civic San Diego 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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate</p> <p>C. Curation of fossil remains: Deed of Gift and Acceptance Verification</p> <ol style="list-style-type: none"> 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. 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and Civic San Diego. <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 1. The PI shall submit two copies of the Final Monitoring Report to Civic San Diego (even if negative), within 90 days after notification from Civic San Diego that the draft report has been approved. 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from Civic San Diego which includes the Acceptance Verification from the curation institution. 				
Traffic and Circulation (TRF)					
Impact TRF-A.1.1: Increased traffic on grid streets from downtown development would result in unacceptable levels of service on specific roadway intersections and/or segments within downtown. (Direct)	Mitigation Measure TRF-A.1.1-1: At five-year intervals, commencing upon adoption of the Downtown Community Plan, Civic San Diego shall conduct a downtown-wide evaluation of the ability of the grid street system to accommodate traffic within Downtown. In addition to identifying roadway intersections or segments which may need immediate attention, the evaluation shall identify roadways which may warrant interim observation prior to the next 5-year evaluation. The need for roadway improvements shall be based upon deterioration to LOS F, policies in the Mobility Plan, and/or other standards established by Civic San Diego, in	Every five years	CivicSD/City	CivicSD/City	No; project does not meet threshold requiring traffic study.

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>cooperation with the City Engineer. In completing these studies, the potential improvements identified in Section 6.0 of the traffic study for the Downtown San Diego Mobility Plan and Section 4.2.3.3 of the SEIR will be reviewed to determine whether these or other actions are required to improve traffic flow along affected roadway corridors. Specific improvements from Section 4.2.3.3 include:</p> <p><u>Mitigation Measures that Fully Reduces Impact</u></p> <p>I-5 northbound off-ramp/Brant Street and Hawthorn Street – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>Second Avenue and Cedar Street – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>Fourth Avenue and Beech Street – Convert on-street parking to a travel lane on Fourth Avenue between Cedar Street and Ash Street during the AM peak hour.</p> <p>First Avenue and A Street – Remove on-street parking on the north side of A Street between First and Front avenues as necessary to provide an east bound left turn lane.</p> <p>17th Street and B Street – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>16th Street and E Street – Remove on-street parking on the east side of 16th Street south of E Street as necessary to provide a northbound right-turn lane.</p> <p>Eleventh Avenue and G Street – Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>Street during the PM peak hour.</p> <p>Park Boulevard and G Street – Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour.</p> <p>16th Street and Island Avenue – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>19th Street and J Street – Restripe the northbound left-turn lane into a northbound left-turn and through shared lane.</p> <p>Logan Avenue and I-5 southbound off-ramp – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p><u>Mitigation Measures that Partially Reduces Impact</u></p> <p>Front Street and Beech Street - Convert on-street parking to a travel lane on Front Street between Cedar Street and Ash Street during the PM peak hour.</p> <p>15th Street and F Street - Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>13th Street and G Street - Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour.</p> <p>14th Street and G Street - Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour.</p> <p>16th Street and G Street - Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>Street during the PM peak hour.</p> <p>17th Street and G Street - Signalization and convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>Following the completion of each five-year monitoring event, Civic San Diego shall incorporate needed roadway improvements into the City of San Diego CIP or identify another implementation strategy.</p> <p>In order to determine if the roadway improvements included in the current five-year CIP, or the equivalent, are sufficient to accommodate developments, a traffic study would be required for large projects. The threshold to be used for determining the need for a traffic study shall reflect the traffic volume threshold used in the Congestion Management Program. The Congestion Management Program stipulates that any activity forecasted to generate 2,400 or more daily trips (200 or more equivalent peak hour trips).</p>				
	<p>Mitigation Measure TRF-A.1.1-2: Prior to approval of any development which would generate a sufficient number of trips to qualify as a large project under the Congestion Management Program (i.e. more than 2,400 daily trips, or 200 trips during a peak hour period), a traffic study shall be completed. The traffic study shall be prepared in accordance with City’s Traffic Impact Study Manual. If the traffic study indicates that roadways substantially affected by the project would operate at LOS F with the addition of project traffic, the traffic study shall identify improvements to grid street segments and/or intersections consistent with the Downtown San Diego Mobility Plan which would be required within the next five years to achieve an acceptable LOS or reduce congestion, to the extent feasible. If the needed improvements are already included in the City of San Diego’s CIP, or the equivalent, no further action shall be required. If any of the required improvements are not included in the CIP, or not expected within five years of project completion, the City of San Diego</p>	Prior to Development Permit (Design)	Developer	CivicSD/City	No; project does not meet threshold requiring traffic study.

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	shall amend the CIP, within one year of project approval, to include the required improvements and assure that they will be implemented within five years of project completion. At Civic San Diego's discretion, the developer may be assessed a pro-rated share of the cost of improvements as a condition of project approval.				
Impact TRF-A.1.2: Increased traffic from downtown development on certain streets surrounding downtown would result in an unacceptable level of service. (Direct and Cumulative)	Implementation of Mitigation Measure TRF-A.1.1-1 would also reduce impacts on surrounding roadways but not necessarily below a level of significance.	Every five years	CivicSD/City	CivicSD/City	No; program level requirement
Impact TRF-A.2.1: Elimination of Cedar St. off-ramp would impact other freeway ramps by redirecting traffic to other off ramps serving downtown. (Direct)	Mitigation Measure TRF A.2.2-1: Prior to elimination of the Cedar Street off-ramp from I-5, a traffic study shall be done by Civic San Diego in consultation with the City of San Diego and Caltrans to determine the potential effects associated with elimination of the off-ramp and the conversion of Cedar Street from one- to two-way. The report shall also identify roadway modifications that would minimize potential impacts on local surface streets and I-5.	Upon Plan Adoption	CivicSD	CivicSD/City	No; program level requirement

Overriding Considerations

In certifying the Downtown FEIR and approving the DCP, CCPDO, and 10th Amendment to the Redevelopment Plan, the City Council and Redevelopment Agency adopted a Statement of Overriding Considerations which determined that the unmitigated impacts were acceptable in light of economic, legal, social, technological, or other factors including the following:

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

ES.3 PROPOSED PROJECT IMPACTS AND MITIGATION

The proposed project was reviewed for consistency with the Downtown FEIR through the completion of a consistency analysis that compared the potential impacts of the proposed project in relation to those identified within the Downtown FEIR. This consistency analysis is presented in the Downtown Final Environmental Impact Report Consistency Evaluation for the 1122 4th Avenue Redevelopment Project (Consistency Checklist, Appendix A). The Consistency Checklist concluded that implementation of the proposed project features would be considered a substantial change in the scope of the impacts identified in the Downtown FEIR that could result in new significant environmental effects, specifically related to historical resources. The proposed project activities detailed and analyzed in the Consistency Checklist would result in impacts to historical resources that are not adequately addressed in the Downtown FEIR. Because the prior

environmental document would not adequately cover this proposed development as part of the previously approved project, this activity requires a supplement to the Downtown FEIR or subsequent addenda for purposes of review under CEQA pursuant to CEQA Guidelines Sections 15060(c)(3), 15180, and 15378(c). Thus, this SEIR has been prepared to meet CEQA requirements.

Impacts Found to Be Consistent with the FEIR

With the exception of historic resources, all other issue areas were found to be consistent with the impacts analyzed in the Downtown FEIR. Those issues found to be consistent are summarized briefly below.

Aesthetics

The architectural features of the proposed project do not include extreme height, bulk, scale, or site orientation that would substantially disturb views of San Diego Bay, San Diego-Coronado Bay Bridge, Point Loma, Coronado, Petco Park, and the downtown skyline from public viewing areas. The bulk, scale, and design of the proposed Project would be compatible with existing and planned developments in the Civic/Core Use District. The proposed project does not include any components that would disturb the existing visual character of the DCP Area including the visual corridors and the small portion of the designated State Highway 163.

Therefore, the proposed Amendment to the DCP and CCPDO would not result in direct or cumulative visual impacts on surrounding development, consistent with the conclusions of the FEIR.

Agricultural Resources

The proposed project is located in a developed, urban 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, an impact to agricultural resources would not occur as a result of the proposed project to the DCP and CCPDO.

Air Quality

The proposed amendment to the DCP and CCPDO would result in a land use change and the proposed project would contribute to the Civic/Core Uses' goal to accommodate mixed-use projects and would be compatible with the surrounding land use in the nearby East Village and

Cortez neighborhoods, in which residential and mixed use development is located. As the proposed project would contribute to the Civic/Core Uses' goal to accommodate mixed-use projects and would be compatible with the surrounding land use in the nearby East Village and Cortez neighborhoods, in which residential and mixed use development is located, there would be no impact to the applicable air quality plan.

The potential for impacts to sensitive receptors during construction activities would be mitigated to below a level of significance through compliance with the City's mandatory standard dust control measures and the dust control and construction equipment emission reduction measures required by FEIR Mitigation Measure AQ-B.1-1 and therefore impacts to air quality would be consistent with the FEIR.

Biological Resources

The proposed project 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. In addition, the ornamental trees and landscaping included in the project are considered of no significant value to the native wildlife in their proposed location. The FEIR concludes that there would not be a significant impact to biological resources as a result of the proposed project. Impacts to biological resources are consistent with the FEIR.

Geology and Soils

Conformance with, and implementation of, all seismic-safety development requirements, including all applicable requirements of the Alquist-Priolo Zone Act, the seismic design requirements of the International Building Code (IBC), the City of San Diego Notification of Geologic Hazard procedures, and all other applicable requirements would ensure that the potential impacts associated with seismic and geologic hazards are consistent with the FEIR.

Greenhouse Gas Emissions

The City's Climate Action Plan (CAP) FEIR analyzed greenhouse gas (GHG) emissions on a citywide basis. The City's CAP outlines measures that would support substantial progress towards the City's 2035 GHG emissions reduction targets, which are intended to keep the City in line to achieve its share of 2050 GHG reductions. The CAP Consistency Checklist was adopted on July 12, 2016, to uniformly implement the CAP for project-specific analyses of GHG emission impacts. The Project has been analyzed against the CAP Consistency Checklist (Appendix E) and, based on this analysis, it has been determined that the Project would be consistent with the CAP and would not contribute to cumulative GHG emissions that would be

inconsistent with the CAP. As such, the project would be consistent with the anticipated growth and buildout assumptions of both the Downtown Community Plan and the CAP FEIR/Addendum. Therefore, this impact is considered consistent with the Downtown FEIR/CAP FEIR/Addendum.

Hazards and Hazardous Materials

Although some routine transport of hazardous material may occur, the project's adherence to existing mandatory federal, state, and local regulations controlling hazardous materials would ensure that long-term health and safety impacts associated with on-site hazardous materials over the long-term operation of the project are consistent with the impacts addressed in the FEIR.

Hydrology and Water Quality

The Project's construction and grading activities may involve soil excavation at a depth that could surpass known groundwater levels, which would indicate that groundwater dewatering might be required. Adherence to the state and local water quality controls would ensure that direct impacts to groundwater and surface water quality would be consistent with the FEIR.

Despite not resulting in direct impacts to water quality, the FEIR found that the urban runoff generated by the cumulative development in the downtown would contribute to the existing significant cumulative impact to the water quality of San Diego Bay. No mitigation other than adherence to existing regulations has been identified in the FEIR to feasibly reduce this cumulative impact to below a level of significance. Consistent with the FEIR, the Project's contribution to the cumulative water quality impact would remain significant and unmitigated.

Land Use and Planning

The proposed project does not include any features or structures that would physically divide an established community. The proposed project is located within a variety of mid-rise and high-rise buildings including high-rise office buildings, a theater, hotel and restaurant businesses, parking lots and garages, and some governmental facilities. As discussed in the Consistency Checklist (Appendix A), development of a mixed use high rise is consistent with adjacent districts, and would not conflict with overall land use plans for the downtown area. However, the proposed project would require an amendment to the DCP and CCPDO to remove any conflict with the employment overlay requirements of the DCP and CCPDO. While this amendment is a change to the DCP and CCPDO, no physical environmental impacts to land use would result from this amendment. The proposed residential development would be consistent with adjacent districts, and would not conflict with overall land use plans for the downtown area. While the project

would require an amendment to the DCP and CCPDO to remove the employment overlay requirement for this project, this change would not result in a new significant impact and impact conclusions remain consistent with the Downtown FEIR.

Mineral Resources

The Downtown FEIR states that the viable extraction of mineral resources is limited in the DCP area due to its urban nature and the fact that the area is not recognized for having high mineral resource potential. The proposed project would not include policies that would alter the conclusion of the Downtown FEIR; therefore impacts to mineral resources are consistent with the FEIR.

Noise

The FEIR indicates that development within the DCP Area could generate both temporary noise impacts caused by construction activities. Short-term construction noise impacts would be avoided by adherence to construction noise limitations imposed by the City's Noise Abatement and Control Ordinance. Since the proposed project and amendment does not include any regulations or measures that would in any way violate or obstruct implementation of the applicable sections of the City of San Diego Municipal Code, the impacts of the proposed project and amendment would be consistent with the analysis of the FEIR.

Population and Housing

Although growth within the district may occur as a result of the proposed project, it would not result in adverse physical changes beyond the level assumed in the FEIR. As the proposed project would occur on a lot that is a vacant theater, there will be no loss of housing units which would displace substantial numbers of existing housing or substantial numbers of people, necessitating the construction of replacement housing elsewhere, therefore impacts to population and housing would be consistent with the FEIR.

Public Services and Utilities

The Downtown FEIR concludes that, cumulatively, development in downtown would generate the need for increased public services and utilities. In and of itself, the proposed project would not generate additional demand necessitating the construction of new library facilities. The project's impact on public services would be less than significant and consistent with the FEIR.

Parks and Recreational Facilities

The FEIR discusses impacts to parks and other recreational facilities and the maintenance thereof and concludes that build-out of the DCP would not result in significant impacts associated with this issue; however, substantial deterioration of existing neighborhood or regional parks is not expected to occur as a result of the proposed building and the impact is consistent with the FEIR.

Transportation/Traffic

The traffic generated by the proposed project would, in combination with the traffic generated by other downtown development, contribute to the significant cumulative traffic impacts projected in the FEIR to occur on a number of downtown roadway segments and intersections, and streets within neighborhoods surrounding the Plan area at buildout of the downtown. The FEIR includes mitigation measures to address these impacts, but the identified measures may or may not be able to fully mitigate these cumulative impacts. Project impacts would contribute to significant cumulative impacts that are consistent with the analysis of the FEIR.

Historic Resource Impacts and Mitigation

Per the analysis in the Consistency Checklist, historical resources was the only topic area that had the potential to be inconsistent with the analysis and mitigation identified in the Downtown FEIR. As part of the evaluation of Historical Resources, archaeological resources were found to be within the scope of impacts identified within the Downtown FEIR.

As shown in Table ES-2 and consistent with the conclusions of the FEIR, a direct and cumulative significant and unavoidable historical resources impact was found to result from implementation of the proposed project due to the full demolition of the California Theatre, which is a historical structure. However, demolition is not consistent with the FEIR Mitigation Measure Hist-A.1-1 requiring projects to meet the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 Code of Federal Regulations part 68) and their applicable guidelines, because the historical character of the historical resource would not be retained or preserved.

Table ES-2
Summary of Proposed Project Significant Impacts and Mitigation Measures
Mitigation, Monitoring, and Reporting Program

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
PROJECT-SPECIFIC MITIGATION REQUIRED BY THE CALIFORNIA THEATRE SEIR				
Impact: Demolition of the California Theatre would impact a significant historical resource.	<p>Mitigation Measure HR-1: Recording the Resource: The City of San Diego’s Land Development Manual – Historical Resources Guidelines identifies preferred mitigation measures to avoid impacts, including avoidance of a significant resource through project redesign or relocation of the significant resource. Since the proposed project includes the full or partial demolition of the California Theatre, a full recording of the building should be done so that a record of the significant resource is maintained.</p> <p>Prior to demolition, Secretary of the Interior-qualified professionals (in history or architectural history) (36 CFR Part 61) shall perform photo-recording and documentation consistent to the standards of the National Parks Service (NPS) Historic American Building Survey (HABS) documentation. HABS documentation is described by the NPS as “the last means of preservation of a property; when a property is to be demolished, its documentation provides future researcher access to valuable information that otherwise would be lost” (Russell 1990). The HABS record for the California Theatre shall consist of measured drawings (or reproductions of historic drawings), large-format archival photographs, and written data (e.g., historic context, building descriptions) that provide a detailed record that reflects the California Theatre’s historical significance. At a minimum, the California Theatre should receive HABS Level II documentation (Russell 1990:4). If historical as-built drawings do not exist or are not reproducible to HABS standards, then measured drawings shall be prepared to document the structure and its alterations. These shall adhere to the standards set for a HABS Level I record. Past mitigation efforts may have produced large-form archival photographs (Marshall and Lia 2014), and may be used for HR-1, provided they meet HABS standards. Following completion of the HABS documentation and approval by the HRB, the materials shall be placed on file with the City, San Diego History Center, San Diego Central Library, and the Library of Congress.</p>	Prior to Demolition or Grading Permit (Design)	Developer	City
	<p>Mitigation Measure HR-2: Architectural Salvage: Architectural Salvage: Prior to demolition, the project applicant’s qualified historic preservation professional (QHPP) shall make available for donation architectural materials from the site to museums, archives, and curation facilities; the public; and nonprofit organizations to preserve, interpret, and display the history of the California Theatre. The materials to become architectural salvage shall include historic-period elements that would be removed as part of the project, and shall be identified and made available prior to the commencement of demolition activities, to ensure that materials removed do not</p>	Prior to Demolition or Grading Permit (Design)	Developer	City

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	<p>experience further damage from removal/demolition. No materials shall be salvaged or removed until HABS documentation is completed and an inventory of key exterior and interior features and materials is completed by Secretary of Interior-qualified professionals. The inventory of key exterior and interior elements shall be developed prior to issuance of the demolition or grading permit. The materials shall be removed prior to or during demolition. Materials that are contaminated, unsound, or decayed shall not be included in the salvage program and shall not be available for future use or display. Based on past studies of the property, it is likely the materials for salvage may include the theater seats, lighting fixtures (chandeliers), wall and ceiling moldings, ornamental grille, decorative trim surrounding the stage, projection booth materials, and backdrop; however, the final list of materials shall be developed prior to demolition activities. The QHPP shall determine which materials are suitable for salvage (the assistance of qualified professionals can be utilized to make such determinations). Once the items for salvage are identified, the QHPP shall submit this information to the City's Historical Resource Section for approval. Following that, the QHPP in concert with the City's Historical Resources Section, shall notify various groups via letters, email, notification on the City's website, or public notices posted in newspapers concerning the availability of the salvaged materials and then shall make arrangements for any interested parties to pick up the materials after they have removed them. The project applicant shall be responsible for storing the salvaged materials in an appropriate climate-controlled storage space for an appropriate period of time, as determined through consultation with the City's Historical Resources Section. Prior to any plans to no longer use the storage space, the applicant will provide the City's Historical Resources Section with an inventory of any materials that were not donated to any interested parties, and measures to be taken by the project applicant to dispose of these materials.</p>			
	<p>Mitigation Measure HR-3 Interpretative Display: In concert with HABS documentation, the applicant will create a display and interpretive material to the satisfaction of the HRB staff for public exhibition concerning the history of the California Theatre. The display and interpretive material, such as a printed brochure, could be based on the photographs produced in the HABS documentation, and the historic archival research previously prepared as part of the project. This display and interpretive material shall be available to schools, museums, archives and curation facilities, libraries, nonprofit organizations, the public, and other interested agencies. The display shall be installed at the site by the applicant prior to the Certificate of Occupancy, after construction similar to other demolished historical resources, like the displays at Petco Park. <u>Prior to approval by City staff, the interpretative display will be presented to the HRB as an information item for input.</u> The City would be responsible for reviewing and approving the display, including the language used for the display.</p>	Prior to Demolition or Grading Permit (Design)	Developer	City

The proposed project would be required to implement all relevant mitigation measures identified in the Downtown FEIR, excluding mitigation measure Hist-A.1-1 requiring the mitigation of historical resources to the Secretary of the Interior's Standards, and mitigation measure Hist-A.1-2 requiring mitigation related to retained or relocated historical resources. In addition to those measures outlined in the Downtown FEIR, three project-specific mitigation measures, HR-1, HR-2, and HR-3, have been identified to reduce the impact on historical resources and are listed in Table ES-2. Even with the implementation of the programmatic and project-specific mitigation, the impact to historical resources would remain significant and unavoidable.

ES.4 ALTERNATIVES THAT WOULD REDUCE OR AVOID SIGNIFICANT IMPACTS

As the potential impacts associated with the proposed project were not mitigated consistent with Mitigation Measure Hist-A.1-1 of the Downtown FEIR, this SEIR considers alternatives that would have less of an impact on historical resources in comparison to the proposed project. This SEIR describes two alternatives that were rejected, and evaluates five additional alternatives in more detail.

Alternatives Considered and Rejected

Alternative Location

Like the proposed project site, some other sites along C Street are along the trolley line and would provide revitalization to the C Street corridor. However, there are no other sites under the applicant's control to allow for development of a mixed-use project that would meet the above project objectives. The applicant does not currently own another site for the project, and cannot reasonably acquire, control, or otherwise have access to a sufficiently sized alternative site that meets the above objectives. As such, it would not be reasonable for the project proponent to acquire an alternative project site location. Further, development of alternative site would leave the current property in its deteriorated condition, diminishing revitalization efforts in immediate proximity to the proposed project site. Therefore, an alternative providing the components of the proposed project on an alternative site location was rejected.

Full Rehabilitation Alternative

Full rehabilitation (Alternative 5) assumes a full renovation of both the California Theatre and the existing 9-story office building to their original historical uses, and in accordance with the Secretary of the Interior's standards for adaptive reuse. In this scenario, the buildings would be adaptively restored. The approximately 2,000-seat theater would be adaptively restored to

commercial space, the 9-story office building could be adaptively restore to 29,350 sf of highest and best uses based on the market analysis, and 4,640 sf of retail. Alternative 5 would avoid the significant impact of the proposed project as it would preserve, rather than demolish or alter, resources of historical significance. This alternative would meet the objective of protecting historical resources found to be significant at the federal, state, or local levels. Additionally, Alternative 5 could also meet the objectives to provide potential new housing and business opportunities through the reopening of the theater and office building, though these objectives would be realized to a lesser extent ~~than with implementation of the proposed project. This alternative adaptively restores both the theater and 9-story office building, and therefore is the environmentally superior alternative. This alternative is rejected because it does not meet the project objectives of providing new multi-family housing and retail opportunities at a scale necessary to revitalize the C Street corridor, within walking distance of existing employment opportunities, along a trolley line, and in proximity to downtown civic and recreational opportunities.~~

Alternatives Evaluated

No Project Alternative

The No Project Alternative assumes that the California Theatre, as well as any portion of the existing site, would not be demolished and no new construction would occur. No new uses for the existing buildings and site would be implemented and the current vacant and unoccupied condition would continue. The No Project Alternative would avoid the significant historical impact that would result from implementation of the proposed project and would meet the objective to pay homage to the historical nature of the California Theatre by leaving the structure intact. In comparison to the proposed project, the No Project Alternative would not meet the objectives to provide new housing or business opportunities.

Alternative 1

This alternative would include demolition of the entire existing site, including the California Theatre and office building. Alternative 1 would construct a new 40-story mixed-use tower (as included in the proposed project) and would construct a new 9-story building. The new 9-story building would include reconstruction of the existing 4th Avenue and C Street façades from the existing 9-story office building. As in the proposed project, the new 9-story building would consist of three levels of below ground parking, four levels of above ground parking, one main residential entrance lobby level off 4th Avenue and one level of retail. The 40-story mixed-use tower design is also the same as the proposed project, and includes 391,650 sf of gross floor area. The total square footage, including parking, is 607,000 sf. With revisions to the proposed project

since public review, including reconstruction of the existing 4th Avenue and C Street office tower facades, the proposed project and Alternative 1 are now similar in terms of project design and re-creation of historical elements.

Alternative 2

This alternative would include the demolition of the existing California Theatre, the retention and rehabilitation of the existing 9-story office building along with the construction of a new 40-story mixed-use tower (as included in the proposed project). The rehabilitated 9-story building would have four levels of above ground parking, one main residential lobby entrance, and one level of amenities for the residential units. The 40-story mixed-use tower design is the same as the proposed project and includes 391,650 sf of gross floor area. The total square footage, including parking, is 607,000 sf.

Alternative 3

This alternative would demolish the theater portion of the existing California Theatre, and with the exception of the old ground floor façade on C Street, and add a 40 story mixed use tower with ground floor retail, residential dwelling units, and adequate above ground and below ground parking. In addition this alternative would include retention and rehabilitation of the 9-story office building. The southern theater façade on C Street would be rehabilitated, and the appearance of the historic façade above grade would be re-created with retail on the ground floor and decorative elements above, all of which would be covering the four above ground parking levels. The design of the proposed new 40-story tower and rehabilitated 9-story tower is the same as Alternative 2. This alternative incorporates recreation of the “Caliente” sign on the north façade of the 9-story office building.

Alternative 4

This alternative considers demolition of the theater portion of the California Theatre, with the exception of the ground floor C Street façade. It also includes retaining and rehabilitating the 9-story office building and adding a new 40-story mixed-use tower. The recreation of the “Caliente” sign on the north façade of the 9-story office building would be included. This alternative would retain and rehabilitate the C Street façade on the ground floor for new retail purposes. The new multi-use 40-story tower would contain ground floor retail, residential dwelling units, and offices, and would have seven levels of underground parking. In addition, this alternative would have a setback between the new tower and rehabilitated 9-story office building that would create a 20-foot-wide, 92-foot-high galleria running north and south between the buildings, creating open space from the ground level through the ninth floor. This project comprises a total of 60,000 sf, with 391,650 sf gross floor area.

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CHAPTER 1.0

INTRODUCTION

1.1 PURPOSE AND SCOPE OF THE SUPPLEMENTAL EIR

This Draft Supplemental Environmental Impact Report (SEIR) has been prepared in conformance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations [CCR] Section 15000 et seq.), as amended. CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority. This SEIR evaluates the potential environmental impacts associated with implementation of the 1122 4th Avenue Redevelopment Project.

Development in the downtown area is guided by a hierarchy of planning documents that implement the policies and guidelines contained in the DCP. These include primarily the Redevelopment Plan for the Centre City Project Area, the Centre City Community Plan, and three Planned District Ordinances (Marina, Gaslamp, and Centre City). A programmatic Final Environmental Impact Report (Downtown FEIR) was prepared for the Downtown Community Plan (CCDC 2006), which proposed to revise the originally adopted Centre City Community Plan, the Redevelopment Plan for the Centre City Project Area, and the Centre City Planned District Ordinance (CCPDO), and evaluate the environmental impacts for revisions to these downtown development plans. Six subsequent addenda have been incorporated into the Downtown FEIR since its passage. These addenda can be found listed in the Consistency Checklist (Appendix A).

The City's Climate Action Plan (CAP) FEIR/Addendum (City of San Diego 2015, 2016) analyzed greenhouse gas (GHG) emissions on a citywide basis. The City's CAP outlines measures that would support substantial progress towards the City's 2035 GHG emissions reduction targets, which are intended to keep the City in line to achieve its share of 2050 GHG reductions.

The proposed project was reviewed for consistency with the Downtown FEIR and CAP FEIR/Addendum, as detailed in the attached Downtown Final Environmental Impact Report Consistency Evaluation for the 1122 4th Avenue Redevelopment Project (Consistency Checklist, Appendix A). As concluded in the Consistency Checklist, implementation of the proposed project features for the development of 1122 4th Avenue is considered a substantial change that could result in new significant environmental effects, specifically as it relates to historic

resources. Therefore, an SEIR has been determined to be the appropriate CEQA document to analyze any new or more severe significant environmental effects not discussed in the Downtown FEIR (CEQA Guidelines Section 15162, 15163) (CCDC 2006). The environmental impacts of the proposed project are analyzed in this SEIR to the degree of specificity required by CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be associated with the planning, construction, or operation of the proposed project. The Consistency Checklist identified historical resources as the one issue area requiring additional environmental review; therefore, this SEIR is appropriately focused on historical resources. A copy of the Downtown FEIR and all related appendices and subsequent addenda can be accessed at the following location:

Civic San Diego
401 B Street, Suite 400, San Diego, CA 92101
<http://www.civicsd.com/planning/environmental-documents.html>

This SEIR is a public document that assesses the environmental effects associated with implementation of the proposed project and indicates ways to reduce or avoid possible environmental damage. Appropriate mitigation measures from the Downtown FEIR Mitigation, Monitoring and Reporting Program (MMRP) have been incorporated into the proposed project as appropriate and will be discussed in Chapter 7.0.

The Consistency Checklist and review of the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) and public scoping meeting comments indicate that the proposed project may result in a substantial increase in significant effects on historical resources. This issue area is the focus of this SEIR.

1.2 LEAD AND RESPONSIBLE AGENCIES

A lead agency is defined as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant impact upon the environment (CEQA Guidelines Section 15367). Responsible agencies are defined as those public agencies that propose to carry out or approve a project for which a lead agency is preparing an EIR and includes all agencies other than the lead agency that have discretionary approval power over the project (CEQA Guidelines Section 15381).

Acting on behalf of the City of San Diego, Civic San Diego serves as the lead agency with primary approval authority of the proposed project. The City of San Diego has a responsibility to participate cooperatively and financially in the implementation of the mitigation measures

addressing impacts of projects planned through the 2006 Downtown Community Plan (DCP), as identified in the Downtown FEIR and its MMRP.

1.3 INTENDED USES OF THIS SEIR

An EIR is an informational document used in the planning and decision-making process. It is not the purpose of an EIR to recommend approval or denial of a project. CEQA requires the decision makers to balance the benefits of a project against its unavoidable environmental risks. For the proposed project, even if environmental impacts are identified as significant and unavoidable, the project may still be approved if decision makers determine that social, economic, or other benefits outweigh the significant and unavoidable impacts. A “statement of overriding considerations” would then be required (Section 15093 of the CEQA Guidelines), stating the specific reasons for approving the project, based on information contained in the EIR and other information in the record.

Pursuant to Sections 15162 and 15163 of the CEQA Guidelines, a lead agency should limit an SEIR’s discussion of environmental effects to specific issues where significant effects on the environment may deviate from those discussed in the Downtown FEIR. A Consistency Checklist was prepared to determine which issue areas could result in significant effects on the environment and was circulated with an NOP. The Consistency Checklist can be found as Appendix A to this SEIR.

1.4 ORGANIZATION OF THIS SEIR

This SEIR includes an Executive Summary followed by 9 separate chapters. The Executive Summary includes a brief project description and summarizes project impacts and mitigation measures. Chapter 1.0 is this Introduction. Chapter 2.0 describes the environmental setting. Chapter 3.0 includes the project description. Environmental Impact Analysis (Historical Resources) is discussed in Chapter 4.0. Chapter 5.0 provides an analysis of cumulative impacts. Chapter 6.0 contains a discussion of project alternatives. Chapter 7.0 includes the MMRP. Individuals and agencies consulted, and references are discussed in Chapter 8.0. Chapter 9.0 contains comment letters received during public review, and Civic San Diego’s responses to those letters.

Appendices consist of the Consistency Checklist (Appendix A), Public Notice of Preparation of a Supplemental Environmental Impact Report, and Responses to the NOP (Appendix B), and technical documents (Appendices C and D) included as supporting information to the SEIR.

1.5 PUBLIC REVIEW AND PARTICIPATION PROCESS

Consistent with the requirements of CEQA, a good faith effort was made during the preparation of this SEIR to contact affected agencies, organizations, and individuals who may have an interest in the proposed project. Early consultation with the relevant agencies, organizations, and individuals assisted in the preparation of this SEIR. As described above, this effort also included the circulation of ~~the~~ a Notice of Availability (NOA)~~P~~ released on both August 8, 2016 and November-October 627, 20165. The NOAs~~P~~ notified the public that an draft SEIR ~~would~~ was ~~be prepared~~ available for the project, and briefly described the elements of the project and the scope of the environmental analysis that would be presented in the SEIR. The NOAs~~P~~ also requested public agencies and members of the public to provide their comments on the ~~scope and~~ content of the draft SEIR ~~that was to be prepared~~.

Written Comments

The Notice of Preparation (NOP) ~~for the development of a draft SEIR~~ was made available for public comment for a 30-day public review period, beginning November 27, 2015, and ending December 28, 2015. Civic San Diego received two comment letters. Comment letters on the NOP were received from the Office of Historic Preservation and San Diego County Archaeological Society. Written comments received during the 30-day public review period for the NOP are included in Appendix B of this SEIR.

The draft SEIR was circulated for public review beginning on August 8, 2016. A second 45-day public review period was open from October 6, 2016 to November 21, 2016. Comment letters were received from the California Public Utilities Commission, SANDAG, San Diego Archaeological Society, Inc., and the San Diego International Airport. Written comments received during the 45-day public review period for the draft SEIR are included in Chapter 9.0 of this SEIR.

~~Written comments received during the 30-day public review period for the NOP are included in Appendix B of this SEIR.~~

~~Comments on the contents of this Draft SEIR can be submitted in writing to:~~

~~Aaron Hollister, Senior Planner
Civic San Diego
401 B Street, Suite 400, San Diego, CA 92101~~

CHAPTER 2.0

ENVIRONMENTAL SETTING

The proposed project is located in the Civic/Core district of the downtown area in the City of San Diego. The area is located 30 miles north of the United States/Mexico International Border, and 120 miles south of Los Angeles. Downtown consists of approximately 1,445 acres of the metropolitan core of the City of San Diego. The downtown area is surrounded by communities including Uptown and Balboa Park to the north, Golden Hill and Sherman Heights to the east, Barrio Logan and Logan Heights to the south, and San Diego Bay and the City of Coronado to the west.

Surrounding land uses include a parking lot and the Fourth and B, a single-story building to the north, the Wells Fargo office tower building to the northeast, retail and restaurant buildings to the east and southeast, the U.S. Grant Hotel building to the south, the Westgate Hotel building to the southwest, and the City Administration building and Mayor's office to the west. The Orange and Blue trolley lines run along C Street, immediately south of the proposed project site.

Currently standing on the project site is the California Theatre (originally the New California Theatre), built in 1927 as the largest vaudeville and movie palace in San Diego at the time. Six large theaters, including the California Theatre, were built in San Diego in the 1920s. Two were designed in the Spanish Colonial Revival Style, the 1924 Balboa Theatre, and the 1927 California Theatre. The California Theatre was equipped with 2,200 seats. A 9-story commercial building with office and retail space abutted the theater building.

In 1963, the interior of the theater was fully remodeled with a new lobby, glass front doors, a snack bar, seats, carpeting, drapes, heat, ventilation, air conditioning, and larger restrooms with new fixtures. The theater's technology was updated, and the interior was painted, hiding the original murals and Spanish Colonial Revival ornamentation. The building's fate has been in limbo since the 1990s, when it was deemed vulnerable to seismic activity.

The proposed project site and adjacent parcels are fully developed with urban uses and no areas of natural habitat exist. The downtown area is characterized as a highly developed area with a variety of urban land uses, including high-rise commercial office, multifamily residential, retail, hotel, entertainment, and institutional/governmental uses. Downtown has grown as a residential center as evidenced by population growth from 17,513 in 2000 (SANDAG 2003) to over 31,000 in 2010 (SANDAG 2015).

The project site is completely surrounded by public roads. It is fully served by public utilities and site drainage is conveyed along paved surfaces and into an underground storm drain system that flows to the San Diego Bay, located approximately 1 mile west of the project site. The attached aerial photograph (Figure 2-1) shows the urbanized character of the project area, its proximity to San Diego Bay, and the principal roadways that provide access to the project area.

There are no exclusively residential uses within the city block or on the directly adjacent properties. On 4th Avenue and C Street above the Ross retail store are live/work lofts, and the nearest residential building is the Broadway lofts, approximately two blocks away at 1007 5th Avenue. A number of city government/institutional buildings are in the proximity of the project area, including San Diego Association of Governments (SANDAG), San Diego Downtown Partnership, San Diego City Information Center, and San Diego Civic Theater.

Climate

Downtown San Diego's climate is identified as Mediterranean, which is characterized by dry, warm summers and mild winters. Average annual rainfall is 10 inches from November to April, and the remaining months are typically dry. Measurable rain falls on 20 days per year, with an average of 6 days of moderate (0.5 inch 24 hours) rainfall per year. Downtown's climate significantly contributes to the overall quality of life in the area (CCDC 2006).

Landscape

The general landscape is characterized by urban features such as buildings, streets, and sidewalks. Vegetation is composed of ornamental trees and plants along streets and parkways, occasional gardens, and weeds covering vacant lots (CCDC 2006).

Topography

The topography in the downtown area is relatively flat, with elevations ranging from sea level to 180 feet above mean sea level. The waterfront along San Diego Bay in the western and southwestern areas of downtown, have the lowest elevations. Elevations gradually rise to the northeast, with the highest elevation near Balboa Park in the downtown neighborhood of Cortez Hill (CCDC 2006).



Figure 2-1
Project Area Aerial Photograph

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CHAPTER 3.0

PROJECT DESCRIPTION

3.1 PROJECT LOCATION

The project site is located in the City of San Diego, San Diego County. The City of San Diego is 30 miles north of the United States/Mexico International Border, and 120 miles south of Los Angeles. Downtown consists of approximately 1,445 acres of the metropolitan core of the City of San Diego. The downtown area is surrounded by communities including Uptown and Balboa Park to the north, Golden Hill and Sherman Heights to the east, Barrio Logan and Logan Heights to the south, and San Diego Bay and the City of Coronado to the west. The proposed project is located in the Civic/Core District of the DCP area in the City of San Diego (Figures 3-1 and 3-2).

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

The project site is located on a 25,103-square-foot (sf) parcel bounded by 4th Avenue to the East (150 feet); C Street to the South (200 feet); 3rd Avenue to the West (100 feet); and to the north Lots 3 and 7 of Horton's Addition, Block 16, in the City of San Diego. The site is currently occupied by a vacant building known as the California Theatre and is composed of four main parts; theater, stage/loft, two-story retail, and a 9-story office building. The theater was built in 1927 and has been vacant since 1990. The site is assigned assessor parcel numbers (APNs) 533-521-04-00 and 533-521-05-00. The property is zoned as CCPD-CORE (Centre City Planned District) in the City's Zoning Map; designated for multiple uses within the City's General Plan Land Use Map; and designated Civic/Core in the Downtown Community Plan (Figure 3-3).

Surrounding land uses include a parking lot and the Fourth and B single-story building to the north, the Wells Fargo office tower building to the northeast, retail and restaurant buildings to the east and southeast, the U.S. Grant Hotel building to the south, the Westgate Hotel building to the southwest, and the City Administration Building and Mayor's Office to the west. The existing building is proposed to be demolished to accommodate the proposed project.



Figure 3-2
Project Vicinity Map



Figure 3-3
Downtown Planned Districts

3.2 PROJECT BACKGROUND

When the California Theatre was opened in 1927, it was the largest of its kind in San Diego. With 2,200 seats and a 9-story office building, the California Theatre was considered a movie palace. It operated as a vaudeville stage until vaudeville became obsolete and was discontinued in 1937. One sign (Sign #1) is painted on the north wall of the 9-story office building. This sign advertises the Barbary Coast, a tavern located within the building in the 1970s. Two additional signs (Signs #2 and #3) are painted on the south and west sides of the theater's stage fly structure. These signs date to 1962–1963 and advertise the Caliente racetracks in Tijuana, Baja Mexico. Although significantly faded, the signs are still legible. The theater continued operation as a movie theater until 1976, and remained a venue for special performances until the 1980s. The building underwent its last renovation in 1988.

Architectural surveys that took place in 1990 deemed the building vulnerable to seismic activity, and that the structural system needed to be strengthened to meet minimum safety standards. The building was subsequently closed to the public. Designated in 1990, the California Theatre is currently listed in the City of San Diego Register of Historical Resources as HRB #291 (Resolution Number R – 901024). In 1991, the Historical Resources Board reduced the building's designation to the lowest level, which would have accommodated demolition. Subsequently, the Historical Resources Board's grading system was abandoned, eliminating the avenue for demolition. The building has remained a vacant and continuously deteriorating designated historical resource.

1122 4th Ave LLC, a subsidiary of Sloan Capital took ownership of the property in 2006. Between 2006 and 2011, the owners of the building received a number of notices advising them to retrofit the building for earthquake safety, and the owners sought approval for demolition. The building underwent two additional structural reviews in 2009 and 2011, both identifying significant deficiencies in its structural integrity. The current owner has been working with the City's Attorney's Office, Code Enforcement Division, and Development Services Departments for several years to find a solution for this property.

3.3 PROJECT PURPOSES AND OBJECTIVES

This project proposes to provide a multiuse residential development to promote social civic and economic vitality along a blighted area of the C Street corridor, as well as amendments to the DCP and CCPDO that would remove the Employment Overlay from the project site.

Primary objectives for the proposed project are:

- Provide new multifamily housing opportunities within walking distance of existing employment opportunities, along a trolley line, and in proximity to downtown civic and recreational opportunities.
- Create economic growth through revitalization of commercial areas along C Street, through the creation of new retail space as part of the project, and also by bringing residents to patronize existing businesses in the area.
- Pay homage to the historical nature of the California Theatre using features resembling those of the California Theatre, such as the building-front marquee and art features that depict the historical building, and by recreating the 9-story office building.

3.4 PROJECT CHARACTERISTICS

The proposed development, as conceptually depicted in Figures 3-4 and 3-5, includes the construction of a new 40-story high-rise tower residential building in the center of the site, which would be 420 feet tall and would consist of 282 units, with street level retail, lobby, associated residential amenities, three levels of underground parking, and four levels of above grade parking. On the south and east side of the property, the façade of the existing 9-story office building will be re-created, and will coincide with the proposed floor-by-floor program. The proposed development covers a total gross area of approximately 391,650 sf with 309,569 sf of above grade gross floor area and 70,000 sf below grade (parking). The proposed project would require the demolition of all existing structures onsite, including the California Theatre and office building.

Specific project features include affordable housing units (10% of units), re-creation of the corner blade sign (“California”) and the entry marquee, open urban space terraces and green rooftop, a roof terrace on the north side of the tower includes a pool, spa, steam room, sauna, recreation rooms, and fitness center, sloped roof for photovoltaics. Three street level retail spaces would be made available along C Street and 4th Avenue. There would be a total of 314 parking spaces in both above grade and below grade levels of parking.

Façade materials would include glass, sealed concrete, painted concrete, porcelain accents, granite accents, and stainless steel column covers, among others. A painted perforated metal screen would serve as the façade of the four levels of above ground parking. ~~The images on the screen would be of the original California Theatre.~~ On the north façade lit signage laser lights will animate the elevator core, while on the south façade LED lights will accentuate a portion of the floor slabs.

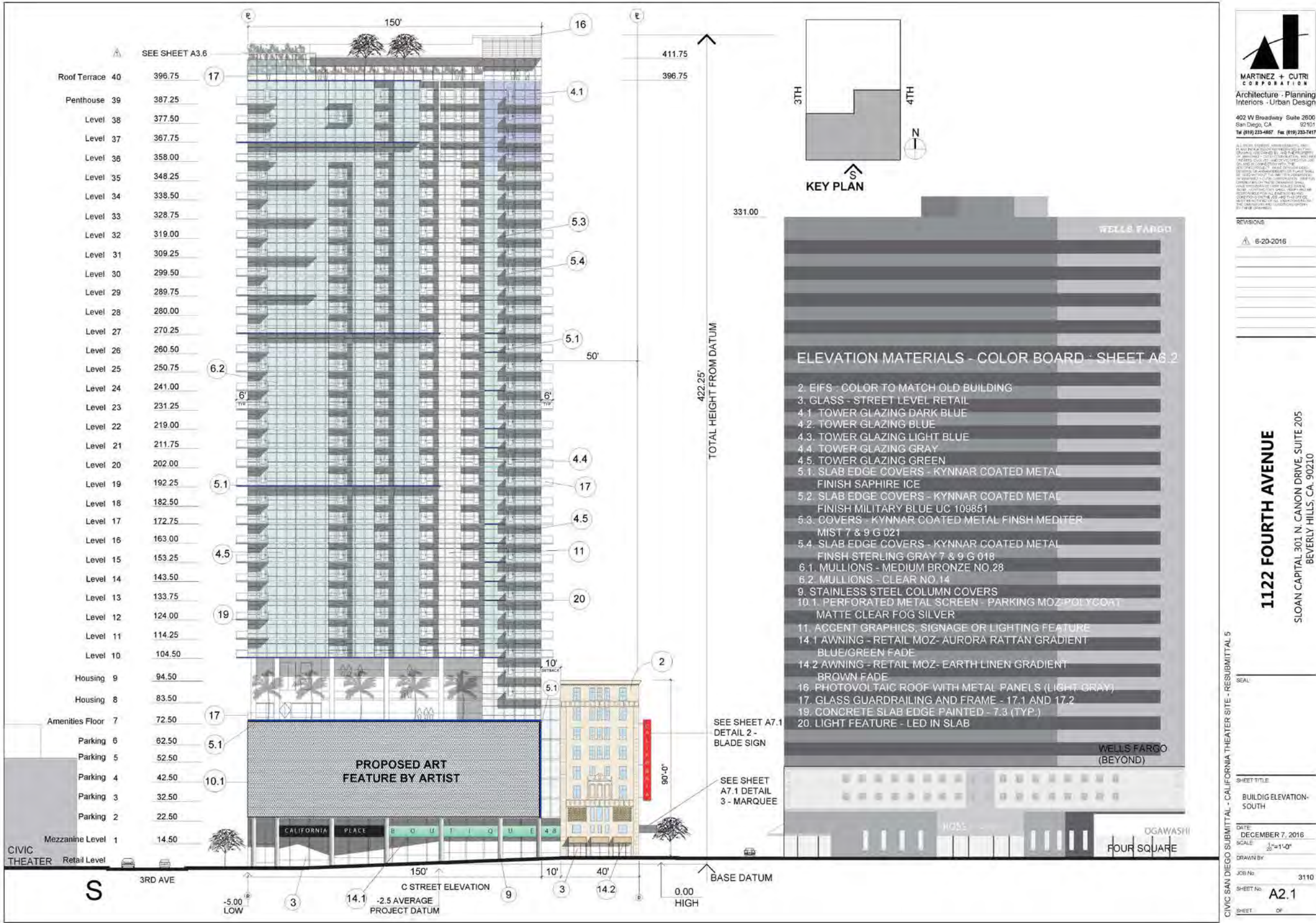


Figure 3-4 Proposed Project C Street Elevation



The project is anticipated to be constructed over a 24-month period starting in the spring of 2017. Demolition of the existing building would include the removal of approximately 16,000 tons of building debris over a 3-month period. Grading would take approximately 4 months and result in the excavation and export of approximately 32,400 cubic yards of soil for the planned below grade parking. Staging and haul routes would be determined by the contractor.

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CHAPTER 4.0

ENVIRONMENTAL IMPACT ANALYSIS

4.1 HISTORICAL RESOURCES

In accordance with the City of San Diego's Historical Resource Guidelines (City of San Diego 2001) and Land Development Code, this section describes the environmental effects of the construction and use of the proposed project on historical resources. For purposes of this analysis, historical resources include various types of cultural resources, including historical buildings, structures, objects, districts, and landscapes; traditional cultural places; and prehistoric and historic archaeological sites. The following provides a summary analysis of the steps taken to identify, evaluate, and consider the impacts to historical resources within and near the project area.

The potential for impact to unknown archaeological resources that may be buried below the ground surface was evaluated in the Downtown FEIR. The analysis presented in the Archeological Initial Assessment (ASM Affiliates 2015) and summarized in the Consistency Checklist (Appendix A) found that that proposed project would be consistent with the findings of the Downtown FEIR and potential impacts would not be greater or more severe than described. Thus, this section does not discuss potential impacts to archeological resources. The mitigation required by the Downtown FEIR to address potential impacts to unknown archaeological resources would also be required for the proposed project.

Similarly, potential for impact to unknown human remains buried below the ground surface was evaluated in the Downtown FEIR, and the Consistency Checklist (Appendix A) found that that proposed project would be consistent with the findings of the Downtown FEIR, and potential impacts would not be greater or more severe than described. Thus, this section does not discuss potential impacts to human remains. The mitigation required by the Downtown FEIR to address potential impacts to unknown human remains would also be required for the proposed project. Therefore, potential for impact to human remains are not discussed further in this section.

The information in this section is focused on the proposed project's impact on historical resources and is based on the Historical Resources Technical Report (Appendix C) and the Addendum to the HRTR (Appendix C) prepared for the proposed project.

4.1.1 Existing Conditions

Records Search and Literature Review

A records search was recently conducted at the South Coastal Information Center (SCIC) at San Diego State University on February 26, 2015, for an archaeological initial assessment and testing plan for the project (ASM Affiliates 2015) (Appendix D). The records search limits included the project area and a one-block radius. The records search included a review of 14 previous cultural resources investigations (five within the project area), previously recorded resources, and various historic maps on file at the SCIC. The records search also included a review of the following listings and sources:

- National Register of Historic Places
- California Inventory of Historic Resources
- California Historical Landmarks
- California Register of Historical Resources
- California Points of Historical Interest
- Office of Historic Preservation (OHP) Property Directory
- City of San Diego Historical Resources Board (HRB) Register of Historical Resources
- Historic maps on file

The records search identified one previously recorded resource within the project site, the California Theatre (P-37-027853; currently listed in the City's Register of Historical Resources as HRB #291, under Resolution Number R – 901024. The California Theatre building was recorded in 1989 and recommended as significant for its Spanish Colonial Revival design, and for its use as a major San Diego playhouse (Lia and Brandes 1989). Additional evaluation of the building was conducted in 1990 (Vreeland 1990), and archival documentation for previous mitigation efforts was prepared in 2014 (Marshall and Lia 2014).

Sixteen additional previously recorded built environment resources were identified within the one-block records search radius. These resources include P-37-028456 and P-37-028495. P-37-028456 consists of the Horton Plaza and Fountain, and is listed in the City's Register of Historical Resources. P-37-028495 consists of the Gaslamp Historic District, and is listed in the City's Register of Historical Resources.

An Archaeological Initial Assessment and Testing Plan Report for the proposed project was prepared in compliance with the City's Historical Resources Guidelines and CEQA, in support of this environmental assessment (ASM Affiliates 2015) (Appendix D). The report included the

results of the SCIC records search, a discussion of the project site's land use history, archaeological sensitivity, discussion of potential archaeological resource types, and a testing plan.

A letter was sent to the Native American Heritage Commission (NAHC) on February 27, 2015, requesting a Sacred Lands File search. The NAHC responded on March 13, 2016 that the record search indicated the potential of Native American cultural resources in the Point Loma Quadrangle that may be impacted, and for specific information recommended that the applicant contact the Ewiiapaayp Tribal Office. The NAHC also provided a list of 12 Native American organizations and individuals which may have additional information regarding the project area.

A Historical Resources Technical Report for the proposed project was prepared per the City's Historical Resource Technical Report Guidelines and Requirements and CEQA, in support of this environmental assessment (Appendix C). The report included research and a literature review, the development of a historical context for the project site, and an evaluation of the California Theatre and Signs #1-3 as historical resources listed in the City of San Diego Historical Resources Board Register of Historical Resources, and under the criteria of the California Register of Historical Resources (CRHR), and National Register of Historic Places (NRHP), and an impacts assessment of project outcomes on historical resources. Supplemental research was conducted at/with the following repositories and sources: San Diego History Center, Civic San Diego, San Diego County Assessor, City of San Diego Planning Department, and the California Historical Resources Inventory Database. The California Theatre and Signs #1-3 were recorded on Department of Parks and Recreation (DPR) 523 series forms, including physical descriptions, brief history of construction, date of construction, and discussions of significance and integrity (see Appendix C, HRTR Appendix D). The report is not yet on file at SCIC.

Historical Setting

San Diego's built environment spans over 200 years of architectural history. The real urbanization of the City as it is today began in 1869 when Alonzo Horton moved the center of commerce and government from Old Town (Old San Diego) to New Town (downtown). Development spread out from downtown based on a variety of factors, including the availability of potable water and transportation corridors. Factors such as views and access to public facilities affected land values, which in turn affected the character of neighborhoods that developed.

With the growing population, the City became a center for commerce and entertainment. By the turn of the 20th century, the commercial business district was concentrated in a few square

blocks. The area developed between the 1880s and 1930s with the construction of several high-rise commercial buildings in the various architectural styles, including Chicago School, Neoclassical, and Renaissance Revival styles. San Diego's rapid economic growth in the early 20th century was spurred by new commercial businesses; residential development; and new attractions such as the Panama-California International Exposition in 1915, which drew tourists. Several facilities were built in downtown San Diego for streams of new residents and visitors. San Diego's population doubled from 75,000 to 148,000 in the 1910s (May 1996). The city transformed, and entertainment facilities and other commercial attractions were developed.

Movie palaces began appearing around the country in the 1910s and reflected popular architectural styles, first with Classical styles and grandeur. In the 1920s, eclectic and exotic revival styles became more prevalent in the design of cinemas. At the time of the 1915 exposition, a new architectural style, Spanish Colonial Revival, was developed by Bertram Goodhue for the exposition buildings to reflect the Spanish colonial heritage of southern California. The elaborate and whimsical style showcased at the exposition became very popular and provided an on-trend palette for the fanciful experience of the movie palace. Six movie palaces with over 1,000 seats were built in San Diego in the 1920s, and at least two were designed in the Spanish Colonial Revival style, the 1924 Balboa Theatre and the 1927 California Theatre (May 1996).

California Theatre and Signs #1-3

The California Theatre (originally the New California Theatre) was built in 1927 as the largest vaudeville and movie palace in San Diego with 2,200 seats. It was the fifth of six large theaters built in San Diego in the 1920s. West Coast Theatres, Inc., backed by local capitalist, C.S. Judson, developed the theater and the commercial building, which included office and retail space, including a women's clothing store, Bernard's, Inc., on the second floor (Marshall and Lia 2014). By the time the California Theatre was built, West Coast Theatres was an established movie theater chain affiliated with around 200 theaters in southern California, including the local Cabrillo Theatre and Balboa Theatre (Balboa). According to the *San Diego Union*, the owners of West Coast Theatres invested in the new theater with the confidence that San Diego was "on the threshold of the greatest era of development in the city" (quoted in Marshall and Lia 2014). Designed by John Paxton Perrine, a theater architect for West Coast Theatres, the theater reflected the popular Spanish Colonial Revival style. The general contractor firm of Edwards, Wildey and Dixon constructed the building, and interior decorating firm Armstrong, Power and Co. finished the interior (Vreeland 1990).

John Paxton Perrine was contracted as a theater architect for West Coast Theatres in 1925. Perrine designed minor theaters in Hawthorne, Monrovia, El Centro, Los Angeles, Redondo

Beach, and San Bernardino. His designs included the Lincoln Theater in Los Angeles, the California Theatre in San Bernardino, and the Fox Theatre in Redondo Beach. Perrine's theaters were generally modest construction projects, except for the California Theatre in San Diego that included the eight-story office building that reportedly cost \$340,000 (*Southwest Builder and Contractor* 1926). Perrine's prolific career in theater design extended through 1930, which nationally marked the end of the movie palace era as the Depression set in. Perrine's later design work included apartment buildings, a library, and school buildings. In 1940–1941, Perrine was listed as a civil engineer in the Los Angeles Business Directory for the last time (Vreeland 1990).

Publicity for the grand opening on April 22, 1927, was showcased in the *San Diego Union*, including information on all aspects of the construction, decoration, and equipment in the theater. At the grand opening, the theater presented the films "The Venus of Venice," and "Book Idea," accompanied by Al Lyons and his band. The theater boasted cutting edge acoustics, modern lighting technology, and an elaborate Wurlitzer pipe organ that could emulate a 150-piece symphony orchestra (Vreeland 1990; Marshall and Lia 2014). The theater operated continuously with vaudeville and movies until vaudeville became obsolete and was discontinued in 1937.

In 1962–1963, the California Theatre became the canvas for advertisements painted on the west and south walls of its stage fly loft structure. As part of a marketing campaign that began in 1956 for the Caliente racetracks in Tijuana, two large advertisements were painted on the theater, one depicting dog racing (Sign #2) and the other featuring the Caliente logo and a racehorse (Sign #3). In 1956, businessman and promoter John Alessio, who had significant business ties in San Diego and Tijuana, was the Executive Director of the Caliente racetrack, and introduced the '5-10' betting system at the Agua Caliente racetrack, which would become extremely popular in both Tijuana and Southern California. As part of the marketing campaign, Alessio rebranded the racetrack as Caliente, and several billboards and print materials were distributed throughout San Diego and Southern California. Horse racing had operated in Tijuana beginning in 1916, and at Agua Caliente from 1929 to 1971, when the grandstand burned down, and from 1974 to 1993.

In 1963, the interior of the California Theatre was fully remodeled with a new lobby, glass front doors, a snack bar, seats, carpeting, drapes, heat, ventilation, and air conditioning, with air-cooled refrigeration, as well as larger restrooms with new fixtures. The theater's technology was also updated with new lighting and equipment for single-projector film equipment. The interior was painted, hiding the original murals and Spanish Colonial Revival ornamentation. By 1976, the theater was owned by Mann Theaters, and movies were discontinued. It briefly functioned as the Old Globe Theatre while their main stage was being reconstructed after a fire in 1978. The theater was also used for live music concerts, featuring rock and roll bands and other popular acts.

In 1968, the Barbary Coast tavern was in operation at the corner of 4th Avenue and C Street (City Directories 1968, 1970, 1971, 1974, and 1976). The corner had previously been occupied by the Silver Cask Co. restaurant/tavern from approximately 1934 until 1966 (City Directories 1934–1966). At some point during its operation, an advertisement for the establishment was painted on the north wall of the 9-story office building (Sign #1).

The California Theatre's fate has been uncertain since the 1990s, when it was deemed vulnerable to seismic activity. The building has been vacant for several years, and controversies over its demolition have persisted to the present time.

4.1.2 Guidelines for the Determination of Significance

California Environmental Quality Act (CEQA)

CEQA applies to all discretionary projects undertaken or subject to approval by the state's public agencies (CEQA Guidelines Section 15002(i)). CEQA (Public Resources Code [PRC] Section 21001[b], [c]) states that it is the policy of the State of California to “take all action necessary to provide the people of this state with... historic environmental qualities...and preserve for future generations examples of the major periods of California history.” CEQA Guidelines require that historical and unique archaeological resources be taken into account during the environmental review process. Section 15064.5 of the CEQA Guidelines states that “a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.”

Historical Resources

CEQA Guidelines (Section 15064.5(a)) define a “historical resource” as including the following:

- A resource listed in, or eligible for listing in, the California Register of Historical Resources (CRHR);
- A resource listed in a local register of historical resources (as defined at PRC Section 5020.1(k));
- A resource identified as significant in a historical resources survey meeting the requirements of PRC Section 5024.1(g); or
- Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals

of California. (Generally, a resource is considered by the lead agency to be “historically significant” if the resource meets the criteria for listing in the CRHR. See further discussion of the CRHR below.)

A project that causes a “substantial adverse change” in the significance of a historical resource may have a significant effect on the environment (CEQA Guidelines Section 15064.5(b)). CEQA Guidelines (Section 15064.5(b)(1)) define “substantial adverse change” as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” Generally, the significance of a historical resource is “materially impaired” when a project demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in or eligibility for the CRHR, or its inclusion in a local register of historical resources (CEQA Guidelines Section 15064.5(b)(2)).

Mitigation measures are discussed in CEQA Guidelines Section 15126.4. Generally, by following the Secretary of the Interior’s Standards for the Treatment of Historic Properties or the Secretary of the Interior’s Standards for Rehabilitation (Weeks and Grimmer 1995), impacts can be considered as mitigated to a level less than significant (CEQA Section 15064.5 (b)).

California Register of Historical Resources

The CRHR program was designed for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California’s historical resources. A historical resource can include any object, building, structure, site, area, or place that is determined to be historically or archaeologically significant. The CRHR is an authoritative guide to the state’s significant archaeological and historic architectural resources. The list of these resources can be used for state and local planning purposes, the eligibility determinations can be used for state historic preservation grant funding, and listing in the CRHR provides a certain measure of protection under CEQA. A historical resource must be significant at the local, state, or national level under one or more of the following criteria defined in CCR Title 14, Chapter 11.5, Section 4850:

1. It is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

City of San Diego Municipal Code, Chapters 11, 12, and 14

The Historical Resources Board (HRB) has been established by the City Council in accordance with the City Charter, Section 43. The Land Development Code sets forth HRB's authority, appointment and terms, meeting conduct, and powers and duties; the designation process including the nomination process, noticing and report requirements, appeals, recordation, amendments or rescission, and nomination of historical resources to state and national registers; and development regulations for historical resources.

San Diego Municipal Code, Chapter 14, Article 3, Division 2 contains regulations to protect, preserve and, where damaged, restore the historical resources of San Diego, which include historical buildings, historical structures or historical objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties. These regulations are intended to ensure that development occurs in a manner that protects the overall quality of historical resources. It is further the intent of these regulations to protect the educational, cultural, economic, and general welfare of the public, while employing regulations that are consistent with sound historical preservation principles and the rights of private property owners.

San Diego Municipal Code, Chapter 11, Article 3, Division 1 provides definitions of the different types of historical resource:

- Designated historical resource means a historical building, historical district, historical landscape, historical object, or historical structure, important archaeological site or traditional cultural property which has been designated by the HRB pursuant to Land Development Code Chapter 12, Article 3, Division 2, is included in the City of San Diego HRB Register of Historical Resources, or has been listed in or determined to be eligible for listing in the CRHR or the NRHP;
- Historical building means a construction that possesses historical, scientific, architectural, aesthetic, or cultural significance that was created principally to shelter human activity;
- Historical district means a significant concentration, linkage, or continuity of sites, buildings, structures, or objects that are united historically, geographically, or aesthetically by plan or physical development and that have a special character, historical

interest, cultural or aesthetic value, or that represents one or more architectural periods or styles in the history and development of the City;

- Historical landscape means a modified feature of the land that possesses historical, scientific, aesthetic, cultural, or ethnic significance to a neighborhood or community;
- Historical object means a construction of historical, scientific, aesthetic, cultural, or ethnic significance that is usually by design or nature movable and primarily artistic in nature or relatively small in scale and simply constructed;
- Historical resource means a designated historical resource, historical building, historical structure, historical object, important archaeological site, historical district, historical landscape, or traditional cultural property;
- Historical structure means a functional construction that possesses historical, scientific, architectural, aesthetic, or cultural significance, usually made for purposes other than sheltering human activity;
- Important archaeological site means a site or location of past human occupation with significant subsurface deposits, where important prehistoric or historic activities or events occurred, that possesses unique historical, scientific, cultural, religious, or ethnic value of local, regional, state, or federal importance. Important archaeological sites include: (a) Archaeological sites listed in the HRB Register of Historical Resources or listed in or determined to be eligible for listing in the CRHR or in the NRHP; (b) Areas of past human occupation where important prehistoric or historic activities or events occurred (such as villages or large camps); and (c) Locations of past or current traditional religious or ceremonial observances as defined by Public Resources Code Section 5097.9, and protected under Public Law 95-341, the American Indian Religious Freedom Act (such as burials, pictographs, petroglyphs, solstice observation sites, and sacred shrines); and,
- Traditional cultural property means a locale which has been, and may continue to be, of religious, mythological, economic, or social importance to an identifiable ethnic group. This includes sacred areas where religious ceremonies were or are practiced or that are central to a group's origins as a people (such as a mountain, river, or cave). Also included are areas where plants or other materials were or are gathered for food, medicine, or other economic purposes.

The City's Historical Resources Regulations (codified in the San Diego Municipal Code as Chapter 11, Article 3, Division 1, §143.0210) require that historical resources and traditional cultural properties be preserved unless deviation findings can be made by the decision maker as part of a discretionary permit. Minor alterations consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties are exempt from the requirement to obtain a

Site Development Permit but must comply with the regulations and associated historical resources guidelines. Limited development may encroach into important archaeological sites if adequate mitigation measures are provided as a condition of approval.

Land Development Manual – Historical Resource Guidelines

Historical Resources Guidelines, located in the Land Development Manual (City of San Diego 2001), provide property owners, the development community, consultants, and the general public explicit guidance for the management of historical resources located within the City's jurisdiction. These guidelines are designed to implement the historical resources regulations contained in the Land Development Code (Chapter 14, Article 3, Division 2), and guide the development review process.

Any improvement, building, structure, sign, interior element and fixture, feature, site, place, district, area, or object may be designated a historical resource by the City's HRB if it meets one or more of the following designation criteria:

- a. It exemplifies or reflects special elements of the City's, a community's, or a neighborhood's, historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development;
- b. It is identified with persons or events significant in local, state or national history;
- c. It embodies distinctive characteristics of a style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;
- d. It is representative of the notable work or a master builder, designer, architect, engineer, landscape architect, interior designer, artist, or craftsman;
- e. It is listed or has been determined eligible by the National Park Service for listing in the NRHP or is listed or has been determined eligible by the State Historical Preservation Office for listing in the CRHR; or
- f. It is a finite group of resources related to one another in a clearly distinguishable way or is a geographically definable area or neighborhood containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles in the history and development of the City.

City of San Diego Development Services Department CEQA Significance Determination Thresholds

The City has developed Significance Determination Thresholds (also known as Guidelines) to assist staff, project proponents, and the public in determining whether, based on substantial evidence, a project may have a significant effect on the environment, per CEQA Guidelines Section 21082.2, and therefore the environmental impact requires mitigation. The City's Significance Determination Thresholds for analyzing impacts to historical resources describe three kinds of impacts to historical resources: direct, indirect, and cumulative.

Direct impacts generally result from activities that will cause damage to or have an adverse effect on the resource. Indirect impacts (primarily for built environment resources but also applicable to archaeological resources) include the introduction of visual, audible, or atmospheric effects that are out of character with the historic property or alter its setting, when the setting contributes to the property's significance. For archaeological resources and traditional cultural properties, indirect impacts are often the result of increased public accessibility to resources not otherwise subject to impacts that may result in an increased potential for vandalism and site destruction. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. According to the City's Historical Resources Guidelines, the loss of a historical resource database due to mitigation by data recovery may be considered a cumulative impact. In the built environment, cumulative impacts most often occur to districts, where several minor changes to contributing properties, their landscaping, or to their setting over time could result in a significant loss of integrity to the district as a whole.

A significant impact would result if a project would:

1. Result in an alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, object, or site; or
2. Result in any impact to existing religious or sacred uses within the potential impact area.

4.1.3 Analysis of Project Effects

Issue 1: Would the project result in an alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, object, or site?

Impact Thresholds

Impacts to historical resources may be significant if the proposed project would result in the alteration and/or the destruction of a prehistoric or historic building, structure, object, or site. The evaluation of the project site under the NRHP, CRHR, and the City's Historical Resources Board (HRB) designation criteria as described in the HRTR (Appendix C) and in an Addendum to the HRTR (Appendix C). Resources that are over 45 years old exist in the project site including a building and objects that may be altered by the project, and were evaluated for significance as potential historical resources for the purposes of CEQA. The determination of significance of impacts on historical and unique archaeological resources is based on the criteria found in Section 15064.5 of the State CEQA Guidelines. Section 15064.5 clarifies the definition of a substantial adverse change in the significance of a historical resource as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired."

Impact Analysis

The California Theatre was identified as an architecturally significant building within the project area. The California Theatre is listed in the City's HRB Register of Historical Resources (HRB Site #291) and is eligible for listing in the NRHP and CRHR at the local level of significance under NRHP Criteria A and CRHR Criteria 1 for its association with the booming development of downtown San Diego in the 1920s, and under NRHP Criteria C and CRHR Criteria 3 for its local significance as a good example of a Spanish Colonial Revival-style building.

Signs #1–3 were evaluated individually in the Historical Resources Technical Report as objects and were found to be not eligible for the NRHP, CRHR, and local register (Appendix C). In addition, at the April 28, 2016 HRB meeting, the HRB considered the designation of the California Theatre Painted Wall Signs under Meeting Agenda Item #6. The HRB did not make a decision regarding the designation of the signs at the meeting, and passed a motion requesting supplemental information be provided to augment the HRTR. The HRB motion requested:

“...the consultant to supplement the materials related to the two Agua Caliente painted wall signs, in particular, the sign the DPR form refers to as “sign 3” (the largest sign located on the west elevation). The Board would like: (1) substantive information and analysis with regard to the context of cross-border tourism and commerce (San Diego and Tijuana) and related economic development in the 1950s and 1960s, and how the signs may reflect or relate to those historic activities; (2) more information and background about the technique used for painting the wall signs; and (3) more information on the artist(s) responsible, to

the extent that there is more information to be found. Additionally, if historic photos of the dog racing sign can be located, they should be included in the report.”

Between April 29, and May 26, 2016, supplemental research was conducted regarding the signs, specifically Sign #2 and Sign #3, which are related to the Agua Caliente Racetrack in Tijuana. Research was completed through a variety of repositories, archives, libraries, knowledgeable groups, and individuals (Appendix C). The Addendum to the HRTR (Appendix C) was submitted to the HRB on June 1, 2016, by AECOM. On June 16, 2016, the HRB staff prepared a memorandum regarding the information received from AECOM as part of the Addendum to the HRTR. In addition, an analysis submitted by Legacy 106, Inc., which also evaluated the signs, was submitted to the HRB staff. The memorandum prepared by the HRB staff made the following findings that were included in the HRB staff report for the June 2016 HRB meeting:

- Based on the additional research and analysis provided by the AECOM Addendum to the HRTR, the sign does not exemplify or reflect special elements of the City’s historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development (City of San Diego, 2016).
- The brief report provided by Legacy 106, Inc. fails to address the significance of the property under HRB Criteria A and C. The report has made a number of statements but fails to provide background information substantiating these statements. (City of San Diego 2016).

At the June 28, 2016, HRB meeting, six members of the HRB qualified to vote on the matter (which represented a quorum) examined the information provided by the Staff Report, AECOM, and Legacy106, Inc.; heard public testimony and comments on the issue; and deliberated on the issue. Following the hearing, the HRB failed to pass a motion in favor of a designation. In total, five members voted in favor of designation; however, one board member voted in support of the Staff Recommendation and against designation. Since the agenda item failed to receive six votes in favor of designation, the motion failed and the painted wall signs were not listed in the City’s historical resource register. As a result of this action, the painted wall signs would not qualify as historical resources for purposes of CEQA, since a preponderance of evidence does not exist that demonstrates the signs are significant historical resources. On June 30, 2016, the HRB issued a Notice of Action stating that the signs are not designated historical resources and that the HRB came to this decision following a review of historical reports prepared by the applicant, the staff report and recommendation, and all other materials submitted prior to and at the public meeting, including testimony. The Notice of Action states the HRB action is final and not subject to appeal.

The two other significant historic resources within the project area, Horton Plaza and Fountain (P-37-028456), and the Gaslamp Historic District (P-37-028495), would not be directly impacted by the proposed project as excavation and demolition activities would be constrained within the project site. Indirect impacts to these historic resources, such as visual, audible, or atmospheric effects that are out of character or alter the setting would also not occur as the downtown location of these resources is already built up with highly urban development with new or recent development surrounding the properties and limited viewsheds.

The proposed project would demolish the California Theatre building, which is a significant historical resource. Demolition is not consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties (36 Code of Federal Regulations part 68) and their applicable guidelines, because the historical character of the historical resource would not be retained or preserved. Thus, demolition of this resource and its character-defining features is not consistent with the Secretary of the Interior's Standards, and full demolition as proposed would be considered a significant and unavoidable impact.

Significance of Impacts

The demolition of the historically significant California Theatre as proposed by the project would be inconsistent with the Secretary of the Interior's Standards because the historical character of the historical resource would not be retained or preserved. This is considered a significant and unavoidable impact.

No significant indirect impacts would occur to surrounding historic properties due to the existing developed and urban setting.

Issue 2: Would the project result in any impact to existing religious or sacred uses within the potential impact area?

Impact Thresholds

Impacts to historical resources may be significant if the proposed project would result in any impact to existing religious or sacred uses within the potential impact area.

Impact Analysis

The SCIC records search identified no existing religious or sacred uses within the project site. To date, no response has been received from the NAHC concerning a Sacred Lands File search.

Thus, the proposed project would have no impact on existing religious or sacred uses within the potential impact area.

Significance of Impacts

The proposed project would have no impacts to religious or sacred uses.

4.1.4 Mitigation Measures

Mitigation Measures HR-1 through HR-3 would be required to address the significant impact related to the demolition of the California Theatre. The City of San Diego's Land Development Manual – Historical Resources Guidelines identifies preferred mitigation measures to avoid impacts, including avoidance of a significant resource through project redesign or relocation of the significant resource. Since the proposed project includes the full or partial demolition of the California Theatre, and relocation does not appear feasible, the following mitigation measures have been identified.

Measure HR-1:

Recording the Resource: The City of San Diego's Land Development Manual – Historical Resources Guidelines identifies preferred mitigation measures to avoid impacts, including avoidance of a significant resource through project redesign or relocation of the significant resource. Since the proposed project includes the full or partial demolition of the California Theatre, a full recording of the building should be done so that a record of the significant resource is maintained.

Prior to demolition, Secretary of Interior-qualified professionals (in history or architectural history) (36 CFR Part 61) shall perform photo-recording and documentation consistent to the standards of the National Parks Service (NPS) Historic American Building Survey (HABS) documentation. HABS documentation is described by the NPS as “the last means of preservation of a property; when a property is to be demolished, its documentation provides future researcher access to valuable information that otherwise would be lost” (Russell 1990). The HABS record for the California Theatre shall consist of measured drawings (or reproductions of historic drawings), large-format archival photographs, and written data (e.g., historic context, building descriptions) that provide a detailed record that reflects the California Theatre's historical significance. At a minimum, the California Theatre should receive HABS Level II documentation (Russell 1990:4). If historical as-built drawings do not exist or are not reproducible to HABS standards, then measured drawings shall be prepared to document

the structure and its alterations. These shall adhere to the standards set for a HABS Level I record. Past mitigation efforts may have produced large-form archival photographs (Marshall and Lia 2014), and may be used for HR-1, provided they meet HABS standards. Following completion of the HABS documentation and approval by the HRB, the materials shall be placed on file with the City, San Diego History Center, San Diego Central Library, and the Library of Congress.

Measure HR-2:

Architectural Salvage: Architectural Salvage: Prior to demolition, the project applicant's qualified historic preservation professional (QHPP) shall make available for donation architectural materials from the site to museums, archives, and curation facilities; the public; and nonprofit organizations to preserve, interpret, and display the history of the California Theatre. The materials to become architectural salvage shall include historic-period elements that would be removed as part of the project, and shall be identified and made available prior to the commencement of demolition activities, to ensure that materials removed do not experience further damage from removal/demolition. No materials shall be salvaged or removed until HABS documentation is completed and an inventory of key exterior and interior features and materials is completed by Secretary of Interior-qualified professionals. The inventory of key exterior and interior elements shall be developed prior to issuance of the demolition or grading permit. The materials shall be removed prior to or during demolition. Materials that are contaminated, unsound, or decayed shall not be included in the salvage program and shall not be available for future use or display. Based on past studies of the property, it is likely the materials for salvage may include the theater seats, lighting fixtures (chandeliers), wall and ceiling moldings, ornamental grille, decorative trim surrounding the stage, projection booth materials, and backdrop; however, the final list of materials shall be developed prior to demolition activities. The QHPP shall determine which materials are suitable for salvage (the assistance of qualified professionals can be utilized to make such determinations). Once the items for salvage are identified, the QHPP shall submit this information to the City's Historical Resource Section for approval. Following that, the QHPP in concert with the City's Historical Resources Section, shall notify various groups via letters, email, notification on the City's website, or public notices posted in newspapers concerning the availability of the salvaged materials and then shall make arrangements for any interested parties to pick up the materials after they have removed them. The project applicant shall be responsible for storing the salvaged materials in an appropriate climate-controlled storage space for an appropriate period of time, as determined through consultation with the City's Historical Resources Section. Prior to any plans to no longer use the storage space, the applicant will provide the City's Historical Resources Section with an

inventory of any materials that were not donated to any interested parties, and measures to be taken by the project applicant to dispose of these materials.

Measure HR-3:

Interpretative Display: In concert with HABS documentation, the applicant will create a display and interpretive material to the satisfaction of the HRB staff for public exhibition concerning the history of the California Theatre. The display and interpretive material, such as a printed brochure, could be based on the photographs produced in the HABS documentation, and the historic archival research previously prepared as part of the project. This display and interpretive material shall be available to schools, museums, archives and curation facilities, libraries, nonprofit organizations, the public, and other interested agencies. The display shall also be installed at the site by the applicant prior to the Certificate of Occupancy, after construction similar to other demolished historical resources, like the displays at Petco Park. Prior to approval by City staff, the interpretative display will be presented to the HRB as an information item for input. The City would be responsible for reviewing and approving the display, including the language used for the display.

4.1.5 Conclusion

Mitigation Measures HR-1 through HR-3 require a full recording of the building to ensure a record of the significant resource is maintained, architectural salvage, and development of a public interpretative display and materials. These actions would serve to reduce the impact associated with the proposed project's demolition of the California Theatre; however, because demolition is not consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties, the impact would not be reduced to less than significant. The proposed project impact to the historic California Theatre would remain significant and unavoidable impact even after the implementation of mitigation.

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CHAPTER 5.0

CUMULATIVE IMPACTS

CEQA Guidelines Section 15130 requires the consideration of cumulative impacts within an EIR when a project's incremental effects are cumulatively considerable. CEQA Guidelines Section 15355 defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Cumulatively considerable means that "the incremental effects of an individual 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." In identifying projects that may contribute to cumulative impacts, the CEQA Guidelines allow the use of a list of past, present, and reasonably anticipated future projects, producing related or cumulative impacts, including those outside of the control of the lead agency.

In accordance with CEQA Guidelines Section 15130(b), "the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, the discussion need not provide as great [a level of] detail as is provided for the effects attributable to the project alone." The discussion should be guided by standards of practicality and reasonableness, and it should focus on the cumulative impact to which the identified other projects contribute rather than on the attributes of other projects that do not contribute to the cumulative impact. This SEIR utilizes the findings from the Downtown FEIR.

5.1 CUMULATIVE IMPACTS PREVIOUSLY IDENTIFIED

The Downtown FEIR analyzed cumulative effects that may occur from development in accordance with the proposed Downtown Community Plan and in combination with other communities within San Diego County. The cumulative effects of projects occurring within the downtown planning area are analyzed in Chapter 6.0 of the Downtown FEIR.

The Downtown FEIR identified cumulative impacts to five different resources and provided mitigation for these impacts; however, mitigation would not reduce the cumulative impacts to below a level of significance; therefore, these impacts are considered cumulatively significant and potentially unmitigable. The Downtown FEIR identifies the following five resources with significant unmitigable cumulative impacts:

Air Quality

Impact AQ-A.: Increase in mobile emissions

Historical Resources

Impact Hist-A.1: Impacts to historical resources

Impact Hist-B.1: Impacts to archaeological resources

Hydrology/Water Quality

Impact WQ-A-1: Surface water pollution

Land Use Compatibility

Impact LU-B.5: Transient impacts

Traffic/Circulation/Parking

Impact TRF-A.1.1: Impacts to grid streets

Impact TRF-A.1.2: Impacts to surrounding streets

Impact TRF-A.2.1: Increased freeway traffic

5.2 CUMULATIVE ANALYSIS

As described throughout this SEIR, the proposed project would have the potential to impact historical resources beyond the scope anticipated in the Downtown FEIR due to the complete demolition of the California Theatre, which is a significant historical resource. Impacts to other resource areas would be within the range of impacts anticipated by the Downtown FEIR; thus, this cumulative analysis focuses only on potential cumulative impacts to historical resources.

The Downtown FEIR Impact HIST-A.1 states that the demolition or substantial alteration of significant historical resources, in combination with the loss of similar resources in the region, would contribute to the cumulatively significant and unmitigable impact to historical resources. Historical resources continue to be lost within San Diego County, and any loss of these resources due to buildout of the Downtown Community Plan would result in a significant cumulative impact.

The loss of the California Theatre, which is listed in the City of San Diego HRB Register of Historical Resources and is eligible for listing in the NRHP and CRHR, would contribute to the continuing loss of significant historical resources as described in the Downtown FEIR. The cumulative loss of historical resources due to buildout of the Downtown Community Plan was identified by the Downtown FEIR; thus, the demolition of the California Theatre as a result of the proposed project would be within the scope of cumulative impacts anticipated by the cumulative analysis of the Downtown FEIR. The cumulative impact to historical resources as a result of the proposed project would remain significant and unavoidable as identified in the Downtown FEIR.

The proposed project requires mitigation measures specific to the loss of the California Theatre. Measures HR-1 through HR-3 require full recordation and documentation of the structure prior to demolition, architectural salvage, and development of an interpretive display for public exhibition. These measures represent the extent of feasible mitigation available to reduce the impact to historical resources. While these measures would serve to reduce the historical resource impact, it would not be mitigated to below a level of significance. There is no additional mitigation that would further reduce the cumulative impact.

As described in the Downton FEIR, no measures beyond those required by federal, state, and local regulations as well as proposed goals and policies are within the control of CivicSD or future individual developments. The project would not implement two programmatic mitigation measures identified in the Downtown FEIR to reduce impacts to historical resources (Hist-A.1-1 and Hist-A.1-2) as they are specific to historical resources that would be retained or relocated as part of a project and are not applicable to the complete loss of a historical structure. There are no additional mitigation measures for cumulative impacts to historical resources. Even with implementation of the project-specific mitigation, the cumulative impact to historical resources would remain significant and unavoidable.

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CHAPTER 6.0

ALTERNATIVES TO THE PROPOSED PROJECT

In accordance with CEQA Guidelines Section 15126.6, this SEIR contains a comparative impact assessment of alternatives that would lessen significant impacts of the proposed project. CEQA Guidelines, Section 15126.6 states:

“an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible.”

The primary purpose of this chapter is to provide decision makers and the general public a reasonable number of feasible alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the project’s significant adverse environmental effects.

6.1 ALTERNATIVES THAT WOULD REDUCE OR AVOID SIGNIFICANT IMPACTS

As previously mentioned, CEQA Guidelines Section 15126.6 requires that the EIR contains a comparative impact assessment of alternatives that would avoid or substantially lessen any of the significant effects of the project. As identified in Chapter 4.0, a significant impact to historical resources was identified with implementation of the proposed project. Thus, this SEIR analyzes the following alternatives to the proposed project that would reduce or avoid significant impacts to historical resources.

The Downtown FEIR considers alternatives to the proposed development of the downtown area. Within that FEIR, a “No Project Alternative” was considered, for which development downtown would revert to the guidance of the 1992 Plan. Implementation of the 1992 Plan could significantly impact historical resources, which occur throughout the downtown planning area. The 1992 Plan contains development incentives to encourage the restoration and renovation of designed historical sites, including FAR exceptions, land use and property development exceptions, alternative building code provisions, and tax credits. Although the DCP carries these

incentives over, potentially significant impacts could still occur. Therefore, there is not a substantial difference between the 1992 Plan and the DCP with respect to historical architectural resources.

As the potential impacts associated with the proposed project were found to exceed the impacts to historical resources evaluated in the Downtown FEIR and subsequent addenda, this SEIR considers project-specific alternatives that would have less of an impact on historical resources in comparison to the proposed project. Specifically, seven alternatives were considered, including five alternative development proposals, the no project alternative, and an offsite project alternative. Design alternatives one through five, are depicted in Figures 6-1 and 6-2. Of these alternatives considered, two were rejected and five were carried forward, as described further below.

6.1.1 Project Alternatives Considered and Rejected

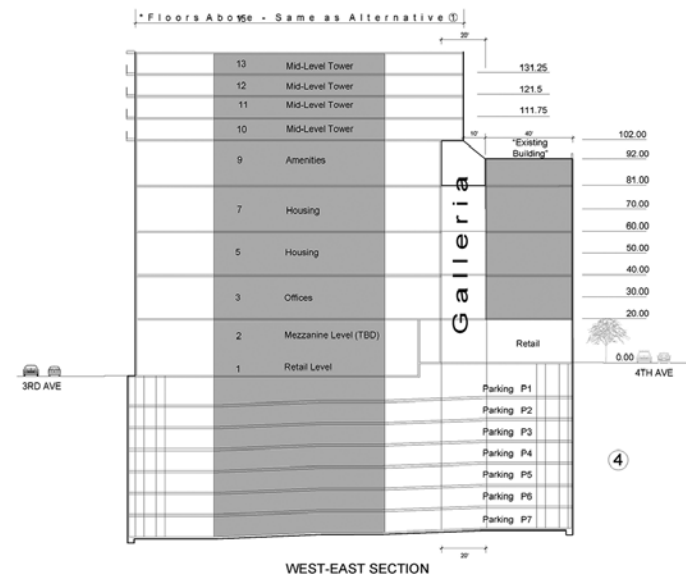
Two alternatives were considered, but not explored further in this SEIR including an offsite project alternative, and a full rehabilitation alternative. These alternatives were explored, because they would retain the California Theatre building, while meeting some of the project objectives. However, upon further consideration they were rejected.

Alternative Location

An alternative project site location should be considered if development of another site is feasible, and if development of another site would avoid or substantially lessen significant impacts of the proposed project. Offsite alternative analysis considers “whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location” (14 CCR 15126.6(f)(2)(A)). Furthermore, the CEQA Guidelines states that “an EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative” (14 CCR 15126.6(f)(3)).

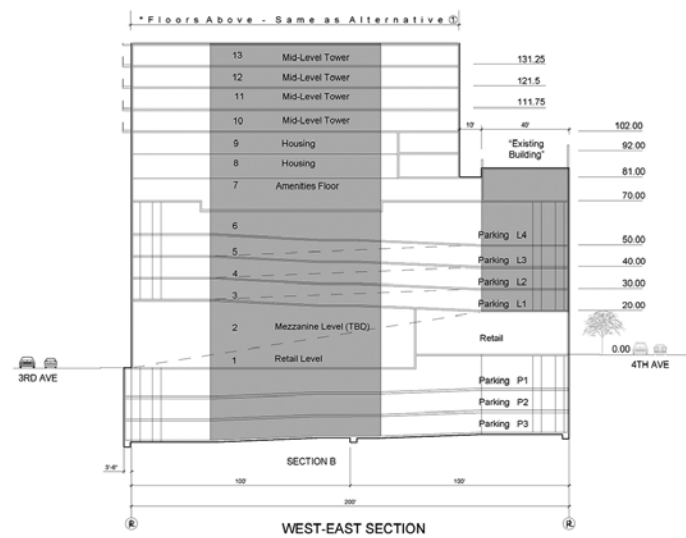
The availability of an alternative site does not in and of itself reduce impact potential. It is expected that while developing a similar project in another location would result in a reduction of impacts to historical resources, a similar array of other project impacts would occur and would transfer these impacts to areas surrounding the alternate site location. When exploring offsite locations, the primary objectives of the proposed project were considered including the following:

- Be within walking distance of existing employment opportunities, along a trolley line, and in proximity to downtown civic and recreational opportunities.



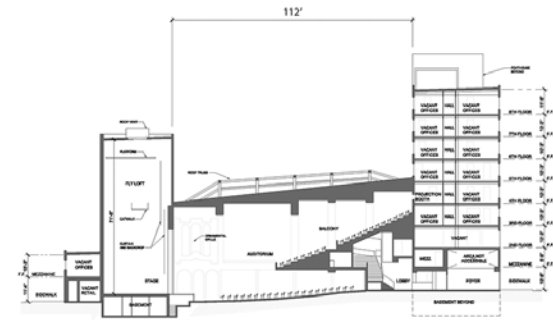
Alternative ④

Clear theater portion of the site (with the exception of the old ground floor façade on C St) and retain and rehabilitate existing 9-story tower portion of the old California Theater office tower and add a mixed-use tower with ground floor retail, residential dwelling units, and adequate u/g parking for both uses (from the base project). Additionally, rehabilitate the southern theater façade on C St, recreating the appearance of historic façade's first floor for new retail purposes. The main residential entrance lobby still occurs off 4th Ave., and further a 20 ft. wide Galleria, 92 ft. high, would occur off C Street. Amenities for the new residential units above are similar to the Base Project.



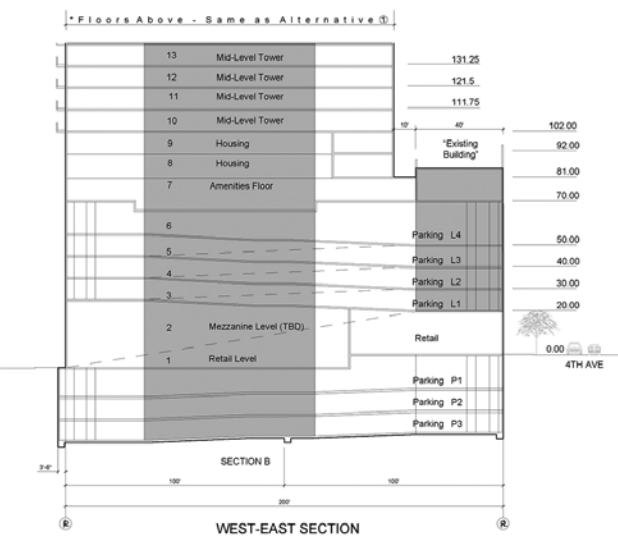
Alternative ③

Clear theater portion of the site (with the exception of the old ground floor façade on C St) and retain and rehabilitate existing 9-story tower portion of the old California Theater office tower and add a mixed-use tower with ground floor retail, residential dwelling units, and adequate u/g and a/g parking for both uses (from the base project). Additionally, rehabilitate the southern theater façade on C St and recreate appearance of historic façade above grade with retail on ground floor and decorative elements above, all of which would be covering the a/g parking inside. Similar to Alternative 2, the rehabilitated tower structure massing will include a/g parking, the main residential entrance lobby and amenities for the new residential units above.



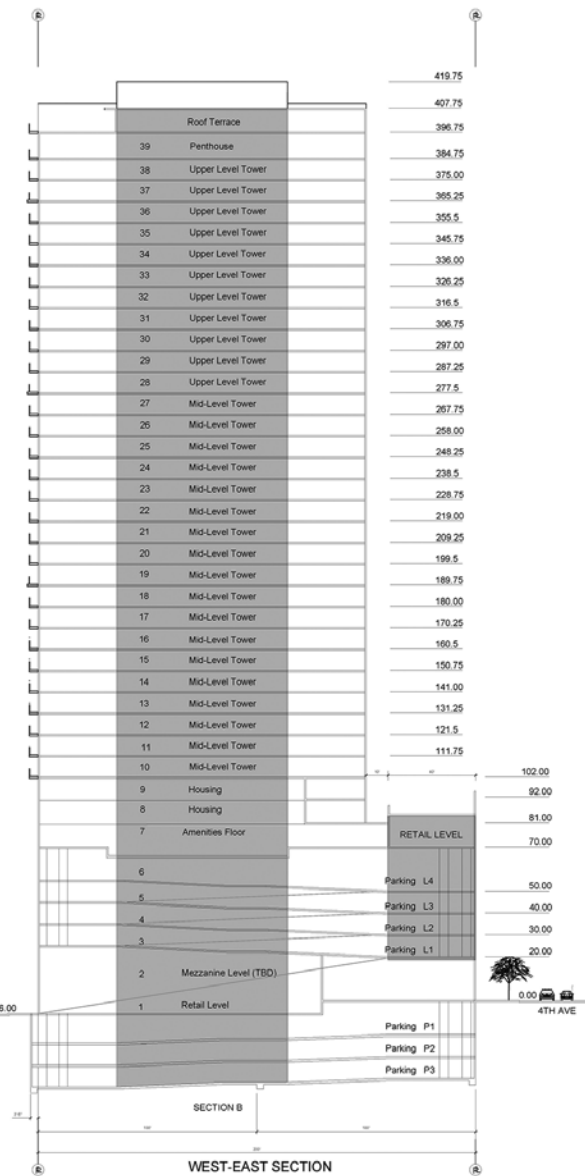
Alternative ⑤

Complete rehabilitation of theater and tower portions of the existing structure for adaptive reuse as-is with existing parking. No additional square footage or changes to existing building massing. This alternative contemplates utilizing the theater space as a functioning theater. The office tower portion will be modified for the highest and best use based on our market analysis.



Alternative ②

Clear theater portion of the site and retain and rehabilitate existing 9-story tower portion of the old California Theater office tower and add a mixed-use tower with ground floor retail, residential dwelling units, and adequate u/g and a/g parking for both uses (from the base project). The rehabilitated tower structure massing will include a/g parking, the main residential entrance lobby and amenities for the new residential units above.



Alternative ①

Clear entire site and construct a new mixed-use tower as proposed in the Base Project with a reconstruction of the 4th Avenue and C Street facades from the existing 9-story office tower on that portion of the newly constructed building.

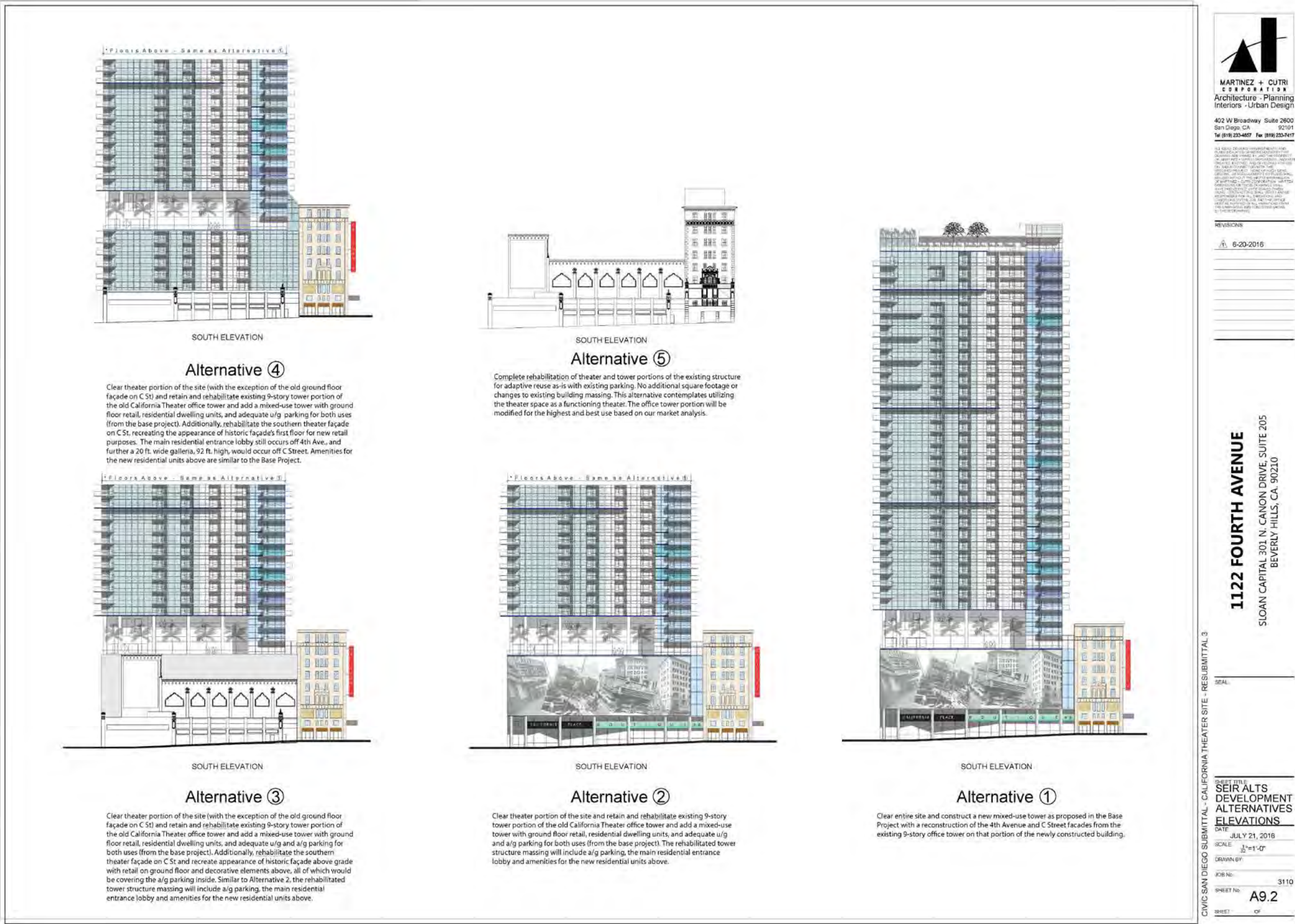


Figure 6-2 Design Alternatives - Elevations

- Provide for revitalization of commercial areas along C Street, through the creation of new retail space as part of the project, and also by bringing residents to patronize existing businesses in the area.

Like the proposed project site, some other sites along C Street are along the trolley line and would provide revitalization to the C Street corridor. However, there are no other sites under the applicant's control to allow for development of a mixed-use project that would meet the above project objectives. The applicant does not currently own another site for the project, and cannot reasonably acquire, control, or otherwise have access to a sufficiently sized alternative site that meets the above objectives. As such, it would not be reasonable for the project proponent to acquire an alternative project site location. Further, development of alternative site would leave the current property in its deteriorated condition, diminishing revitalization efforts in immediate proximity to the proposed project site. Therefore, an alternative providing the components of the proposed project on an alternative site location was rejected.

Full Rehabilitation

The Full Rehabilitation alternative would rehabilitate all existing structures on the site in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Secretary of the Interior's Standards). No additional square footage would be added and no changes to the building's massing would occur. This alternative contemplates utilizing the theater space a commercial space. The office building portion would be modified for the highest and best use based on the market analysis. If identified as the highest and best use, the office building could accommodate four residential units on the upper four floors, for a total of 16 residential units. This alternative is rejected because it does not meet the project objectives of providing new multi-family housing opportunities at a scale necessary to revitalize the C Street corridor, nor provide ground level retail space, within walking distance of existing employment opportunities, along a trolley line, and in proximity to downtown civic and recreational opportunities.

6.1.2 Project Alternatives Considered

No Project Alternative

CEQA Guidelines require analysis of the No Project Alternative (PRC Section 15126). According to Section 15126.6 (e), "the specific alternative of 'no project' shall also be evaluated along with its impacts."

The No Project Alternative assumes that the California Theatre, as well as any portion of the existing site, would not be demolished and no new construction or rehabilitation activities would occur. No new uses for the existing buildings and site would be implemented and the current vacant and unoccupied condition would continue.

Alternative 1

This alternative would include demolition of the entire existing site, including the California Theatre and office building. Alternative 1 would construct a new 40-story mixed-use tower (as included in the proposed project) and would construct a new 9-story building. The new 9-story building would include reconstruction of the existing 4th Avenue and C Street façades from the existing 9-story office building. As in the proposed project, the new 9-story building would consist of three levels of below ground parking, four levels of above ground parking, one main residential entrance lobby level off 4th Avenue and one level of retail. The 40-story mixed-use tower design is also the same as the proposed project, and includes 391,650 sf of gross floor area. The total square footage, including parking, is 607,000 sf. With revisions to the proposed project, including re-creation of the existing 4th Avenue and C Street facades, this alternative is considered equivalent to the proposed project.

Alternative 2

This alternative would include the demolition of the existing California Theatre, the retention and rehabilitation of the existing 9-story office building along with the construction of a new 40-story mixed-use tower (as included in the proposed project). The rehabilitated 9-story building would have four levels of above ground parking, one main residential lobby entrance, and one level of amenities for the residential units. The 40-story mixed-use tower design is the same as the proposed project and includes 391,650 sf of gross floor area. The total square footage, including parking, is 607,000 sf.

Alternative 3

This alternative would demolish the theater portion of the existing California Theatre, with the exception of the old ground floor façade on C Street, and add a 40-story mixed-use tower with ground floor retail, residential dwelling units, and adequate above ground and below ground parking. In addition, this alternative would include retention and rehabilitation of the 9-story office building. The southern theater façade on C Street would be rehabilitated, and the appearance of the historic façade above grade would be re-created with retail on the ground floor and decorative elements above, all of which would be covering the four above ground parking levels. The design of the proposed new 40-story tower and rehabilitated 9-story tower is the same

as Alternative 2. This alternative incorporates recreation of the “Caliente” sign on the north façade of the 9-story office building.

Alternative 4

This alternative considers demolition of the theater portion of the California Theatre, with the exception of the ground floor C Street façade. It also includes retaining and rehabilitating the 9-story office building and adding a new 40-story mixed-use tower. The re-creation of the “Caliente” sign on the north façade of the 9-story office building would be included. This alternative would retain and rehabilitate the C Street façade on the ground floor for new retail purposes. The new multi-use 40-story tower would contain ground floor retail, residential dwelling units, and offices, and would have seven levels of underground parking. In addition, this alternative would have a setback between the new tower and rehabilitated 9-story office building that would create a 20-foot-wide, 92-foot-high galleria running north and south between the buildings, creating open space from the ground level through the ninth floor. This project comprises a total of 607,000 sf, with 391,650 sf gross floor area.

6.2 ANALYSIS OF ALTERNATIVES

6.2.1 No Project Alternative

Description of No Project Alternative

The No Project Alternative assumes that the California Theatre, as well as any portion of the existing site, would not be demolished and no new construction would occur. No new uses for the existing buildings and site would be implemented and the current vacant and unoccupied condition would continue.

Analysis of Environmental Effect in Comparison to the Proposed Project

The No Project Alternative assumes that the existing site, including the California Theatre and 9-story building, would remain as is and no part of the site would be demolished and/or excavated. This alternative maintains the existing environmental conditions of the site.

As described previously, the California Theatre is currently listed in the City of San Diego HRB Register of Historical Resources and appears eligible for listing in the NRHP and CRHR. Since the No Project Alternative would not result in the demolishment or alteration of the California Theatre, which is a historical resource significant at the federal, state, and local levels, the No

Project Alternative would follow the Secretary of the Interior's Standards and no significant environmental impacts to a historical resource would occur.

However, the disuse and vacancy of the California Theatre have allowed it to deteriorate. Without proper mothballing, this alternative leaves the California Theatre exposed to further deterioration and vandalism, which would pose continued threats to its integrity. This could potentially result in the loss of its eligibility for listing in the NRHP and CRHR and its historical status and listing in the local register with no other proposed intervention.

Conclusion

The No Project Alternative would avoid the significant historical impact that would result from implementation of the proposed project. This alternative would be environmentally superior relative to the proposed project with respect to historical resources as it would not result in a significant environmental impact to a historical resource significant at the federal, state, and local levels as would occur with the proposed project. The No Project Alternative would meet the objective to pay homage to the historical nature of the California Theatre by leaving the structure intact. In comparison to the proposed project, the No Project Alternative would not meet the objectives to provide new housing or business opportunities.

6.2.2 Alternative 1

Description of Alternative 1

Similar to the proposed project, Alternative 1 would demolish all structures on the project site and construct a new 40-story mixed-use tower as well as a new 9-story building. Both projects would include a The new tower, would includeing the reconstruction of the existing 4th Avenue and C Street façades from the existing 9-story office building as part of the new office building.

Analysis of Environmental Effect in Comparison to the Proposed Project

The full demolition of the project site as proposed under Alternative 1 would result in the same direct significant historical resource impact as the proposed project due to the complete loss of the historical structure. Similar to the proposed project, this project would ~~Though the significant impact would not be avoided, it would be slightly less severe as this alternative would include~~ the reconstruction of the existing 4th Avenue and C Street façades from the existing 9-story office building in an effort to retain and pay tribute to some of the historical elements and architectural features of the historical structure. This alternative is considered to have equivalent impacts with respect to historic resources when compared to the proposed project. The same

mitigation measures HR-1 through HR-3 would be applicable to Alternative 1, but also would not mitigate the impact to below a level of significance.

Conclusion

Alternative 1 would not avoid the significant historical impact that would result from implementation of the proposed project. Equivalent to the proposed project it would lessen the ; ~~however, it would lessen the severity of the~~ historical impact by incorporating some historical elements into the new project design. Alternative 1 would meet the objective to pay homage to the historical nature of the California Theatre by reconstructing a portion of the historical façade into the new 9-story office building. Alternative 1 would also meet the objectives to provide potential new housing and business opportunities to the area-

6.2.3 Alternative 2

Description of Alternative 2

Similar to the proposed project, Alternative 2 would demolish the California Theatre and construct a new 40-story mixed-use tower. However, Alternative 2 would not demolish the existing 9-story office building, but would retain and rehabilitate the structure.

Analysis of Environmental Effect in Comparison to the Proposed Project

The partial demolition of the project site, including the California Theatre, as proposed under Alternative 2 would result in a direct significant historical resource impact as the proposed project due to the loss of the historical theater structure. Though the significant impact would not be avoided, it would be less severe as this alternative would not demolish the existing 9-story office building, but rather would rehabilitate the structure for modern use. This would serve to retain portions of the building, including character-defining features of the office building, which would reduce the direct impacts on the historical resource, but would still not be considered less than significant due to the overall loss of historical materials. The same mitigation measures HR-1 through HR-3 would be applicable to Alternative 2, but also would not mitigate the impact to below a level of significance.

Conclusion

Alternative 2 would not completely avoid the significant historical impact that would result from implementation of the proposed project due to the loss of the historical California Theatre; however, it would lessen the severity of the historical impact by retaining the existing office

building. Alternative 2 would meet the objective to pay homage to the historical nature of the California Theatre by retaining character-defining features associated with the office building. Alternative 2 would also meet the objectives to provide potential new housing and business opportunities to the area.

6.2.4 Alternative 3

Description of Alternative 3

This alternative would demolish the theater portion of the existing California Theatre, with the exception of the old ground floor façade on C Street, and add a 40-story mixed-use tower with ground floor retail, residential dwelling units, and adequate above ground and below ground parking. In addition, this alternative would include retention and rehabilitation of the 9-story office building. The southern theater façade on C Street would be rehabilitated, and the appearance of the historic façade above grade would be re-created with retail on the ground floor and decorative elements above, all of which would be covering the four above ground parking levels. The design of the proposed new 40-story tower and rehabilitated 9-story tower is the same as Alternative 2. This alternative incorporates recreation of the “Caliente” sign on the north façade of the 9-story office building.

Analysis of Environmental Effect in Comparison to the Proposed Project

The partial demolition of the project site, including the California Theatre, as proposed under Alternative 3 would result in a direct significant historical resource impact as the proposed project due to the loss of the historical theater structure. Though the significant impact would not be avoided, it would be less severe as this alternative would not demolish the existing 9-story office building, but rather would rehabilitate the structure for modern use as well as rehabilitate the southern theater façade and re-create decorative elements. This would serve to retain portions of the building, including character-defining features of the office building and portions of the theater façade along C Street, which would reduce the direct impacts on the historical resource, but would still not be considered less than significant due to the overall loss of historical materials. The same mitigation measures HR-1 through HR-3 would be applicable to Alternative 3, but also would not mitigate the impact to below a level of significance.

Conclusion

Alternative 3 would not completely avoid the significant historical impact that would result from implementation of the proposed project due to the loss of the historical California Theatre; however, it would lessen the severity of the historical impact by retaining the existing office

building and portions of the theater façade and decorative elements. Alternative 3 would meet the objective to pay homage to the historical nature of the California Theatre by retaining character-defining features associated with the office building and theater. Alternative 3 would also meet the objectives to provide potential new housing and business opportunities to the area.

6.2.5 Alternative 4

Description of Alternative 4

This alternative considers demolition of the theater portion of the California Theatre, with the exception of the ground floor C Street façade. It also includes retaining and rehabilitating the 9-story office building and adding a new 40-story mixed-use tower. The re-creation of the “Caliente” sign on the north façade of the 9-story office building would be included. This alternative would retain and rehabilitate the C Street façade on the ground floor for new retail purposes. The new multi-use 40-story tower would contain ground floor retail, residential dwelling units, and offices, and would have seven levels of underground parking. In addition, this alternative would have a setback between the new tower and rehabilitated 9-story office building that would create a 20-foot-wide, 92-foot-high galleria running north and south between the buildings, creating open space from the ground level through the ninth floor. This project comprises a total of 647,000 sf with 310,923 sf of net saleable residential (282 for-sale condominiums), and 10,900 sf of retail.

Analysis of Environmental Effect in Comparison to the Proposed Project

Alternative 4 would retain the ground floor C Street façade of the California Theatre; however, it would demolish the remainder of the structure. The partial demolition of the California Theatre would result in a direct significant historical resource impact as the proposed project due to the loss and modification of the majority of the historical theater structure. Though the significant impact would not be completely avoided, it would be less severe as this alternative would retain a portion of the theater’s façade. Additionally, the impact would be less severe because Alternative 4 would not demolish the existing 9-story office building, but rather would rehabilitate the structure for modern use. This would serve to retain portions of the building, including character-defining features of the office building and portions of the theater façade along C Street, which would reduce the direct impacts on the historical resource, but would still not be considered less than significant due to the overall loss of historical materials. The same mitigation measures HR-1 through HR-3 would be applicable to Alternative 4, but also would not mitigate the impact to below a level of significance.

Conclusion

Alternative 4 would not completely avoid the significant historical impact that would result from implementation of the proposed project due to the loss of the historical California Theatre; however, it would lessen the severity of the historical impact by retaining the ground floor C Street façade of the California Theatre and existing office building. Alternative 4 would meet the objective to pay homage to the historical nature of the California Theatre by retaining character-defining features associated with the office building and theater. Alternative 4 would also meet the objectives to provide potential new housing and business opportunities to the area.

6.3 COMPARISON OF ALTERNATIVES

Based on the analysis presented in Section 6.2 above, Table 6-1 provides a summary of the alternatives impacts to historical resources in comparison to the proposed project.

Table 6-1
Comparison of Alternatives

Alternative	Level of Impact Relative to the Proposed Project	Reason for Lessened Impact	Significance after Mitigation
No Project Alternative	Avoided	California Theatre and office building would remain.	Less than Significant
Alternative 1	Less <u>Equivalent</u>	<u>Not Applicable. Impacts would be equivalent to proposed project. Reconstruct a portion of the historical façade into the new office building.</u>	Significant
Alternative 2	Less	Office building would be retained and rehabilitated.	Significant
Alternative 3	Less	Office building and portions of the theater façade and decorative elements would be retained and rehabilitated.	Significant
Alternative 4	Less	Ground floor C Street façade of the California Theatre and office building would remain and be rehabilitated.	Significant

This analysis concludes that none of the above project alternatives can achieve the project objectives while mitigating impacts to historical resources below significant levels. The No Project Alternative would avoid impacts to historical resources altogether, but would not achieve any of the project objectives. Alternatives 3 and 4 would not completely avoid the significant historical impact that would result from the loss of the historical California Theatre; however, each would lessen the severity of the historical impact by retaining the ground floor C Street façade of the California Theatre and existing office building, and recreating ~~at~~ the wall signs on the northern façade of the office building. Alternatives 3 and 4 would meet the objective to pay homage to the historical nature of the California Theatre by retaining character-defining features

associated with the office building and theater. Alternatives 3 and 4 would also meet the objectives to provide potential new housing and business opportunities to the area. As the difference between Alternatives 3 and 4 is the 92-foot galleria in the interior of Alternative 4, and this difference has no impact on the reduction of impacts to historical resources, these two alternatives are considered environmentally superior alternatives.

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CHAPTER 7.0

MITIGATION, MONITORING, AND REPORTING PROGRAM

CEQA Section 21081.6 requires that an MMRP be adopted upon certification of an EIR to ensure that the mitigation measures are implemented. The MMRP specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The Downtown FEIR includes the Mitigation Monitoring and Reporting Program for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and the 10th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project. The MMRP is under the jurisdiction of Civic San Diego, acting on behalf of the City of San Diego, and other agencies as specified in the table below. The following table contains all measures included in the MMRP, as identified in the Downtown FEIR and defines which measures are applicable to the proposed project. The proposed project would be required to implement all applicable mitigation measures identified in the Downtown Community Plan FEIR, excluding mitigation measure Hist-A.1-1 requiring the mitigation of historic resources to the Secretary of the Interior's Standards and mitigation measure Hist-A.1-2 requiring mitigation related to retained or relocated historic resources. In addition to those measures outlined in the Downtown FEIR, three project-specific mitigation measures, HR-1, HR-2, and HR-3 have been identified to reduce the impact on historic resources. All mitigation measures outlined in Table 7-1 shall be included in the Site Development Permit (SDP) for the proposed project.

Table 7-1
1122 4th Avenue Redevelopment Project Mitigation, Monitoring, and Reporting Program

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
PROJECT-SPECIFIC MITIGATION REQUIRED BY THE CALIFORNIA THEATRE SEIR				
Impact: Demolition of the California Theatre would impact a significant historical resource.	<p>Mitigation Measure HR-1: Recording the Resource: The City of San Diego’s Land Development Manual – Historical Resources Guidelines identifies preferred mitigation measures to avoid impacts, including avoidance of a significant resource through project redesign or relocation of the significant resource. Since the proposed project includes the full or partial demolition of the California Theatre, a full recording of the building should be done so that a record of the significant resource is maintained.</p> <p>Prior to demolition, Secretary of the Interior-qualified professionals (in history or architectural history) (36 CFR Part 61) shall perform photo-recording and documentation consistent to the standards of the National Parks Service (NPS) Historic American Building Survey (HABS) documentation. HABS documentation is described by the NPS as “the last means of preservation of a property; when a property is to be demolished, its documentation provides future researcher access to valuable information that otherwise would be lost” (Russell 1990). The HABS record for the California Theatre shall consist of measured drawings (or reproductions of historic drawings), large-format archival photographs, and written data (e.g., historic context, building descriptions) that provide a detailed record that reflects the California Theatre’s historical significance. At a minimum, the California Theatre should receive HABS Level II documentation (Russell 1990:4). If historical as-built drawings do not exist or are not reproducible to HABS standards, then measured drawings shall be prepared to document the structure and its alterations. These shall adhere to the standards set for a HABS Level I record. Past mitigation efforts may have produced large-form archival photographs (Marshall and Lia 2014), and may be used for HR-1, provided they meet HABS standards. Following completion of the HABS documentation and approval by the HRB, the materials shall be placed on file with the City, San Diego History Center, San Diego Central Library, and the Library of Congress.</p>	Prior to Demolition or Grading Permit (Design)	Developer	City

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	<p>Mitigation Measure HR-2: Architectural Salvage: Prior to demolition, the project applicant's qualified historic preservation professional (QHPP) shall make available for donation architectural materials from the site to museums, archives, and curation facilities; the public; and nonprofit organizations to preserve, interpret, and display the history of the California Theatre. The materials to become architectural salvage shall include historic-period elements that would be removed as part of the project, and shall be identified and made available prior to the commencement of demolition activities, to ensure that materials removed do not experience further damage from removal/demolition. No materials shall be salvaged or removed until HABS documentation is completed and an inventory of key exterior and interior features and materials is completed by Secretary of Interior-qualified professionals. The inventory of key exterior and interior elements shall be developed prior to issuance of the demolition or grading permit. The materials shall be removed prior to or during demolition. Materials that are contaminated, unsound, or decayed shall not be included in the salvage program and shall not be available for future use or display. Based on past studies of the property, it is likely the materials for salvage may include the theater seats, lighting fixtures (chandeliers), wall and ceiling moldings, ornamental grille, decorative trim surrounding the stage, projection booth materials, and backdrop; however, the final list of materials shall be developed prior to demolition activities. The QHPP shall determine which materials are suitable for salvage (the assistance of qualified professionals can be utilized to make such determinations). Once the items for salvage are identified, the QHPP shall submit this information to the City's Historical Resource Section for approval. Following that, the QHPP in concert with the City's Historical Resources Section, shall notify various groups via letters, email, notification on the City's website, or public notices posted in newspapers concerning the availability of the salvaged materials and then shall make arrangements for any interested parties to pick up the materials after they have removed them. The project applicant shall be responsible for storing the salvaged materials in an appropriate climate-controlled storage space for an appropriate period of time, as determined through consultation with the City's Historical Resources Section. Prior to any plans to no longer use the storage space, the applicant will provide the City's Historical Resources Section with an inventory of any materials that were not donated to any interested parties,</p>	Prior to Demolition or Grading Permit (Design)	Developer	City

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	and measures to be taken by the project applicant to dispose of these materials.			
	Mitigation Measure HR-3: Interpretative Display: In concert with HABS documentation, the City will create a display and interpretive material to the satisfaction of the HRB staff for public exhibition concerning the history of the California Theatre. The display and interpretive material, such as a printed brochure, could be based on the photographs produced in the HABS documentation, and the historic archival research previously prepared as part of the project. This display and interpretive material shall be available to schools, museums, archives and curation facilities, libraries, nonprofit organizations, the public, and other interested agencies. The display shall be installed at the site by the applicant prior to the Certificate of Occupancy, after construction similar to other demolished historical resources, like the displays at Petco Park. <u>Prior to approval by City staff, the interpretative display will be presented to the HRB as an information item for input.</u> The City would be responsible for reviewing and approving the display, including the language used for the display.	Prior to Demolition or Grading Permit (Design)	Developer	City

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
PROGRAMMATIC MITIGATION REQUIRED BY THE DOWNTOWN FEIR					
Air Quality (AQ)					
Impact AQ-B.1: Dust and construction equipment engine emissions generated during grading and demolition would impact local and regional air quality. (Direct and Cumulative)	Mitigation Measure AQ-B.1-1: Prior to approval of a Grading or Demolition Permit, the City shall confirm that the following conditions have been applied, as appropriate: <ol style="list-style-type: none"> Exposed soil areas shall be watered twice per day. On windy days or when fugitive dust can be observed leaving the development site, additional applications of water shall be applied as necessary to prevent visible dust plumes from leaving the development site. When wind velocities are forecast to exceed 25 mph, all ground disturbing activities shall be halted until winds that are forecast to abate below this threshold. 	Prior to Demolition or Grading Permit (Design)	Developer	City	Yes

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>2. Dust suppression techniques shall be implemented including, but not limited to, the following:</p> <ul style="list-style-type: none"> a. Portions of the construction site to remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to Civic San Diego. b. On-site access points shall be paved as soon as feasible or watered periodically or otherwise stabilized. c. Material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust. d. The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times. <p>3. Vehicles on the construction site shall travel at speeds less than 15 mph.</p> <p>4. Material stockpiles subject to wind erosion during construction activities, which will not be utilized within three days, shall be covered with plastic, an alternative cover deemed equivalent to plastic, or sprayed with a nontoxic chemical stabilizer.</p> <p>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.</p> <p>6. All diesel-powered vehicles and equipment shall be properly operated and maintained.</p> <p>7. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than five minutes, as required by state law.</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>8. The construction contractor shall utilize electric or natural gas-powered equipment in lieu of gasoline or diesel-powered engines, where feasible.</p> <p>9. As much as possible, the construction contractor shall time the construction activities so as not to interfere with peak hour traffic. In order to minimize obstruction of through traffic lanes adjacent to the site, a flag-person shall be retained to maintain safety adjacent to existing roadways, if necessary.</p> <p>10. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.</p> <p>11. Low VOC coatings shall be used as required by SDAPCD Rule 67. Spray equipment with high transfer efficiency, such as the high volume-low pressure spray method, or manual coatings application such as paint brush hand roller, trowel, spatula, dauber, rag, or sponge, shall be used to reduce VOC emissions, where feasible.</p> <p>12. If construction equipment powered by alternative fuel sources (liquefied natural gas/compressed natural gas) is available at comparable cost, the developer shall specify that such equipment be used during all construction activities on the development site.</p> <p>13. The developer shall require the use of particulate filters on diesel construction equipment if use of such filters is demonstrated to be cost-competitive for use on this development.</p> <p>14. During demolition activities, safety measures as required by City/County/State for removal of toxic or hazardous materials shall be utilized.</p> <p>15. Rubble piles shall be maintained in a damp state to minimize dust generation.</p> <p>16. During finish work, low-VOC paints and efficient transfer systems shall be utilized, to the extent possible.</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	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.				
Historical Resources (HIST)					
Impact HIST-A.1: Future development in downtown could impact significant architectural structures. (Direct and Cumulative)	<p>Mitigation Measure HIST-A.1-1: For construction or development permits that may impact potentially historical resources which are 45 years of age or older and which have not been evaluated for local, state and federal historic significance, a site specific survey shall be required in accordance with the Historical Resources Regulations in the LDC. Based on the survey and the best information available, City Staff to the Historical Resources Board (HRB) shall determine whether historical resources exist, whether potential historical resource(s) is/are eligible for designation as designated historical resource(s) by the HRB, and the precise location of the resource(s). The identified historical resource(s) may be nominated for HRB designation as a result of the survey pursuant to Chapter 12, Article 3, Division 2, Designation of Historical Resource procedures, of the LDC.</p> <p>All applications for construction and development permits where historical resources are present on the site shall be evaluated by City Staff to the HRB pursuant to Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC.</p> <p>1. National Register-Listed/Eligible, California Register-Listed/Eligible Resources: Resources listed in or formally determined eligible for the National Register or California Register and resources identified as contributing within a National or California Register District, shall be retained onsite and any improvements, renovation, rehabilitation and/or adaptive reuse of the property shall ensure its preservation and be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995) and the associated</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	CivicSD/City	No; California Theatre is a historical resource listed in the City's Register of Historical Resources and has been determined eligible for listing in the NRHP and CRHR. The proposed project cannot be completed in a manner that ensures its preservation according to the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings and Guidelines for Rehabilitation

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>Guidelines.</p> <p>2. San Diego Register-Listed Resources: Resources listed in the San Diego Register of Historical Resources, or determined to be a contributor to a San Diego Register District, shall, whenever possible, be retained on-site. Partial retention, relocation, or demolition of a resource shall only be permitted according to Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC.</p>				of Historic Buildings
	<p>Mitigation Measure HIST-A.1-2: 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 HRB (“City Staff”) in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC.</p> <p>I. Prior to Permit Issuance</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 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.</p> <p>(a) Stabilization work cannot begin until a Precon Meeting has been held at least one week prior to issuance of appropriate permits.</p> <p>(b) Physical description, including the year and type of historical resource, and extent of stabilization shall be noted on the plans.</p> <p>B. Submittal of Treatment Plan for Retained Historical</p>				No

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>Resources</p> <ol style="list-style-type: none"> 1. Prior to 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 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 LDC, 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). <p>C. Letters of Qualification have been submitted to City Staff</p> <ol style="list-style-type: none"> 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 HRG. 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. 3. Prior to the start of work, the applicant must obtain approval from City Staff for any personnel changes associated with the monitoring program. <p>II. Prior to Start of Construction</p> <p>A. Documentation Program (DP)</p> <ol style="list-style-type: none"> 1. Prior to the first Precon Meeting and/or issuance of 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>any construction permit, the DP shall be submitted to City Staff for review and approval and shall include the following:</p> <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 HRB and the Civic San Diego 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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>produced in ink on translucent material or archivally stable material (blue-line drawings) are acceptable). Standard drawing sizes are 19 by 24 inches or 24 by 36 inches, standard scale is 1/4 inch = 1 foot.</p> <p>(2) One set of measured drawings shall be submitted for archival storage with the City of San Diego HRB, the Civic San Diego 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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>(a) Prior to the start of any work that is subject to an Historical Monitoring Plan, the PI shall submit an Historical Monitoring Plan which describes how the monitoring would be accomplished for approval by City Staff. The Historical Monitoring Plan shall include an Historical Monitoring Exhibit (HME) based on the appropriate construction documents (reduced to 11x17 inches) 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"> 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. 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. 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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.</p> <p>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 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>III. During Construction</p> <p>A. Qualified Historical Monitor(s) Shall be Present During Grading/Excavation/ Trenching</p> <p>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.</p> <p>2. The Qualified Historical Monitor(s) shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY incidents involving the historical</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>resource. The RE shall forward copies to City Staff.</p> <p>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 affect the historical resource being retained on-site or adjacent to the construction site.</p> <p>B. Notification Process</p> <p>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).</p> <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 LDC and the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995) and the associated Guidelines. Direct and/or indirect</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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 that no further work is required.</p> <p>IV. Night Work</p> <p>A. If night and/or weekend work is included in the contract</p> <ol style="list-style-type: none"> 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. 2. The following procedures shall be followed. <ol style="list-style-type: none"> (a) No Impacts/Incidents <p>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 a.m. of the next business day.</p> (b) Potentially Significant Impacts <p>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> (c) The PI shall immediately contact City Staff, or by 8 a.m. 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>B. If night and/or weekend work becomes necessary during</p>				

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	<p>the course of construction:</p> <ol style="list-style-type: none"> 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. 2. The RE, or BI, as appropriate, shall notify City Staff immediately. <p>C. All other procedures described above shall apply, as appropriate.</p> <p>V. Post Construction</p> <p>A. Submittal of Draft Monitoring Report</p> <ol style="list-style-type: none"> 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (HRG) and Appendices which describes the results, analysis, and conclusions of all phases of the Historical Monitoring Plan (with appropriate graphics) to City Staff for review and approval within 90 days following the completion of monitoring. <ol style="list-style-type: none"> (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. (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. 2. City Staff shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report. 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<ol style="list-style-type: none"> 3. The PI shall submit revised Draft Monitoring Report to City Staff for approval. 4. City Staff shall provide written verification to the PI of the approved report. 5. City Staff shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. <p>B. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 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. 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. 				
	<p>Mitigation Measure HIST-A.1-3: If a designated or potential historical resource (“historical resource”) as defined in the LDC would be demolished, the following measure shall be implemented in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the LDC.</p> <p>I. Prior to Issuance of a Demolition Permit</p> <p>A. A DP shall be submitted to City Staff to the HRB (“City Staff”) for review and approval and shall include the following:</p> <ol style="list-style-type: none"> 1. Photo Documentation <ol style="list-style-type: none"> (a) Documentation shall include professional quality photo documentation of the structure prior to demolition with 35 millimeter black and white photographs, 4x6 inch 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 				Yes

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	<p>archival quality and easily reproducible.</p> <p>(b) Xerox copies or CD of the photographs shall be submitted for archival storage with the City of San Diego HRB and the Civic San Diego 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>2. Required drawings</p> <p>(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 by 24 inches or 24 by 36 inches, standard scale is 1/4 inch = 1 foot.</p> <p>(b) One set of measured drawings shall be submitted for archival storage with the City of San Diego HRB, the Civic San Diego 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 LDC.</p>				

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

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	<p>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, local historical and archaeological groups, the Native American Heritage Commission (NAHC), designated community planning groups, and other individuals or groups that may have specific knowledge of the area. Consultation with these or other individuals and groups shall occur as early as possible in the evaluation process.</p> <p>When the initial evaluation indicates that important archaeological sites may be present on a project site but their presence cannot be confirmed prior to construction or demolition due to obstructions or spatially limited testing and data recovery, the applicant shall prepare and implement an archaeological monitoring program as a condition of development approval to the satisfaction of City Staff. If the NAHC Sacred Lands File search is positive for Native American resources within the project site, then additional evaluation must include participation of a local Native American consultant in accordance with CEQA Sections 15064.5(d), 15126.4(b)(3) and Public Resources Code Section 21083.2.</p> <p>No further action is required if the initial evaluation demonstrates there is no potential for subsurface resources. The results of this research shall be summarized in the Secondary Study.</p> <p><u>Step 2--Testing</u></p>				

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	<p>A testing program is required if the initial evaluation demonstrates that there is a potential for subsurface resources. The testing program shall be conducted during the hazardous materials remediation or following the removal of any structure or surface covering which may be underlain by potential resources. The removal of these structures shall be conducted in a manner which minimizes disturbance of underlying soil. This shall entail a separate phase of investigations from any mitigation monitoring during construction.</p> <p>The testing program shall be performed by a qualified Historical Archaeologist meeting the qualifications specified in Appendix B of the San Diego LDC, HRG. The Historical Archaeologist must be approved by City Staff prior to commencement. Before commencing the testing, a treatment plan shall be submitted for City Staff approval that reviews the initial evaluation results and includes a research design. The research design shall be prepared in accordance with the City's HRG and include a discussion of field methods, research questions against which discoveries shall be evaluated for significance, collection strategy, laboratory and analytical approaches, and curation arrangements. All tasks shall be in conformity with best practices in the field of historic urban archaeology.</p> <p>A recommended approach for historic urban sites is at a minimum fills and debris along interior lot lines or other areas indicated on Sanborn maps.</p> <p>Security measures such as a locked fence or surveillance shall be taken to prevent looting or vandalism of archaeological resources as soon as demolition is complete or paved surfaces are removed. These measures shall be maintained during archaeological field investigations. It is recommended that exposed features be covered with steel plates or fill dirt when not being investigated.</p> <p>The results of the testing phase shall be submitted in writing to City Staff and shall include the research design, testing results, significance evaluation, and recommendations for further</p>				

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	<p>treatment. Final determination of significance shall be made in consultation with City Staff, and with the Native American community, if the finds are prehistoric. If no significant resources are found and site conditions are such that there is no potential for further discoveries, then no further action is required. If no significant resources are found but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required and shall be conducted in accordance with the provisions set forth in Step 4 - Monitoring. If significant resources are discovered during the testing program, then data recovery in accordance with Step 3 shall be undertaken prior to construction. If the existence or probable likelihood of Native American human remains or associated grave goods area discovered through the testing program, the Qualified Archaeologist shall stop work in the area, notify the City Building Inspector, City staff, and immediately implement the procedures set forth in CEQA Guidelines Section 15064.5 and the California PRC Section 5097.98 for discovery of human remains. This procedure is further detailed in the Mitigation, Monitoring and Reporting Program (Step 4). City Staff must concur with evaluation results before the next steps can proceed.</p> <p><u>Step 3—Data Recovery</u></p> <p>For any site determined to be significant, a Research Design and Data Recovery Program shall be prepared in accordance with the City's Historical Resources Guidelines, approved by City Staff, and carried out to mitigate impacts before any activity is conducted which could potentially disturb significant resources. The archaeologist shall notify City Staff of the date upon which data recovery will commence ten (10) working days in advance.</p> <p>All cultural materials collected shall be cleaned, catalogued and permanently curated with an appropriate institution. Native American burial resources shall be treated in the manner agreed to by the Native American representative or be reinterred on the site in an area not subject to further</p>				

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	<p>disturbance in accordance with CEQA section 15164.5 and the Public Resources Code section 5097.98. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate. All newly discovered archaeological sites shall be recorded with the South Coastal Information Center at San Diego State University. Any human bones and associated grave goods of Native American origin encountered during Step 2-Testing, shall, upon consultation, be turned over to the appropriate Native American representative(s) for treatment in accordance with state regulations as further outlined under Step 4-Monitoring (Section IV. Discovery of Human Remains).</p> <p>A draft Data Recovery Report shall be submitted to City Staff within twelve months of the commencement of the data recovery. Data Recovery Reports shall describe the research design or questions, historic context of the finds, field results, analysis of artifacts, and conclusions. Appropriate figures, maps and tables shall accompany the text. The report shall also include a catalogue of all finds and a description of curation arrangements at an approved facility, and a general statement indicating the disposition of any human remains encountered during the data recovery effort (please note that the location of reinternment and/or repatriation is confidential and not subject to public disclosure in accordance with state law). Finalization of draft reports shall be subject to City Staff review.</p> <p><u>Step 4 – Monitoring</u></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>				

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	<p>I. Prior to Permit Issuance</p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> 1. Prior to NTP for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first Precon Meeting, whichever is applicable, City Staff shall verify that the requirements for Archaeological Monitoring and Native American monitoring, where the project may impact Native American resources, have been noted on the appropriate construction documents. <p>B. Letters of Qualification have been submitted to City Staff</p> <ol style="list-style-type: none"> 1. The applicant shall submit a letter of verification to City Staff identifying the PI for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego HRG. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour Hazardous Waste Operations and Emergency Response training with certification documentation. 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. 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. <p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> 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 				

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	<p>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.</p> <ol style="list-style-type: none"> 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. 3. The PI may submit a detailed letter to City Staff requesting a reduction to the 1/4 mile radius. <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> 1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), CM and/or Grading Contractor, RE, the Native American representative(s) (where Native American resources may be impacted), BI, if appropriate, and City Staff. The qualified Archaeologist and the Native American consultant/monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor. <ol style="list-style-type: none"> (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. 2. Archaeological Monitoring Plan (AMP) <ol style="list-style-type: none"> (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 				

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	<p>consultant/monitor when Native American resources may be impacted) which describes how the monitoring would be accomplished for approval by City Staff and the Native American monitor. The AMP shall include an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11 by 17 inches) to City Staff identifying the areas to be monitored including the delineation of grading/ excavation limits.</p> <p>(b) The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).</p> <p>(c) Prior to the start of any work, the PI shall also submit a construction schedule to City Staff through the RE indicating when and where monitoring will occur.</p> <p>(d) The PI may submit a detailed letter to City Staff prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.</p> <p>III. During Construction</p> <p>A. Monitor(s) Shall be Present During Grading/ Excavation/Trenching</p> <p>1. The Archaeological monitor shall be present full-time during all soil disturbing and grading/excavation/ trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for</p>				

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	<p>notifying the RE, PI, and City Staff of changes to any construction activities.</p> <ol style="list-style-type: none"> 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. 3. The archeological and Native American consultant/monitor shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to City Staff. 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. <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 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. 				

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	<p>2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</p> <p>3. The PI shall immediately notify 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.</p> <p>If Human Remains are involved, follow protocol in Section IV below.</p> <p>(a) The PI shall immediately notify City Staff by phone to discuss significance determination and shall also submit a letter to City Staff indicating whether additional mitigation is required.</p> <p>(b) If the resource is significant, the PI shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor when applicable, and obtain written approval from City Staff and the Native American representative(s), if applicable. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.</p> <p>(c) If the resource is not significant, the PI shall submit a letter to City Staff indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The</p>				

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	<p>letter shall also indicate that that no further work is required.</p> <p>IV. Discovery of Human Remains</p> <p>If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:</p> <p>A. Notification</p> <ol style="list-style-type: none"> 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 of the Development Services Department to assist with the discovery process. 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone. <p>B. Isolate discovery site</p> <ol style="list-style-type: none"> 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. 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance. 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. 				

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	<p>C. If Human Remains are determined to be Native American</p> <ol style="list-style-type: none"> 1. The Medical Examiner will notify the NAHC within 24 hours. By law, ONLY the Medical Examiner can make this call. 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information. 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 & Safety Codes. 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. 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and if: <ol style="list-style-type: none"> (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; (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, (c) In order to protect these sites, the Landowner shall do one or more of the following: <ol style="list-style-type: none"> (1) Record the site with the NAHC; (2) Record an open space or conservation 				

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	<p>easement on the site;</p> <p>(3) Record a document with the County.</p> <p>6. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.</p> <p>D. If Human Remains are not Native American</p> <ol style="list-style-type: none"> 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial. 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98). 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with City Staff, the applicant/landowner and the San Diego Museum of Man. <p>V. Night and/or Weekend Work</p> <p>A. If night and/or work is included in the contract</p> <ol style="list-style-type: none"> 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. 				

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	<p>2. The following procedures shall be followed.</p> <p>(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.</p> <p>(b) Discoveries – All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.</p> <p>(c) Potentially Significant Discoveries – If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.</p> <p>(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.</p> <p>B. If night and/or weekend work becomes necessary during the course of construction</p> <p>1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.</p> <p>2. The RE, or BI, as appropriate, shall notify City Staff immediately.</p> <p>C. All other procedures described above shall apply, as appropriate.</p>				

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	<p>VI. Post Construction</p> <p>A. Submittal of Draft Monitoring Report</p> <ol style="list-style-type: none"> 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) prepared in accordance with the HRG and Appendices which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to City Staff, for review and approval within 90 days following the completion of monitoring, <ol style="list-style-type: none"> (a) For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report. (b) Recording sites with State of California Department of Parks and Recreation <p>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.</p> 2. City Staff shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report. 3. The PI shall submit revised Draft Monitoring Report to City Staff for approval. 4. City Staff shall provide written verification to the PI of the approved report. 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>5. City Staff shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</p> <p>B. Handling of Artifacts and Submittal of Collections Management Plan, if applicable</p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued. 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. 3. The PI shall submit a Collections Management Plan to City Staff for review and approval for any project which results in a substantial collection of historical artifacts. <p>C. Curation of artifacts: Accession Agreement and Acceptance Verification</p> <ol style="list-style-type: none"> 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. 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. 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 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>further disturbance in accordance with section IV – Discovery of Human Remains, subsection 5.(d).</p> <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 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. 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. 				
Land Use (LND)					
Impact LU-B.1: Noise generated by major ballpark events could cause interior noise levels in noise-sensitive uses (e.g. residential and hotels) within four blocks of the ballpark to exceed the 45 dB(A) limit mandated by Title 24 of the California Code. (Direct)	Implementation of the noise attenuation measures required by Mitigation Measure NOI-B.2-1 would reduce interior noise levels to 45 dB (A) CNEL and reduce potential impacts to below a level of significance.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CivicSD/City	No; the proposed project is not located within four blocks of Petco Park.

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
Impact LU-B.2: Noise generated by I-5 and highly traveled grid streets could cause noise levels in noise-sensitive uses not governed by Title 24 to exceed 45 dB(A). (Direct)	Mitigation Measures NOI-B.1-1 and NOI-C.1.1, as described below.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CivicSD/City	Yes; an Exterior Noise Report (Appendix G) for the proposed project determined that noise attenuation measures would reduce noise levels to 45 dB(A) CNEL or less in habitable rooms.
Impact LU-B.3: Noise levels in downtown areas within the 65 CNEL contour of SDIA could exceed 45 dB(A) for noise sensitive uses not covered by Title 24. (Direct)	Mitigation Measures NOI-B.1-1, as described below.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City/City	No; the proposed project is not located within the 65 CNEL contour of SDIA.
Impact LU-B.4: Noise generated by train horns, engines and wheels as well as bells at crossing gates would significantly disrupt sleep of residents along the railroad tracks. (Direct)	Mitigation Measure LU-B.4-1: Prior to approval of a Building Permit which would expose habitable rooms to disruptive railroad noise, an acoustical analysis shall be performed. The analysis shall determine the expected exterior and interior noise levels related to railroad activity. As feasible, noise attenuation measures shall be identified which would reduce noise levels to 45 dB(A) CNEL or less in habitable rooms. Recommended measures shall be incorporated into building plans before approval of a Building Permit.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City	Yes; an Exterior Noise Report (Appendix G) for the proposed project determined that noise attenuation measures would reduce noise levels to

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
					45 dB(A) CNEL or less in habitable rooms.
Impact LU-B.5: Ballpark lighting would interrupt sleep in residences and hotels within two blocks of the ballpark. (Direct)	Mitigation Measure LU-B.5.1: Prior to approval of a Building Permit which would result in a light sensitive use within a two-block radius of Petco Park, the applicant shall provide a lighting study that demonstrates to the satisfaction of Civic San Diego that habitable rooms would be equipped with light attenuation measures which would allow occupants to reduce night-time light levels to 2.0 foot-candles or less.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CivicSD/City	No; the proposed project is not located within a two-block radius of Petco Park.
Noise (NOI)					
Impact NOI-B.1: Noise generated by I-5 and highly traveled grid streets could cause interior noise levels in noise-sensitive uses (exclusive of residential and hotel uses) to exceed 45 dB(A). (Direct)	Mitigation Measure NOI-B.1-1: Prior to approval of a Building Permit for any residential, hospital, or hotel within 475 feet of the centerline of Interstate 5 or adjacent to a roadway carrying more than 7,000 ADT, an acoustical analysis shall be performed to confirm that architectural or other design features are included which would assure that noise levels within habitable rooms would not exceed 45 dB(A) CNEL.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CivicSD/City	Yes; an Exterior Noise Report (Appendix G) for the proposed project determined that noise attenuation measures would reduce noise levels to 45 dB(A) CNEL or less in habitable rooms.
Impact NOI-B.2: Noise generated by major ballpark events could cause interior noise levels in noise-sensitive uses (e.g. residential and hotels) within four blocks of the ballpark to exceed the 45 dB(A) limit	Mitigation Measure NOI-B.2-1: Prior to approval of a Building Permit for any noise-sensitive land uses within four blocks of Petco Park, an acoustical analysis shall be performed. The analysis shall confirm that architectural or other design features are included in the design which would assure that noise levels within habitable rooms would not exceed 45 dB(A) CNEL.	Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City	No; the proposed project is not located within four blocks of Petco Park.

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
mandated by Title 24 of the California Code. (Direct)					
Impact NOI-C.1: Exterior required outdoor open space in residential could experience traffic noise levels in excess 65 dB(A) CNEL. (Direct)	Mitigation Measure NOI-C.1-1: Prior to approval of a Development Permit for any residential development within 475 feet of the centerline of Interstate 5 or adjacent to a roadway carrying more than 7,000 ADT, an acoustical analysis shall be performed to determine if any required outdoor open space areas would be exposed to noise levels in excess of 65 dB(A) CNEL. Provided noise attenuation would not interfere with the primary purpose or design intent of the exterior use, measures shall be included in building plan, to the extent feasible.	Prior to Development Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	City	Yes
Impact NOI-D.1: Recreation areas within public parks and plazas may experience traffic noise levels in excess 65 dB(A) CNEL. (Direct)	Mitigation Measure NOI-D.1-1: Prior to approval of a Development Permit for any public park or plaza within 475 feet of the centerline of Interstate 5 or adjacent to a roadway carrying more than 7,000 ADT, an acoustical analysis shall be performed to determine if any recreation areas would be exposed to noise levels in excess of 65 dB(A) CNEL. Provided noise attenuation would not interfere with the intended recreational use or park design intent, measures shall be included, to the extent feasible.	Prior to Development Permit (Design) Prior to Certificate of Occupancy (Implementation)	CivicSD/Developer	City	No; no public park or plaza is proposed.
Paleontological Resources (PAL)					
Impact PAL-A.1: Excavation in geologic formations with a moderate to high potential for paleontological resources could have an significant impact on these resources, if present. (Direct)	<p>Mitigation Measure PAL-A.1-1: In the event the Secondary Study indicates the potential for significant paleontological resources, the following measures shall be implemented as determined appropriate by Civic San Diego.</p> <p>I. Prior to Permit Issuance</p> <p>A. Construction Plan Check</p> <ol style="list-style-type: none"> 1. Prior to NTP for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, Centre City Development Corporation Civic San Diego shall verify that the requirements for paleontological monitoring have been noted on the appropriate construction documents. 	Prior to Demolition, Grading or Building Permit (Design) Prior to Certificate of Occupancy (Implementation)	Developer	CivicSD/City	Yes

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>B. Letters of Qualification have been submitted to Civic San Diego</p> <ol style="list-style-type: none"> 1. The applicant shall submit a letter of verification to Civic San Diego identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines. 2. Civic San Diego will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project. 3. Prior to the start of work, the applicant shall obtain approval from Civic San Diego for any personnel changes associated with the monitoring program. <p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> 1. The PI shall provide verification to Civic San Diego that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed. 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. <p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> 1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, CM and/or Grading Contractor, RE, BI, if appropriate, and Civic San Diego. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>paleontological monitoring program with the Construction Manager and/or Grading Contractor.</p> <p>(a) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with Civic San Diego, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</p> <p>2. Identify Areas to be Monitored</p> <p>(a) Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11 by 17 inches) to Civic San Diego identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).</p> <p>3. When Monitoring Will Occur</p> <p>(a) Prior to the start of any work, the PI shall also submit a construction schedule to Civic San Diego through the RE indicating when and where monitoring will occur.</p> <p>(b) The PI may submit a detailed letter to Civic San Diego prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>III. During Construction</p> <p>A. Monitor Shall be Present During Grading/Excavation/Trenching</p> <ol style="list-style-type: none"> The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and Civic San Diego of changes to any construction activities. The monitor shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of any discoveries. The RE shall forward copies to Civic San Diego. The PI may submit a detailed letter to Civic San Diego during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present. <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 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 PI, as appropriate. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery. The PI shall immediately notify Civic San Diego by phone of the discovery, and shall also submit written documentation to Civic San Diego within 24 hours by fax or email with photos of the resource in 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>context, if possible.</p> <p>C. Determination of Significance</p> <ol style="list-style-type: none"> 1. The PI shall evaluate the significance of the resource. <ol style="list-style-type: none"> (a) The PI shall immediately notify Civic San Diego by phone to discuss significance determination and shall also submit a letter to Civic San Diego indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI. (b) If the resource is significant, the PI shall submit a Paleontological Recovery Program and obtain written approval from Civic San Diego. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. (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 Civic San Diego unless a significant resource is encountered. (d) The PI shall submit a letter to Civic San Diego indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required. <p>IV. Night Work</p> <p>A. If night work is included in the contract</p> <ol style="list-style-type: none"> 1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting. 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>2. The following procedures shall be followed.</p> <p>(a) No Discoveries – In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVr and submit to Civic San Diego via fax by 9 a.m. the following morning, if possible.</p> <p>(b) Discoveries – All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.</p> <p>(c) Potentially Significant Discoveries – If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.</p> <p>(d) The PI shall immediately contact Civic San Diego, or by 8 a.m. the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</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 appropriate, a minimum of 24 hours before the work is to begin.</p> <p>2. The RE, or BI, as appropriate, shall notify Civic San Diego immediately.</p> <p>C. All other procedures described above shall apply, as appropriate.</p> <p>V. Post Construction</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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>the Paleontological Monitoring Program (with appropriate graphics) to Civic San Diego 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 – 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. Civic San Diego 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 Civic San Diego for approval.</p> <p>4. Civic San Diego shall provide written verification to the PI of the approved report.</p> <p>5. Civic San Diego 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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate</p> <p>C. Curation of fossil remains: Deed of Gift and Acceptance Verification</p> <ol style="list-style-type: none"> 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. 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and Civic San Diego. <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 1. The PI shall submit two copies of the Final Monitoring Report to Civic San Diego (even if negative), within 90 days after notification from Civic San Diego that the draft report has been approved. 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from Civic San Diego which includes the Acceptance Verification from the curation institution. 				
Traffic and Circulation (TRF)					
Impact TRF-A.1.1: Increased traffic on grid streets from downtown development would result in unacceptable levels of service on specific roadway intersections and/or segments within	Mitigation Measure TRF-A.1.1-1: At five-year intervals, commencing upon adoption of the Downtown Community Plan, Civic San Diego shall conduct a downtown-wide evaluation of the ability of the grid street system to accommodate traffic within Downtown. In addition to identifying roadway intersections or segments which may need immediate attention, the evaluation shall identify roadways which may warrant interim observation prior to the next 5-year evaluation. The need for roadway improvements shall be based upon deterioration to LOS F, policies in the Mobility Plan,	Every five years	CivicSD/City	CivicSD/City	No; project does not meet threshold requiring traffic study.

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
downtown. (Direct)	<p>and/or other standards established by Civic San Diego, in cooperation with the City Engineer. In completing these studies, the potential improvements identified in Section 6.0 of the traffic study for the Downtown San Diego Mobility Plan and Section 4.2.3.3 of the SEIR will be reviewed to determine whether these or other actions are required to improve traffic flow along affected roadway corridors. Specific improvements from Section 4.2.3.3 include:</p> <p><u>Mitigation Measures that Fully Reduces Impact</u></p> <p>I-5 northbound off-ramp/Brant Street and Hawthorn Street – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>Second Avenue and Cedar Street – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>Fourth Avenue and Beech Street – Convert on-street parking to a travel lane on Fourth Avenue between Cedar Street and Ash Street during the AM peak hour.</p> <p>First Avenue and A Street – Remove on-street parking on the north side of A Street between First and Front avenues as necessary to provide an east bound left turn lane.</p> <p>17th Street and B Street – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>16th Street and E Street – Remove on-street parking on the east side of 16th Street south of E Street as necessary to provide a northbound right-turn lane.</p> <p>Eleventh Avenue and G Street – Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>Street during the PM peak hour.</p> <p>Park Boulevard and G Street – Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour.</p> <p>16th Street and Island Avenue – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>19th Street and J Street – Restripe the northbound left-turn lane into a northbound left-turn and through shared lane.</p> <p>Logan Avenue and I-5 southbound off-ramp – Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p><u>Mitigation Measures that Partially Reduces Impact</u></p> <p>Front Street and Beech Street - Convert on-street parking to a travel lane on Front Street between Cedar Street and Ash Street during the PM peak hour.</p> <p>15th Street and F Street - Signalization would be required at this intersection to mitigate direct project impacts. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>13th Street and G Street - Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour.</p> <p>14th Street and G Street - Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour.</p> <p>16th Street and G Street - Convert on-street parking to a travel lane on G Street between 11th Avenue and 17th</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>Street during the PM peak hour.</p> <p>17th Street and G Street - Signalization and convert on-street parking to a travel lane on G Street between 11th Avenue and 17th Street during the PM peak hour. A traffic signal warrant was conducted. Based upon the MUTCD, this intersection would meet the “Peak Hour” warrant.</p> <p>Following the completion of each five-year monitoring event, Civic San Diego shall incorporate needed roadway improvements into the City of San Diego CIP or identify another implementation strategy.</p> <p>In order to determine if the roadway improvements included in the current five-year CIP, or the equivalent, are sufficient to accommodate developments, a traffic study would be required for large projects. The threshold to be used for determining the need for a traffic study shall reflect the traffic volume threshold used in the Congestion Management Program. The Congestion Management Program stipulates that any activity forecasted to generate 2,400 or more daily trips (200 or more equivalent peak hour trips).</p>				
	<p>Mitigation Measure TRF-A.1.1-2: Prior to approval of any development which would generate a sufficient number of trips to qualify as a large project under the Congestion Management Program (i.e. more than 2,400 daily trips, or 200 trips during a peak hour period), a traffic study shall be completed. The traffic study shall be prepared in accordance with City’s Traffic Impact Study Manual. If the traffic study indicates that roadways substantially affected by the project would operate at LOS F with the addition of project traffic, the traffic study shall identify improvements to grid street segments and/or intersections consistent with the Downtown San Diego Mobility Plan which would be required within the next five years to achieve an acceptable LOS or reduce congestion, to the extent feasible. If the needed improvements are already included in the City of San Diego’s CIP, or the equivalent, no further action shall be required. If any of the required improvements are not included in the CIP, or not expected within five years of project completion, the City of San Diego</p>	Prior to Development Permit (Design)	Developer	CivicSD/City	No; project does not meet threshold requiring traffic study.

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	shall amend the CIP, within one year of project approval, to include the required improvements and assure that they will be implemented within five years of project completion. At Civic San Diego's discretion, the developer may be assessed a pro-rated share of the cost of improvements as a condition of project approval.				
Impact TRF-A.1.2: Increased traffic from downtown development on certain streets surrounding downtown would result in an unacceptable level of service. (Direct and Cumulative)	Implementation of Mitigation Measure TRF-A.1.1-1 would also reduce impacts on surrounding roadways but not necessarily below a level of significance.	Every five years	CivicSD/City	CivicSD/City	No; program level requirement
Impact TRF-A.2.1: Elimination of Cedar St. off-ramp would impact other freeway ramps by redirecting traffic to other off ramps serving downtown. (Direct)	Mitigation Measure TRF A.2.2-1: Prior to elimination of the Cedar Street off-ramp from I-5, a traffic study shall be done by Civic San Diego in consultation with the City of San Diego and Caltrans to determine the potential effects associated with elimination of the off-ramp and the conversion of Cedar Street from one- to two-way. The report shall also identify roadway modifications that would minimize potential impacts on local surface streets and I-5.	Upon Plan Adoption	CivicSD	CivicSD/City	No; program level requirement

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CHAPTER 8.0

REFERENCES AND AGENCIES CONSULTED

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Agencies Consulted

The following individuals and agencies participated in or were consulted for the preparation of this Supplemental EIR:

- City of San Diego Development Services Department
- Civic San Diego

CHAPTER 9.0
RESPONSE TO COMMENTS

California State Clearinghouse Letter



EDMUND G. BROWN JR.
GOVERNOR

November 22, 2016

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Aaron Hollister
San Diego Assoc. of Governments
401 B Street, Suite 400
San Diego, CA 92101

Subject: 1122 4th Avenue Project
SCH#: 2003041001

Dear Aaron Hollister:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. The review period closed on November 21, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

This letter acknowledges receipt of the Draft EIR for review by the State Clearinghouse. This letter does not raise environmental issues.

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.oprc.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003041001
Project Title 1122 4th Avenue Project
Lead Agency San Diego, City of

Type SIR Supplemental EIR
Description Note: Extended Review

The applicant proposes redevelopment of an existing urban parcel in downtown San Diego, at the intersection of the 4th Ave and C St. Preliminary plans for the project proposes to demolish and replace the existing California Theatre building with a new, high density, mixed use building. The project proposes to construct a 40 story, 282 unit residential tower core (414 ft tall) in the central portion of the site, and a nine story structure to the east facing 4th Ave to mimic the scale of the existing office building. The project also proposes three levels of underground parking, street level retail, lobby, residential amenities, and four levels of above-grade parking.

Lead Agency Contact

Name	Aaron Hollister		
Agency	San Diego Assoc. of Governments		
Phone	619-533-7170	Fax	
email			
Address	401 B Street, Suite 400		
City	San Diego	State	CA Zip 92101

Project Location

County	San Diego		
City			
Region			
Lat / Long	32° 43' 01.6" N / 117° 09' 40.4" W		
Cross Streets	4th Ave and C St		
Parcel No.	533-521-04, 05, 08		
Township	Range	Section	Base SB

Proximity to:

Highways	I 5, CA 163, 94, 75
Airports	SD Intl
Railways	MTS Trolley, Pacific S.
Waterways	San Diego Bay
Schools	Washington ES
Land Use	Core with Commercial St and Employment Required Overlays within the Centre City Planned District Ordinance

Project Issues Archaeologic-Historic; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; California; Resources, Recycling and Recovery; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; Public Utilities Commission; Department of Fish and Wildlife, Marine Region

Date Received 09/05/2016 **Start of Review** 09/05/2016 **End of Review** 11/21/2016

Note: Blanks in data fields result from insufficient information provided by lead agency



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



KER ALEX
DIRECTOR

September 20, 2016

Aaron Hollister
San Diego Assoc. of Governments
401 B Street, Suite 400
San Diego, CA 92101

Subject: 1122 4th Avenue Project
SCH#: 2003041001

Dear Aaron Hollister:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 19, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

This letter acknowledges receipt of the Draft EIR for review by the State Clearinghouse. This letter does not raise environmental issues.

**Document Details Report
State Clearinghouse Data Base**

SCH#	2003041001		
Project Title	1122 4th Avenue Project		
Lead Agency	San Diego, City of		
Type	SIR Supplemental EIR		
Description	The applicant proposes redevelopment of an existing urban parcel in downtown San Diego, at the intersection of the 4th Ave and C St. Preliminary plans for the project proposes to demolish and replace the existing California Theatre building with a new, high density, mixed use building. The project proposes to construct a 40 story, 282 unit residential tower core (414 ft tall) in the central portion of the site, and a nine story structure to the east facing 4th Ave to mimic the scale of the existing office building. The project also proposes three levels of underground parking, street level retail, lobby, residential amenities, and four levels of above-grade parking.		
Lead Agency Contact			
Name	Aaron Hollister		
Agency	San Diego Assoc. of Governments		
Phone	619-533-7170	Fax	
email			
Address	401 B Street, Suite 400		
City	San Diego	State	CA Zip 92101
Project Location			
County	San Diego		
City			
Region			
Lat / Long	32° 43' 01.6" N / 117° 09' 40.4" W		
Cross Streets	4th Ave and C St		
Parcel No.	533-521-04, 05, 08		
Township	Range	Section	Base SB
Proximity to:			
Highways	I 5, CA 163, 94, 75		
Airports	SD Intl		
Railways	MTS Trolley, Pacific S		
Waterways	San Diego Bay		
Schools	Washington ES		
Land Use	Core with Commercial St and Employment Required Overlays within the Centre City Planned District Ordinance		
Project Issues	Archaeologic-Historic; Landuse; Cumulative Effects		
Reviewing Agencies	Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; Resources, Recycling and Recovery; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; Public Utilities Commission; Department of Fish and Wildlife, Marine Region		
Date Received	08/05/2016	Start of Review	08/05/2016 End of Review 09/19/2016

California Public Utilities Commission Letter

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

PUBLIC UTILITIES COMMISSION
320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

Governor's Office of Planning & Research



August 30, 2016

AUG 30 2016

STATE CLEARINGHOUSE

Aaron Hollister
City of San Diego
401 B Street, Suite 400
San Diego, CA 92101

Subject: SCH 2003041001 San Diego (SAN DIEGO) 1122 4th Avenue Project - SEIR

Dear Mr. Hollister:

The California Public Utilities Commission (Commission) staff ensures that highway-rail and pathway-rail crossings are safely designed, constructed, and maintained. The Commission's Rail Crossings and Engineering Branch (RCEB) is in receipt of the *Supplement Environmental Impact Report (SEIR)* for the proposed 1122 4th Avenue project. The City of San Diego (City) is the lead agency.

A-1 A-1 Comment Noted.

The project is located at 1122 4th Avenue, San Diego, California, and bordered by 4th Avenue to the east, 3rd Avenue to the west and C Street to the south. Light rail transit tracks are present within C Street. Currently, there are over 350 light rail transit movements per day, at a maximum speed of 25 miles per hour.

A-2 A-2 Comment Noted.

Any development adjacent to or near the tracks should be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at rail crossings. Any traffic impact studies undertaken should consider rail crossing safety and associated mitigation measures. Safety considerations should include queuing on tracks, pedestrian movements, turning movements and sight lines. Potential safety improvements may include the addition or upgrade of crossing warning devices, active and passive signs, pedestrian channelization, and fencing near the tracks.

A-3 A-3 While the proposed project may increase pedestrian traffic in the vicinity of the C street trolley line, safe rail crossing, pedestrian queuing, pedestrian crossing devices and signs are the responsibility of SANDAG and MTS, who operate the trolley.

Driveway access to the proposed building should not be provided along C Street. If a driveway is provided along 3rd Avenue or 4th Avenue, we recommend it be located as far from the tracks as feasible (e.g., at least 100 feet) to reduce the potential for conflicts with light rail vehicles. Pedestrian prohibitive treatments similar to the existing landscaping along C Street should be maintained to discourage pedestrians from crossing the tracks mid-block between 3rd Avenue and 4th Avenue

A-4 A-4 The entrances to the parking garages are proposed on 3rd and 4th Avenues, and no driveway access is proposed along C Street.

Commission staff is available to discuss crossing safety. More information can be found at: <http://www.cpuc.ca.gov/crossings/>. If you have any questions in this matter, please contact Kevin Schumacher at kevin.schumacher@cpuc.ca.gov or (415) 310-9807.

A-5 A-5 Comment Noted.

Sincerely,

Ken Chiang, P.E.
Utilities Engineer
Rail Crossings and Engineering Branch
Safety and Enforcement Division

C: State Clearinghouse
Kevin Schumacher, RCEB



SANDAG Letter

401 B Street, Suite 800
San Diego, CA 92101-4231
(619) 693-1900
fax: (619) 693-1909
sandag.org

September 22, 2016

File Number 3300300

Mr. Aaron Hollister
Civic San Diego
401 B Street, Suite 400
San Diego, CA 92101

Dear Mr. Hollister:

SUBJECT: 1122 Fourth Avenue Project Supplemental Environmental Impact Report

Thank you for the opportunity to comment on the 1122 Fourth Avenue Project (Project) Supplemental Environmental Impact Report (SEIR). The San Diego Association of Governments (SANDAG) appreciates Civic San Diego's efforts to implement the policies included in San Diego Forward: The Regional Plan (Regional Plan) that emphasize the need for better land use and transportation coordination. These policies will help provide people with more travel and housing choices, protect the environment, create healthy communities, and stimulate economic growth. The comments provided by SANDAG are based on policies included in the Regional Plan and are submitted from a regional perspective.

Trolley Service

SANDAG encourages Civic San Diego to include mention of the regional Orange and Blue Trolley lines that run parallel to the Project. Specifically, the SEIR could mention the Trolley lines in Section 2.0 (Environmental Setting) and Section 3.0 (Project Description).

Congestion Management Plan

In October 2009, the San Diego region elected to be exempt from the State Congestion Management Plan (CMP). Since this decision, SANDAG has been abiding by Title 23 Code of Federal Regulations §450.320 to ensure the region's continued compliance with the federal congestion management process. Related to Impact TRF-A.1.1 and A.1.1-2, the current SANDAG CMP in the Regional Plan (adopted October 2015) does not include the large project provision that is defined as "generating, upon its completion, an equivalent of 2,400 or more average daily vehicle trips." Please refer to the City of San Diego's most recent Traffic Impact Study guidelines for current threshold guidance.

B-1

B-1 Comment Noted.

B-2

B-2 Mention of the trolley is made in the project objectives in Section 3.0. Section 2.0 has also been updated to include mention of the two trolley lines.

B-3

B-3 The Downtown FEIR states that projects generating greater than 2,400 average daily trips would result in potentially significant impacts to the level of service. There have been no updates to their significance thresholds specific to the Downtown FEIR. As discussed in the Consistency Evaluation, the project would create 2,014 ADT, which is not considered a significant impact.

MEMBER AGENCIES

City of
Carlsbad
Covina
Coronado
Del Mar
Escondido
Imperial Beach
La Mesa
Lemon Grove
National City
Oceanside
Poway
San Diego
San Marcos
Santee
Solana Beach
Vista
and
County of San Diego

ADJUDICATORY MEMBERS

Imperial County
California Department
of Transportation

Metropolitan
Transit System

North County
Transit District

United States
Department of Defense

San Diego
Military Police District

San Diego County
Water Authority

Southern California
Flood Control Association

Moreno

Transportation Demand Management

Please consider integrating additional transportation demand management (TDM) strategies, which could assist with reducing vehicle trips and parking demand associated with the Project. Examples of TDM measures to consider include:

- Promotion of shared mobility services (e.g., carshare, bikeshare, and on-demand rideshare like Free Ride, uberPOOL, and Lyft Line) as affordable alternatives to private automobiles.
- Incentivize residents and employees to use transportation alternatives by offering subsidies for transit passes or shared mobility services.
- Parking management strategies such as shared parking, unbundled parking, priced parking, parking cash-out, and designated parking for high occupancy vehicles and carshare vehicles.
- Bike amenities such as secure and convenient parking, showers and lockers for employees, and repair stands.
- Transportation kiosks (dynamic or static) with information about regional transportation services.
- Wayfinding signage to transit, shared mobility services, and major downtown destinations.

Other regional TDM programs and services, such as the SANDAG Vanpool Program, online ride-matching, multimodal trip planning, and the Guaranteed Ride Home Program can be promoted to residents, employees, and visitors to assist with reducing traffic congestion. Information on these programs can be accessed through iCommuteSD.com, and the SANDAG TDM division can assist with integration of these measures as part of this Project.

Other Considerations

SANDAG has a number of resources that can be used as plans or planning documents. These can be found on our website at sandag.org/igr.

When available, please send any additional environmental documents related to this Project to:

Intergovernmental Review
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

We appreciate the opportunity to comment on the 1122 Fourth Avenue Project SEIR. If you have any questions, please contact me at (619) 595-5609 or via email at katie.hentrich@sandag.org.

Sincerely,



KATIE HENTRICH
Regional Energy/Climate Planner

KHE/hbr

B-4

B-4

The proposed project has considered incorporating transportation demand management strategies, such as bike amenities. However, these strategies are not required as mitigation since no project transportation impacts will occur.

B-5

B-5

Comment Noted.

B-6

B-6

Comment Noted.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

17 September 2016

To: Mr. Aaron Hollister, Senior Planner
Civic San Diego
401 B Street, Suite 400
San Diego, California 92101

Subject: Draft Supplemental Environmental Impact Report
1122 4th Avenue Project

Dear Mr. Hollister:

I have reviewed the cultural resources aspects of the subject DSEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DSEIR, we have the following comments:

Regarding archaeological resources:

The proposed replacement wording for archaeological monitoring does not reflect the current standard wording in use by the City's Development Services Department and Planning Department. One example is the different wording for "Night Work" in the current DSEIR and "Night and/or Weekend Work" in the City's documents. The differences include the former calling for reporting to "submit to CCDC via fax by 9am the following morning, if possible", while the City's wording is to "submit to MMC via fax by 8am the next business day", without the "if possible". Allowing the "if possible" escape clause makes the reporting requirement unenforceable. Another difference occurs in VI, Post Construction, where the City includes a sentence defining what is to be done if the project archaeologist cannot complete the monitoring report within 90 days. The current DSEIR omits that sentence. There needs to be a thorough, line-by-line review and updating of the current project's mitigation program for archaeological resources.

Regarding historical (built environment) resources:

SDCAS is disappointed that the project would result in the loss of a designated historic resource, the California Theatre, as well as the historic Caliente signs that have been a landmark in downtown San Diego for over a half-century. While the Caliente racetrack was in Mexico, the bulk of its business came from San Diego, and John Alessio, with whom it was associated, was as significant a person in San Diego business as C. Arnholt Smith. Alessio's local involvement included Mr. A's restaurant, which is still in existence. And of the photos of Caliente signs in the report demonstrate the range of its use in enticing San Diegans to cross the border to Caliente for horse and dog racing, those same signs are now gone. That leaves the ones on the California

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

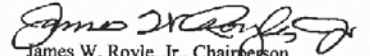
San Diego County Archaeological Society, Inc. Letter

- C-1 This SEIR tiers off of the Downtown Community Plan FEIR that was approved in 2006. The MMRP language in this SEIR is related to the previously approved document and is what is applied to projects within Downtown. Because of the tiered nature of the document, the mitigation language may not be exactly the same as other wording used by the City's Development Services and Planning Department.
- C-2 See response to C-1 above. To address concerns related to the enforceability of the reporting clause, we have stricken the "if possible" language from this measure.
- C-3 See response to C-1 above. Civic San Diego will not make editorial revisions to the mitigation measures, due to the fact that this document is tiered off of the Downtown Community Plan Final EIR and its associated MMRP, which are applied to projects within the Downtown Community Plan area.
- C-4 As a result of the analysis completed for the SEIR, based on the information included in the July 2016 HRTR prepared for the project, the San Diego Historical Resources Board on June 23, 2016 failed to pass a motion in favor of designation of the painted wall signs located on the exterior of the California Theatre (known as Signs #1, #2, and #3). As a result, the HRB issued a Notice of Action on June 30, 2016 stating the signs are not designated historical resources or included on the City's local historic register, and that the HRB came to this decision following consideration of information provided by the project applicant, staff report and recommendation, and testimony at a public meeting. The HRB decision is final and not subject to appeal. Additional information is included in Section 4.1 of the SEIR. Therefore, the signs are not considered historical resources or landmarks by the City or HRB. The historic impacts resulting from the project on the California Theatre building itself have been analyzed throughout the EIR, and a Statement of Overriding Considerations will be made to address the significant and unavoidable impacts to this resource.

Theatre the last of their kind and deserving preservation as links to the San Diego of the 1960s and 1970s.

Thank you for the opportunity to comment upon this DSEIR.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: AECOM
SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935



San Diego International Airport Letter

October 11, 2016

Aaron Hollister
Senior Planner
Civic San Diego
401 B Street, Suite 400
San Diego, California 92101

Re: Notice of Availability of a Supplemental Environmental Impact Report to the 2006 Final Environmental Impact Report for the Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Project Area (State Clearinghouse #2003041001) for the 1122 4th Avenue Project

Dear Mr. Hollister:

Thank you for the opportunity to comment on the Supplemental Environmental Impact Report (EIR) to the 2006 Final EIR for the Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Project Area (State Clearinghouse #2003041001) for the 1122 4th Avenue Project. The San Diego County Regional Airport Authority (SDCRAA) offers the following comments on the Supplemental EIR.

The proposed project is within the Airport Influence Area (AIA) of San Diego International Airport (SDIA). The project may therefore be subject to Airport Land Use Commission (ALUC) review. Proposed land uses and structures within the AIA must be evaluated for compatibility with the noise, safety, airspace protection, and overflight compatibility factors of the SDIA Airport Land Use Compatibility Plan (ALUCP). While the project site is outside of the noise and safety boundaries, it is within the airspace boundary and may be subject to FAA review due to the proposed structure height.

While there is no longer a 500-foot height limit downtown, the construction of buildings in certain locations could pose a considerable problem as it relates to the approach and departure minimums for SDIA. Developers should consider not only the proposed heights of their structures in their submittals to the FAA for 7460 review, but also the types of cranes to be used and their heights above the proposed structures during construction. Any adverse impacts to the landing minimums for either runway end at SDIA will be opposed by SDCRAA. Project plans submitted to the FAA for approval should include the height of cranes in addition to the proposed structures. In addition, certain locations will require survey tolerance levels that exceed the basic FAA requirements to ensure there is no impact to SDIA operations. We recommend the project proponent work with an aviation consultant on this analysis and that they coordinate with SDCRAA ALUC staff early in the process to avoid any potential constructability issues due to crane heights.

D-1

D-1 Comment Noted.

D-2

D-2 The project applicant has been in contact with the FAA regarding the Airport Influence Area. The applicant has received a letter from the FAA (6/28/16), in which it was determined that the project would not represent a hazard to air navigation.

D-3

D-3 See comment D-2 above. In the letter from the FAA to the applicant (6/28/16), the "no hazard to air navigation" determination included temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure.

LET'S GO.

PO Box 82776 • San Diego, CA 92138-2776
www.san.org

Mr. Aaron Hollister
October 11, 2016

Thank you for the opportunity to review the Supplemental EIR for the 1122 4th Avenue project.
Please contact me at (619) 400-2464 if you have if you questions regarding this letter.

D-4

D-4 Comment Noted.

Sincerely,



Angela Jamison
Manager, Airport Planning
San Diego County Regional Airport Authority



**SUPPLEMENTAL CANDIDATE FINDINGS OF FACT FOR THE CITY COUNCIL OF
THE CITY OF SAN DIEGO CERTIFYING THE FINAL SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT FOR THE 1122 4TH AVENUE
REDEVELOPMENT PROJECT**

City of San Diego

SCH 2014121002

Section 21081(a) of the California Environmental Quality Act (CEQA) and Section 15091(a) of the State CEQA Guidelines (Guidelines) require that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been certified identifying one or more significant effects on the environment that would occur if the project is approved or carried out, unless such public agency makes one or more of the following findings:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, can or should be adopted by that other agency; or
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

CEQA also requires that the findings made pursuant to Section 15091 of the Guidelines be supported by substantial evidence in the record (Section 15091(b) of the Guidelines). Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences may be derived from this information)) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence must include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (Section 15384 of the Guidelines).

The Candidate Findings included herein have been submitted by Civic San Diego to the City Council of the City of San Diego (“City Council”) as Candidate Findings to be made by the decision-making body. It is the exclusive discretion of the decision maker certifying the EIR to determine the adequacy of the proposed Candidate Findings. It is the role of staff to independently evaluate the proposed Candidate Findings and to make a recommendation to the decision-maker regarding their legal adequacy.

1.0 INTRODUCTION

The purpose of this document is to supplement prior Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) made on March 14, 2006 in accordance with Section 15091 of the Guidelines (14 Cal. Code Regulations Sections 15000 et seq.) by the City Council and the Redevelopment Agency of the City of San Diego (“Redevelopment Agency”) (2006 Findings/SOC). The 2006 Findings/SOC were adopted at the time of certification of the Final Program Environmental Impact Report (FEIR) prepared for the Downtown Community Plan, Centre City Planned District Ordinance and the 10th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project (Downtown FEIR). In the 2006 Findings/SOC, the City Council/Redevelopment Agency identified significant effects of the then proposed Downtown Community Plan, Centre City Planned District Ordinance, and the 10th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, including those effects which would not be mitigated to below a level of significance. As further required by the Guidelines, the City Council/Redevelopment Agency balanced the benefits of the proposed plans and ordinance against the identified unavoidable environmental risks (Section 15093 of the CEQA Guidelines) and adopted the SOC, which states the specific reasons why the benefits of the proposed plans and ordinance outweigh the unavoidable adverse environmental effects of the proposed plans and ordinance, and explains that the unavoidable environmental effects are considered acceptable.

The Supplemental Findings presented herein are made relative to the specific conclusions of the Final Supplemental Environmental Impact Report (FSEIR) for the proposed project. As explained in Chapter 3.0 of the FSEIR, the proposed project would provide a multiuse residential development to promote social, civic and economic vitality along a blighted area of the C Street corridor, as well as amending the DCP and CCPDO to remove the Employment Overlay from the project site. The Lead Agency determined that the proposed project involved new information of substantial importance and that the project could have one or more significant effects not discussed in the Downtown FEIR. Therefore, the FSEIR was completed pursuant to Section 15163(a) of the Guidelines to provide an updated analysis necessary to make the Downtown FEIR adequate. Likewise, these Findings and SOC are intended to update the 2006 Findings/SOC. The following documents are incorporated by reference: 2006 FEIR, 2006 Findings/SOC, and the FSEIR for the proposed project.

The following Supplemental Findings are hereby adopted by the City in its capacity as the CEQA Lead Agency. The Guidelines also require that the City Council balance the benefits of the proposed project against the unavoidable environmental effects identified in the FSEIR in determining whether to approve the proposed project. The City Council has carefully considered the benefits of the proposed project. The FSEIR identifies significant environmental effects which could remain significant even with the implementation of the identified mitigation measures. Therefore, the City Council hereby also adopts the SOC, which states the specific

reasons why the benefits of the proposed project, each of which standing alone, is sufficient to support approval of the proposed project, outweigh the unavoidable adverse environmental effects of the proposed project, and explains that the unavoidable environmental effects are considered acceptable.

2.0 DESCRIPTION OF THE PROPOSED PROJECT

The proposed development includes the construction of a new 40-story high-rise tower residential building in the center of the project site, which would be 420 feet tall and would consist of 282 units, with street level retail, lobby, associated residential amenities, three levels of underground parking, and four levels of above grade parking. On the south and east sides of the property, the façade of the existing 9-story office building will be re-created, and will coincide with the proposed floor-by-floor program. Specific project features include affordable housing units (10 percent of units), replication of the corner blade sign (“California”) and the entry marquee, open urban space terraces and green rooftop, a roof terrace on the north side of the tower includes a pool, spa, steam room, sauna, recreation rooms, and fitness center, [and a](#) sloped roof for photovoltaics. Three street level retail spaces would be made available along C Street and 4th Avenue. There would be a total of 314 parking spaces in both above grade and below grade levels of parking. The proposed development covers a total gross area of approximately 391,650 square feet with 309,569 square feet of above grade gross floor area and 70,000 square feet below grade (parking). The proposed project would require the demolition of all existing structures onsite, including the California Theatre and 9-story office building. Details of the project description are included in Chapter 3 of the FSEIR.

3.0 RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings and SOC, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation and all other public notices issued by Civic San Diego in conjunction with the proposed Project;
- The Draft SEIR;
- The FSEIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;

- The Mitigation Monitoring and Reporting Program (“MMRP”);
- The technical reports incorporated by reference to the Draft SEIR;
- The Ordinances and Resolutions adopted by the Council/Agency in connection with the proposed project, and all documents incorporated by reference therein;
- Matters of common knowledge to the City Council, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings and SOC; and
- Any other materials required to be in the record of proceedings by Section 21167.6(e) of CEQA.

The documents and other materials that constitute the record of proceedings upon which the City Council’s decision is based are located at the City of San Diego, 202 C Street, San Diego, CA 92101, and at Civic San Diego, 401 B Street, Fourth Floor, San Diego, CA 92101. Copies of all these documents, are, and have been, available upon request at the above addresses. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code of Regulations Section 15091(e). The City Council has relied on all the documents listed above in reaching its decision on the proposed project, even if each document was not formally presented to the City Council or City Council staff as part of files generated in connection with the proposed project. These documents are either in the proposed project files, reflect prior planning or legislative decisions of which the City Council was aware in approving the proposed project, or influenced the expert advice provided to the City Council staff or consultants, who then provided advice to City Council. For that reason, these documents form part of the underlying factual basis for the City Council’s decisions relating to the adoption of the proposed project.

4.0 GENERAL FINDINGS

The City Council hereby finds as follows:

- The foregoing statements are true and correct;
- The FSEIR was completed in compliance with CEQA as a supplement to the 2006 PEIR and is intended to complement and refine said document;
- The FSEIR reflects the City Council’s independent judgment;
- A MMRP (Chapter 7.0 of the FSEIR) has been prepared for the proposed project, which the City Council has adopted or made a condition of approval of the proposed project.

That MMRP has been incorporated herein by reference and is considered part of the record of proceedings for the proposed project;

- The MMRP designates responsibility and anticipated timing for the implementation of mitigation;
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Supplemental Findings pursuant to Section 21081 of CEQA, the City Council has complied with Sections 21081.5 and 21082.2 of CEQA;
- The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the FSEIR;
- The City Council has made no decisions related to approval of the proposed project prior to certification of the FSEIR, nor has the City Council previously committed to a definite course of action with respect to the proposed project; and
- Copies of all the documents incorporated by reference in the FSEIR are and have been available upon request at all times at Civic San Diego, custodians of record for such documents or other materials.

5.0 SUMMARY OF IMPACTS

The FSEIR evaluated only those issue areas where changes were necessary to make the Downtown FEIR adequate. The FSEIR therefore included an analysis of Historical Resources. All other issue areas remain as previously analyzed in the Downtown FEIR. The FSEIR concludes that implementation of the proposed project would have new or substantially increased significant impacts related to Historical Resources, some of which would not be mitigated to below a level of significance. No new impacts have been identified to other issue areas addressed by the Downtown FEIR.

6.0 FINDINGS OF FACT

CEQA and the Guidelines require that the environmental impacts of a project be examined before a project is approved. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an Environmental Impact Report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more

written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FSEIR.
 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FSEIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The findings in subdivision (a)(2) shall not be made if the agency making the findings has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The findings in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for monitoring and/or reporting on the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Guidelines Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.

- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Having received, reviewed, and considered the FSEIR for the proposed project, as well as all other information in the record of proceedings on this matter, the following Supplemental Findings are hereby adopted by the City Council in its capacity as the Lead Agency. These Supplemental Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City of San Diego and responsible agencies for the implementation of the proposed project.

For the unmitigated impacts set forth below, Supplemental Findings are made that there are no other feasible mitigation measures that would mitigate the impact to below a level of significance and that specific economic, social, technological, or other considerations make infeasible any alternatives considered in the Downtown FEIR. As described in the SOC, the City Council has determined that unmitigated impacts are acceptable because of specific overriding considerations.

6.1 FINDINGS REGARDING SIGNIFICANT IMPACTS MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE (CEQA GUIDELINES 15091 (A)(1))

As discussed in Section 5.0 above, the FSEIR evaluated only those issue areas where changes were necessary to make the Downtown FEIR adequate. The FSEIR therefore addressed only Historical Resources, as this was the only issue area not addressed by the Downtown FEIR for the proposed project. No significant effects mitigated to below a level of significance were identified in the FSEIR.

6.2 FINDING REGARDING MITIGATION THAT IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY (CEQA GUIDELINES 15091 (A)(2))

There are no changes or alterations that are within the responsibility and jurisdiction of another public agency and not the agency making the finding.

6.3. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS (CEQA GUIDELINES 15091 (A)(3))

Historical Resources Impact HIST-A.1-1 (Impacts to significant architectural structures Downtown): As discussed in Section 5.0 above, and in Chapter 4.0 of the FSEIR, the proposed project would result in significant and unavoidable impacts to the California Theatre, a designated historical resource.

Finding: Pursuant to Section 21081(a)(3) of CEQA and Section 15091(a)(3) of the Guidelines, the City Council finds that there are no feasible mitigation measures, including a less environmentally damaging alternative, that would mitigate the following impacts to below a level of significance and that specific economic, social, technological or other considerations make infeasible the mitigation measures and alternatives identified in the Downtown FEIR. The impacts are considered significant and unavoidable. A deviation from standard protective historical resource regulations is the minimum necessary to afford relief and accommodate the development and all feasible measures to mitigate for the loss of any portion of the historical resource have been provided by the applicant. The denial of the proposed development would result in economic hardship to the owner. For the purpose of this finding, “economic hardship” means there is no reasonable beneficial use of a property and it is not feasible to derive a reasonable economic return from the property.

Facts in Support of Finding: The Historical Resources Technical Report for the FSEIR identified historical resources that would be significantly adversely impacted by the proposed project. There are no feasible measures, including a less environmentally damaging alternative, that can further minimize the potential adverse effects to the designated historical resource. Although the FSEIR identified mitigation measures that would mitigate the impacts, these measures do not mitigate to below a level of significance. As discussed in Chapter 6.0 of the SEIR, the alternatives considered, aside from the full rehabilitation alternative, would not avoid significant impacts to historical resources. The full rehabilitation alternative (Section 6.1.1) was considered for its avoidance of significant impacts to historical resources, and rejected for not meeting the project objectives, is further rejected herein for being economically infeasible.

The following mitigation measures would partially mitigate historical resources impacts associated with the proposed project; however, impacts to the California Theatre would remain significant and unavoidable:

- Mitigation Measure HR-1: Recording the Resource: The City of San Diego’s Land Development Manual – Historical Resources Guidelines identifies preferred mitigation measures to avoid impacts, including avoidance of a significant resource through project redesign or relocation of the significant resource. Since the proposed project includes the full or partial demolition of the California Theatre, a full recording of the building, to the

standards of a Historic American Building Survey (HABS), should be prepared so that a record of the significant resource is maintained.

- Mitigation Measure HR-2: Architectural Salvage: Architectural Salvage: Prior to demolition, the project applicant's qualified historic preservation professional (QHPP) shall make available for donation architectural materials from the site to museums, archives, and curation facilities; the public; and nonprofit organizations to preserve, interpret, and display the history of the California Theatre.
- Mitigation Measure HR-3 Interpretative Display: In concert with HABS-level documentation, the applicant will create a display and interpretive material to the satisfaction of the HRB staff for public exhibition concerning the history of the California Theatre.

These mitigation measures are described fully in Chapter 7.0 of the FSEIR. No mitigation measure was identified that could reduce significant impacts to below a level of significance. The "no project alternative" would avoid impacts to the California Theatre altogether, but would not achieve any of the project goals and objectives. Therefore, no feasible mitigation measures exist to reduce impacts to the California Theatre to below a level of significance, and impacts would remain significant and unavoidable.

Facts in Support of Finding: The SEIR identifies Alternatives 2, 3 and 4 as the environmentally superior alternatives, as they lessen the severity of the historical impact by retaining the ground floor C Street façade of the California Theatre and existing office building, and recreating the wall signs on the northern façade of the office building. Alternatives 2, 3 and 4 would meet the objective of paying homage to the historical nature of the California Theatre by retaining character-defining features associated with the office building and theater, while meeting project objectives to provide potential new housing and business opportunities to the area, and reducing impacts to historical resources. Although these alternatives would lessen the severity of impacts to historical resources, they would not reduce impacts to less than significant, as they each require the demolition of the California Theatre. The economic analyses of these three alternatives demonstrate that they are not economically feasible, as described below.

Alternative 2 would include the demolition of the existing California Theatre. It would lessen the severity of the historical impact through the retention and rehabilitation of the existing nine-story office tower along with the construction of a new 40-story mixed-use tower (as included in the proposed project). The rehabilitated nine-story building would have four levels of above ground parking, one main residential lobby entrance, and one level of amenities for the residential units. The 40-story mixed-use tower design is the same as the proposed project and includes 310,651 square feet of net saleable residential (282 for-sale condominiums) with 10,900 square feet of retail. The total gross square footage, including parking, is 607,000 square feet.

The total estimated net sales revenue derived from Alternative 2 is the same as the proposed project at \$201.5 million. However, the estimated construction costs are increased by \$11.6 million to a total of \$187.1 million. \$216.2 million. The result is a project loss of \$14.5 million. This is a reduction in total profit of 156%, or 40.6 million, compared to the proposed project. Alternative 2 achieves a margin on gross revenue of 8.7%, which is below the 10% threshold required for financing.

Alternative 3 assumes a new mixed use development with the C Street façade retained and rehabilitated and the 9-story office tower retained and rehabilitated. The project design is the same as the proposed project and includes 310,651 square feet of net saleable residential (282 for-sale condominiums) with 10,900 square feet of retail. The total square footage, including parking, is 607,000 square feet.

The total estimated net sales revenue is the same as the proposed project at \$201.5 million. However, the estimated construction costs are increased by \$11.6 million to a total of \$187.1 million. The resulting net profit is calculated at \$14.4 million. This is a reduction in total profit of 44.6% or 11.6 million, compared to the proposed project. Alternative 3 achieves a margin on gross revenue of 7%, which is below the 10% threshold required for financing.

Alternative 4 assumes a new mixed use development with the C Street façade retained and rehabilitated or reconstructed if necessary with retail on the ground floor and the 9-story office tower retained and rehabilitated or reconstructed if necessary. This alternative also includes a 20-foot wide galleria between the 9-story tower and any new construction to the west of that galleria. This project design comprises a total of 647,000 square feet and includes seven levels of underground parking, with 310,923 square feet of net saleable residential (282 for-sale condominiums) with 10,900 square feet of retail.

The total estimated net sales revenue is the same as the proposed project at \$201.5 million. However, the estimated construction costs are increased to \$216.2 million. The result is a project loss of \$14.5 million. This is a reduction in total profit of 156% or 40.6 million, compared to the proposed project. Alternative 4 achieves a margin on gross revenue of -7%, which is below the 10% threshold required for financing.

The economic analyses for these three alternatives add an order-of-magnitude higher costs that result in single-digit returns (Alternative 4 is negative). These alternatives result in a project that is not economically feasible, nor financeable. There is not enough profit margin or financial “cushion” for private investors or other sources of capital to achieve their required minimum rates of return. Nor does it give investors and lenders a comfort level that the development could sustain cost overruns or revenue corrections (e.g. lower sales prices). The London Group’s analysis concludes that a mixed-use redevelopment project requires the margin on gross revenue to exceed 10 percent for a project to qualify for project financing. Alternatives 2, 3 and 4 do not achieve a margin on gross revenue of 10 percent and, as a result, are not considered

economically feasible alternatives. As demonstrated by the Economic Feasibility Analysis only the proposed project is economically feasible, resulting in a net profit of \$24 million, which would be realized over a three year investment period.

The proposed project's impacts are equivalent to those identified for Alternative 1 in the SEIR. The proposed project would develop a 40-story, 420-foot-tall mixed-use development of 282 residential units, with street level retail, lobby, associated residential amenities, two and a half levels of underground parking, and four levels of above grade parking. The proposed development would have a total gross area of approximately 373,546 sf with 279,544 sf of above grade gross floor area and 70,000 sf below grade with 314 parking spaces. On the east and west side of the property, the existing 9-story office building façade will be replicated, and will coincide with the proposed floor-by-floor program. The replication of these building facades will lessen the impact to historic resources, but not below a level of significance. The total estimated net sales revenue is \$201.5 million. However, the estimated construction costs are \$177.5 million. The result is a project profit of \$24 million. The proposed project achieves a margin on gross revenue of 11.6%, which is above the 10% threshold required for financing.

The proposed project was determined to be financeable and economically feasible.

Facts in Support of Finding: The full renovation alternative (Alternative 5) would renovate both the California Theatre and the existing 9-story office building. In this scenario, the buildings are restored to their original uses as an approximately 2,000 seat theater, 29,350 square feet of office and 4,640 square feet of retail. Total costs of rehabilitation and construction are estimated at \$40.8 million.

Research conducted by the Economic Feasibility Analysis (The London Group 2015) on the reuse and rehabilitation of the former theater portion for theater purposes demonstrates that operation of the rehabilitated theater, not counting the cost of rehabilitation, would result in, at best, a break-even proposition, since most theaters struggle to cover their operating costs and these locations depend largely on donations to cover their deficits, and the building rehabilitation and construction costs at this site have been estimated at \$40.8 million. Therefore, a developer who would invest in rehabilitating the theater would not receive any value or significant income to recover the money spent on rehabilitation.

The analysis of the office component demonstrates a value of \$4.9 million for 29,350 square feet of space at \$168 per square foot. These rents and sale value are in-line with what is being achieved for better quality Class B office space in downtown San Diego. The retail component is estimated to have a value of approximately \$2.1 million for the 4,640 square foot space at \$446 per square foot. These rents and sale values are in line with better quality, and located, retail in downtown San Diego.

With these values combined, the full renovation alternative has a total value of approximately \$7.0 million, which is based solely on the office and retail components. Based on the estimated construction costs of \$40.8 million, the result is a loss of negative \$33.8 million. Alternative 5 is therefore infeasible.

Facts in Support of Finding: A No Project Alternative would avoid impacts to historical resources altogether, but would not achieve any of the project objectives. Although the No Project Alternative would avoid impacts to the California Theatre, the structure is in dilapidated physical condition and would continue to degrade.

The subject property has been determined to present a public safety hazard of significant proportions. In October of 2009, a Preliminary Structural Study of the property was prepared by Tony Court of A.B. Court & Associates in response to a request from the San Diego City Attorney's Office. The findings of that report were as follows:

The entire facility is in poor, dilapidated and deteriorating condition. The roofing system is in poor condition and leaks extensively, resulting in excessive damage to the interior finishes, particularly in the theater spaces and rental spaces. Power and water systems are not functional.

The concrete cover over the exposed roof trusses at the auditorium is heavily cracked and spalled, contributing to heavy rusting of the roof structure over the auditorium and resulting in a potentially critical long-term safety issue. The wood framing at the roof and second floor of the retail spaces is rotted in various locations.

Several external features are deteriorated to the point of presenting significant near term falling hazards. These elements include the cast stone ornamentation, delaminating stucco plaster, the marquee, the water tank at the roof of the office tower, the URM parapets at the retail space and the lights structures and other appendages around the building.

After the Easter earthquake in April of 2010, new damage was visible on the property and the engineering firm of Flores Lund was retained to provide an updated structural evaluation on the property. That report, dated March 11, 2011, found that "The majority of the building complex contains deterioration due to elements exposed to the environment and damage due to previous earthquakes. This structure has the maximum potential for collapse." As the result of these evaluations and other factors, this entire building complex has been ordered vacated, closed and secured pursuant to orders from the City's public safety officials.

The denial of the proposed project could also result in economic hardship to the owner and the City of San Diego if the collapse predicted by the structural engineers occurs before the building can be removed.

Without the proposed project and demolition of the historic resource, the owner would be unable to develop the property and would suffer loss of investment and great economic hardship. There is no reasonable beneficial use of the property that preserves the historic resource.

7.0 FINDINGS REGARDING ALTERNATIVES

In accordance with Section 15126.6(a) of the Guidelines, an EIR must contain a discussion of “a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Section 15126.6(f) further states that “the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.” Because the proposed project would cause unavoidable significant impacts, the City Council must consider the feasibility of any environmentally superior alternative to the proposed project, evaluating whether these alternatives could avoid or substantially lessen the unavoidable significant environmental effects while achieving most of the objectives of the proposed project. An alternatives evaluation is included in Chapter 6.0 of the FSEIR. Discussed therein, five project alternatives were considered. However, none of the project alternatives avoided significant impacts to historical resources, or reduced impacts to less than significant. Also included in that discussion, a “full rehabilitation alternative” was evaluated for its potential to reduce/avoid significant environmental impacts while attaining most of the basic objectives of the project. The FSEIR rejects the full rehabilitation alternative, though avoiding new significant environmental impacts not addressed by the Downtown FEIR, would not attain most of the basic objectives of the project, and, as discussed herein, would be economically infeasible.

8.0 ENVIRONMENTAL ISSUES DETERMINED NOT TO BE SIGNIFICANT

The environmental analysis contained in the FSEIR did not identify effects, other than impacts to historic resources discussed above, that would result from the proposed project that are not addressed by the Downtown FEIR. Therefore, the environmental analyses within the Downtown FEIR of other environmental issue areas remain applicable to the proposed project. The FSEIR includes all previously identified mitigation that would be necessary to carry forward under the proposed project to maintain the same conclusions concerning the significance of impacts with mitigation incorporated as the Downtown FEIR. Any new feasible mitigation measures that could be utilized to avoid or minimize the proposed project’s significant environmental impacts, or where previous mitigation measures are proposed for modification, are summarized in FSEIR Chapter 7.0, Mitigation Monitoring and Reporting Program.

9.0 FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(c) of the Guidelines indicates that “uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely.” The Guidelines also indicate that that

“irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.” This Finding remains the same as the Downtown FEIR. The proposed project would not have any significant irreversible impacts on biological, agricultural or mineral resources, as the Downtown area is already substantially developed in an urban state and such resources are not significantly located in the area.

10.0 FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

The City of San Diego is the Lead Agency for the proposed project evaluated in the FSEIR. The City Council finds that the Draft SEIR and the FSEIR were prepared in compliance with CEQA and the CEQA Guidelines. The City Council finds that it has independently reviewed and analyzed the Draft SEIR and FSEIR for the proposed project, that the Draft SEIR which was circulated for public review reflected its independent judgment, and that the FSEIR reflects the independent judgment of the City Council. The Notice of Preparation of the Draft SEIR was published on November 27, 2015. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency’s specific responsibilities. Two 45-day public review periods for the Draft SEIR began on August 8, 2016 and October 6, 2016. A Notice of Availability of Draft SEIR was filed with the County Recorder/County Clerk on October 17, 2016 and a Notice of Completion of Draft SEIR was submitted to the State Clearinghouse on August 8, 2016. The 45-day public review and comment period ended on November 21, 2016. On February 7, 2017, Civic San Diego distributed the FSEIR and provided proposed written responses to the responsible agencies. This was at least fourteen calendar days prior to certification of the FSEIR.

The City Council finds that the FSEIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the proposed project. The public review period provided interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft SEIR. The FSEIR was prepared after the review period and responds to comments made during the public review period. Civic San Diego evaluated comments on environmental issues received from persons who reviewed the Draft SEIR. In accordance with CEQA, Civic San Diego prepared written responses describing the disposition of significant environmental issues raised. The FSEIR provides adequate, good faith and reasoned responses to the comments. The City Council reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft SEIR. The City Council, as lead agency, has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the FSEIR.

All of the significant environmental impacts of the proposed project were identified in the text and summary of the FSEIR. The mitigation measures which have been identified for the proposed project were identified in the text and summary of the FSEIR. The final mitigation measures are described in the MMRP, Chapter 7.0 of the FSEIR. Each mitigation measure identified in the MMRP is incorporated into the proposed project. The City Council finds that the impacts of the proposed project have been mitigated to the extent feasible by the mitigation measures described in the FSEIR and identified in the MMRP.

Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. Civic San Diego staff has made every effort to notify the decision makers and the interested public/agencies of each textual change in the various documents associated with the review of the proposed project.

The City Council finds that the FSEIR was presented to the City Council, and that the City Council reviewed and considered the information contained in the FSEIR prior to taking action on the proposed project and certification of the FSEIR. CEQA requires the lead agency approving a project to adopt a MMRP for the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with project implementation. The MMRP included in the SEIR as certified by the City Council serves that function. The MMRP includes all of the mitigation measures identified in the Downtown FEIR and has been designed to ensure compliance during implementation of the proposed project. In accordance with CEQA, the MMRP provides the measures to ensure that the mitigation measures are fully enforceable. The City Council is certifying a FSEIR for, and is approving and adopting Findings for, the entirety of the actions described in these Findings and in the FSEIR as comprising the proposed project. There may be a variety of actions undertaken by other state and local agencies (who might be referred to as “responsible agencies” under CEQA). Because the City Council is the Lead Agency for the proposed project, the FSEIR along with the Downtown FEIR, is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other state and local agencies to carry out the proposed project.

STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE CITY COUNCIL OF THE
CITY OF SAN DIEGO CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL
IMPACT REPORT FOR THE 1122 4TH AVENUE REDEVELOPMENT PROJECT

The City Council of the City of San Diego (“City Council”) adopts and makes this Statement of Overriding Considerations (SOC) concerning the unavoidable significant impacts of implementing the Final Supplemental Environmental Impact Report (FSEIR) for the proposed 1122 4th Avenue Redevelopment Project (“proposed project”). Unavoidable significant impacts to historical resources have been identified in the FSEIR and the Supplemental Findings made by the City Council in connection with the FSEIR, all of which are incorporated into SOC by this reference. Additionally incorporated by reference are the Downtown FEIR and associated Findings and SOC for the 2006 project which included the Downtown Community Plan, Centre City Planned District Ordinance, and the 10th Amendment to the Center City Redevelopment Project (2006 Plan).

Development as prescribed in the 2006 Plan will bring substantial benefits to the City of San Diego. As such, the proposed project and redevelopment of 1122 4th Avenue will also bring substantial benefits to the C Street corridor. These benefits include strengthening C Street as a regional residential and commercial center for the Downtown area; ensuring that intense development is complemented with livability through a focus on transit-oriented development and the redevelopment of C Street; and the redevelopment of a structurally unstable and unusable building into an economically viable project that will bring residents and patrons to the C Street corridor.

The City Council acknowledges the unavoidable significant impacts associated with the 2006 Plan, and the overriding considerations adopted for impacts from the 2006 Plan. Furthermore, the City Council finds that the proposed project’s unavoidable significant impacts beyond those identified in the 2006 Plan subject to the 2006 overriding considerations are acceptable in light of the proposed project’s benefits. Each benefit set forth below constitutes an overriding consideration warranting approval of the proposed project, independent of the other benefits and despite each and every unavoidable impact. The SOC’s adopted in 2006 continue to represent the same beneficial outcome of implementing the proposed project and are supplemented below relative to the proposed project.

Project’s Benefits:

1. The 2006 Plan provided a benefit to develop downtown as the primary urban center for the region. One of the foundational conclusions reached by the Steering Committee during its three-year process was that downtown should be developed as a vibrant, urban center for the region. The 1992 Community Plan had some of the same goals as the 2006 Plan and the proposed project; however, the 1992 Community Plan lacked the mandate for intense development which promoted a lively, 24-hour Downtown

environment while at the same time balancing residential, commercial and recreational uses. The 2006 Plan re-focused the residential development efforts on specific, comprehensive neighborhood centers including shops, services, employment and recreational opportunities, open spaces and transit facilities; all of which would be located within walking distance of the residential developments. The proposed project further enhances this benefit by reviving the C Street corridor, bringing residents and patrons to businesses along C Street. The proposed project coordinates mobility-related facilities as well as efficient and beneficial use of the unused property.

2. The 2006 Plan provided a benefit to develop full-service, walkable neighborhoods linked to the assets downtown offers. The 2006 Plan recognized that parts of downtown are already characterized by built-out neighborhoods, while others areas were just beginning to undergo the transformation. Under the 2006 Plan all neighborhoods in the downtown area would be designed to require no more than a 10-minute walk from one end (or side) of the district to the other. All neighborhoods would have residential units, retail, employment opportunities, civic or cultural resources, open spaces and local services components. Currently, land use in the Core/Columbia district (project area) is mostly office (employment), civic, cultural, and commercial use. The proposed project further enhances this benefit by enhancing residential and retail opportunities in a district of downtown that offers employment, civic and cultural opportunities.
3. The 2006 Plan provided a benefit by integrating historical resources into the downtown plan. Redevelopment in the downtown area has already preserved and reused several historic buildings that appear on the National, State, and Local Registries. As such, the propose project area is within close proximity to the historic Balboa Theatre. The proposed project includes design elements that pay homage to the historical California Theatre, and thus supports the 2006 Plan overriding considerations.
4. The 2006 Plan emphasizes the development of full-service residential neighborhoods that will attract commercial and retail operations. The proposed project would support this 2006 Plan overriding consideration by bringing residents, and business patrons, to a transit-oriented street of downtown.
5. The 2006 Plan identifies conditions that contribute to making the C Street corridor complicated and/or uncomfortable. Notable among these conditions is a streetscape that is uncomfortable and unattractive due to vacant retail and the “backs” of buildings lining the street. Existing retail at the intersection consists primarily of discount outlets. The proposed project will address these conditions by placing higher-end retail development with new facades at street level at a key intersection along the corridor. This will rejuvenate commercial activity and the intersection and enhance C Street’s position as a connection between neighborhoods and land uses, and will help achieve

the plan goal to make C Street a comfortable and pleasant route for vehicles, walkers, and transit riders.

6. As discussed in the FSEIR for the proposed project, no feasible alternatives or mitigation exist that would reduce impacts to historical resources to less than significant. The subject property has been determined to present a public safety hazard of significant proportions, unusable in its current condition. The project area is in close proximity to both the historic Balboa Theatre, and the San Diego Civic Theater, and as such the subject property has been unable to be economically sustained as a functioning theater and has fallen into disrepair. The economic infeasibility of a renovated theater is a barrier to redevelopment of this property. As the result of structural stability evaluations and other factors, the entire building complex has been ordered vacated, closed and secured pursuant to orders from the City's public safety officials. However, the redevelopment of the project area as a mixed use residential/retail property would meet many of the goals and overriding considerations of the 2006 Plan (described in 1-4 above), while revitalizing C Street.
7. The 2006 Plan notes that security concerns along the C Street corridor have resulted in low levels of commercial activity. The 1122 4th Avenue site has been vacant since 1990. In 2009 the property was determined to be at risk of collapse in a seismic event. During this period the property has continued to deteriorate and has been broken into by vandals and has been repeatedly been the target of graffiti. The proposed project will redevelop the dilapidated, vacant site and remove a source of blight from the intersection of 4th Avenue and C Street.
8. A total of 10% of the project's 282 residential units would be affordable housing units. This provision of affordable residential units would assist in the achievement of the City's affordable housing goals and the 2006 Plan's goal to achieve a downtown resident populations characterized by diverse incomes.