

RESOLUTION NUMBER R- 311016

DATE OF FINAL PASSAGE APR 04 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT NO. 2003041001 AND ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 1122 4TH AVENUE PROJECT.

WHEREAS, Sloan Capital Partners, LLC, Owner, and 1122 4th Avenue, LLC, Permittee ("Owners/Permittee"), filed an application with Civic San Diego to allow the construction of a mixed-use development containing 40 stories (up to 422 feet tall) comprised in total of approximately 282 residential dwelling units (DU) including indoor and outdoor amenity spaces, approximately 11,000 square feet (SF) of commercial space, and approximately 325 automobile parking spaces, commonly referred to as 1122 4th Avenue ("Project"); and

WHEREAS, the project site is located on a 25,000 square foot premises located on the north side of C Street between Third and Fourth avenues in the Civic/Core neighborhood of the Downtown Community Plan area; and

WHEREAS, the property is legally described as Lots E, F, G, H, & I in Block 16 of Horton's Addition in the City of San Diego, County of San Diego, State of California, according to partition map thereof, made by L.L. Lockling, filed in the Office of the County Recorded of San Diego County; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on April 4, 2017; and

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

WHEREAS, the City Council considered the issues discussed in the Supplemental Environmental Impact Report for the 1122 4th Avenue Project, SCH No. 203041001 (Report) prepared for the Project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it certifies that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), that the Report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to State CEQA Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which are attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to

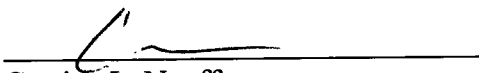
implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project after final passage of the ordinance associated with the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
March 8, 2017
March 24, 2017 COR. COPY
Or.Dept:Civic San Diego
Doc. No.: 1458373_3

Attachments: Exhibit A, Findings
Exhibit B, Statement of Overriding Considerations
Exhibit C, Mitigation Monitoring and Reporting Program

Exhibit A

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 2015111076

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 1122 4th Avenue, LLC 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 Downtown Community Plan (DCP) and Centre City Planned District Ordinance (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 Downtown 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 22 affordable housing 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 325 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 Downtown FEIR 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 Downtown FEIR analyzed cumulative effects that may occur from development in accordance with the proposed DCP 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 identified historical resources as one of these resources. In the Mitigation Monitoring and Reporting Program (MMRP adopted with the certification of the Downtown FEIR), there is a distinction made between historic resources located on the local San Diego Register and those resources that were listed on, or eligible for, the NRHP or CRHR. The Downtown FEIR recognized that resources listed on the San Diego Register may be demolished due to development anticipated in the DCP, but that any demolition would have to comply with all applicable City regulations for substantial alterations to historical resources including the approval of a Site Development Permit. However, the potential loss of historical resources was considered a cumulative impact that could not be mitigated and therefore the City Council made certain Findings and adopted a Statement of Overriding Considerations when certifying the Downtown FEIR. However, the DCP and MMRP state that historical resources that are listed on, or eligible for listing on, the NRHP or CRHR are to be retained on-site and rehabilitated.

Therefore, the proposed demolition of the California Theater was not considered by the Downtown FEIR or MMRP and is subject to further review under CEQA.

A FSEIR has therefore been prepared in accordance with CEQA which evaluates the impacts of the demolition of the building. 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 Supplemental 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 with a potential new impact or a substantial increase in the severity of an impact 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 (demolition) to the California Theatre, a designated historical resource eligible for listing on the National Register of Historic Places and the California Register of Historic Resources.

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. Mitigation in the form of less damaging alternatives would add additional costs sufficiently severe as to render the less damaging alternatives infeasible.

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, which 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. Full Rehabilitation (which is analyzed under Project Alternative 5) would avoid the significant impact of the proposed project as it would preserve, rather than demolish or alter, resources of historical significance consistent with the Secretary of the Interior's standards for adaptive reuse. This mitigation/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.

In addition, the mitigation/alternative is not feasible as the 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. 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. This makes this mitigation/alternative economically infeasible.

The “no project alternative” would avoid impacts to the California Theatre altogether, but would not achieve the objectives to provide new housing or business opportunities. 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.

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 Downton FEIR, would not attain most of the basic objectives of the project, and, as discussed herein, would be economically infeasible.

Alternatives 2, 3 & 4

The economic analyses for Project Alternatives 2, 3, and 4 add an order-of-magnitude higher costs that result in single-digit returns (Alternative 4 results in a negative return on investment). 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, nor financeable. This was confirmed by the KMA October 2016 peer review. As demonstrated by the Economic Feasibility Analysis only Project Alternative 1 is economically feasible, resulting in a net profit of \$24 million, which would be realized over a three year investment period and results in a 11.6% margin on gross revenue.

Facts in Support of Finding: While the FSEIR states that Alternative 2 would lessen the severity of the historical resources impact, it identifies Alternatives 3 and 4 as the environmentally superior alternatives, as they lessen the severity of the historical resources 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 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, and reducing impacts to historical resources. The project objectives identified in the FSEIR 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.

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.

An economic alternatives analysis was completed by the London Group (The London Group 2015) that analyzed the economic feasibility of each project alternative. A peer review of the London Group economic alternatives analysis was also completed by Keyser Marston Associates (KMA October 2016). The KMA October 2016 peer review further analyzed conclusions of the

London report with rate of return figures based on the London report. The economic analyses contained in both the London Group 2015 report and the KMA October 2016 peer review demonstrated that these Alternatives 2, 3, and 4 are not economically feasible, nor financeable, as described below. Project Alternative 1 was found to be economically feasible per the London Group 2015 report.

Alternative 2

Alternative 2 would include the demolition of the existing California Theatre. It would lessen the severity of the historical resources 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 \$6.13 million to a total of \$183.6 million. The result is a net profit of \$17.9 million. This is a reduction in total profit of 25.5%, or \$6.1 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

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 39.9% or \$9.6 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

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 160.5% or \$38.6 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.

Alternative 1 (Proposed Project)

The proposed project's impacts are analyzed under Alternative 1 in the FSEIR. 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, three 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 325 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. Alternative 1 differs from the original project in that the original project proposed a faux replication of the office tower, while Alternative 1 proposes a replication of the office tower based on measured drawings by a historic architect. 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. As a result of the design review process, the project will be effectively implementing Alternative #1 since the design of the replicated office tower will be based on measured drawings rather than a faux approximation as was originally proposed by the Base Project.

While Alternatives 2, 3, and 4 are rejected as infeasible because the higher construction cost associated with each alternative severely impacts the potential net profit rendering each alternative nonviable and unable to obtain financing. As detailed in the economic analysis by London Group and confirmed by Keyser Marston Associates, a mixed-use redevelopment project requires the margin on gross revenue to, at a very minimum, 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.

Alternative 5

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.

No Project Alternative

Facts in Support of Finding: A No Project Alternative would avoid impacts to historical resources altogether, but would not achieve the objectives to provide new housing or business opportunities. 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 “[t]he 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 a result of these evaluations, 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 if the collapse predicted by the structural engineers occurs before the building can be removed. Without the proposed project and demolition of the historical 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 historical resource. The No Project Alternative is rejected as infeasible because it is unable to meet the project objectives of providing 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 and creating 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.

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, written responses were prepared 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.

Exhibit B

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, a proposal to demolish the existing California Theatre building and construct a 40-story (approximately 422-foot tall) mixed-use development comprised of 282 dwelling units, approximately 11,000 square feet of commercial space, and 325 automobile parking spaces (“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 this SOC by this reference. Additionally, incorporated by reference are the 2006 Downtown Program Final Environmental Impact Report (Downtown FEIR) and associated Findings and SOC prepared for 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 the Project site 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 removal of a structurally unstable and unusable building and construction of 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. As discussed in the FSEIR and the Supplemental Findings for the proposed Project, no feasible alternatives or mitigation exist that do not entail demolition of the California Theatre building that would reduce impacts to historical resources to less than significant. Specifically Impact HIST-A.1 of the 2006 Plan Mitigation Monitoring and Reporting Program cannot be implemented due to the proposed demolition of the California Theatre. Furthermore, the City Council finds that the proposed Project’s unavoidable significant impacts beyond those identified in the 2006 Plan subject to the 2006 SOC 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 SOCs 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:

Revitalizes C Street

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. The 2006 Plan notes that security concerns along the C Street corridor have resulted in low levels of commercial activity. The Project site plays a role in the continued challenges that face the C Street corridor due to the Project site's vacant status over the last 25-plus years. The proposed Project will address these conditions by activating a long-vacant site and by providing inviting ground-floor retail spaces with gracious ceiling heights at a key intersection along the corridor. This will rejuvenate commercial activity along the C Street corridor, enhance C Street's position as a connection between neighborhoods and land uses, and will help achieve the 2006 Plan goal to make C Street a comfortable and pleasant route for vehicles, pedestrians, and transit riders.

Activates a Prominent Site in Downtown San Diego

The subject property has been unable to be economically sustained as a functioning theater and has fallen into disrepair, which has caused the prominent site to remain vacant and underutilized. The economic infeasibility of a renovated theater is a barrier to redevelopment of this property. 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, while revitalizing C Street and activating the prominent site. These aforementioned goals include economic development, improvement to neighborhoods, and the development of the Core neighborhood.

Alevites a Public Safety Hazard and Visual Blight

The subject property has been determined to present a public safety hazard of significant proportions and is unusable in its current condition as it has been found to be structurally unsound and unfit for habitation since 1990. In 2009, the property was determined to present a public safety hazard due to a leaking roof system, cracked concrete trusses, and deteriorated exterior features that could fall. Furthermore, in 2011, the property was determined to be at risk of collapse in a seismic event. Based on a structural evaluation by an engineering professional, the entire building complex has been ordered vacated, closed and secured pursuant to orders from the City of San Diego public safety officials. Since this time, the property has continued to deteriorate, has been vandalized, and has been the repeated target of graffiti. The continually uninhabited building has led to a state of disrepair and visual blight at the prominent C Street location, adjacent to the Civic Center. The Project would demolish a current public safety hazard and activate the prominent, blighted site that has been uninhabited for 25-plus years.

Imparts Downtown's Heritage

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 proposed Project area is within close proximity to the historic Balboa Theatre and Spreckels Theatre building located two blocks to the south of the Project site. The proposed Project includes design elements that will

pay homage to the California Theatre, and thus, supports the 2006 Plan overriding considerations by communicating downtown's heritage. A public art component that will pay homage to the California Theatre building will be located at the podium level of the C Street frontage. Salvaged building material displays will also be required to be located on-site. The C Street and Fourth Avenue facades of the office building portion of the California Theatre building will be replicated based on Historic American Building Survey plans. Additionally, the historic "California" blade sign located at the intersection of C Street and Fourth Avenue will be re-created, as will the historic movie marquee on Fourth Avenue.

Promotes City of Villages Strategy

The 2006 Plan implements the City of Villages strategies of the City's General Plan by directing growth in limited areas served by transit as an efficient use of urban land that reduces the need to develop outlying areas while creating opportunities for realistic alternatives to automobile travel. Furthermore, the 2006 Plan provided a benefit to develop downtown as the primary urban center for the region. 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 Orange and Blue Trolley Lines are located immediately adjacent to the Project site on C Street with nearby stations located at Civic Center and Fifth Avenue. Numerous bus lines and stations are located within a five-minute walk of the Project site. The proposed Project coordinates mobility-related facilities as well as efficient and beneficial use of the unused property.

Buildout and Activation of the Civic/Core Neighborhood

Currently, land use in the Civic/Core neighborhood (Project area) is mostly office (employment), civic, cultural, and commercial use. The Civic/Core neighborhood also contains significant uses including the Civic Center, the County Complex, and performing arts theatres such as the Civic Theatre, Symphony Hall, and Spreckels Theatre. The 2006 plans notes that even with these significant features, Civic/Core lacks a defining center or node. In addition, there is little activity outside of weekday working hours or special theatre circuits. The 2006 Plan envisions the Civic/Core built environment developed with intense developments with large and tall buildings. By further enhancing residential and retail opportunities via an intense, 40-story high-rise structure in a district of downtown that offers employment, civic and cultural opportunities, the proposed Project will provide for a greater overall balance of uses in the neighborhood and will foster a richer mix of uses in the neighborhood. Furthermore, the proposed Project will add vitality to the Civic/Core neighborhood by activating the surrounding streets with ground-floor retail and residents that would both offer enhanced activation as compared to the current conditions of the Civic/Core neighborhood.

Produces Affordable Housing

A total of 22 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 population characterized

by diverse incomes via the promotion and production of affordable housing in all of downtown's neighborhoods and districts.

Provides a Range of Housing Opportunities Suitable for Urban Environments

In addition to the providing 22 units of affordable housing on-site, the Project would provide a mix of residential units that includes 126 one-bedroom units, 99 two-bedroom units, and 57 three-bedroom units, or 20% of the 282 total residential units. By providing a mix of unit types, the Project will provide housing for a diverse range of Downtown's population, particularly families, who are more likely to occupy the three-bedroom units.

Promotes a Rich Mix of Uses

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. Furthermore, 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.

Promotes Sustainability

The Project will promote sustainability measures and the City's Climate Action plan via LEED Silver Certification, the inclusion of green, eco-roofs in the Project, the addition of energy and water efficient appliances and fixtures in the Project, and by promoting an intense residential project in a walkable, transit-rich area of downtown.

Exhibit C

MITIGATION MONITORING AND REPORTING PROGRAM GENERAL REQUIREMENTS

As Lead Agency for the proposed project under CEQA, the City of San Diego will administer the Mitigation, Monitoring, and Reporting Program (MMRP) for the following environmental issue areas as identified in the Programmatic Final Environmental Impact Report for the Downtown Community Plan: Air Quality, Historical Resources, Land Use, Noise, Paleontological Resources, and Traffic and Circulation; and the Supplemental Environmental Impact Report for the 1122 4th Avenue Project: Historical Resources. The mitigation measures identified below include all applicable measures for the 1122 4th Avenue Project (SCH No. 2003041001).

Section 21081.6 to the State of California PRC requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects to adopt a “reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects.” The City of San Diego is the Lead Agency for the Programmatic Final Environmental Impact Report for the Downtown Community Plan (FEIR) and the Supplemental Environmental Impact Report for the 1122 4th Avenue Project (Supplemental), and therefore must ensure the enforceability of the MMRP. The FEIR and Supplemental address potential environmental impacts from the project and, where appropriate, recommend measures to mitigate these impacts. As such, an MMRP is required to ensure that adopted mitigation measures are implemented. Therefore, the following general measures are included in this MMRP:

A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director’s Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, “ENVIRONMENTAL/MITIGATION REQUIREMENTS.”
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website: <http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the “Environmental/Mitigation Requirements” notes are provided.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s) and Job Site Superintendent.

Note:

Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) #451328 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc).

Note:

Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder

obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE:

Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

<u>Issue Area</u>	<u>Document Submittal</u>	<u>Assoc Inspection/Approvals</u>
General	Consultant Qualification Letters	Prior to Pre-con Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-con Meeting
Geology	As Graded Soils Report	Geotechnical/fault inspection
Paleontology	Paleontology Reports	Paleontology site observation
Archaeology	Archaeology Reports	Archaeology/Historic site observation
Biology	Biology Reports	Biology inspection
Noise	Acoustical Reports	Noise mitigation features inspection
Traffic	Traffic Reports	Traffic features site observation
Waste Management	Waste Management Reports	Waste management inspections
Bond Release	Request for Bond Release letter	Final MMRP inspections prior to Bond Release Letter

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

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: 1. Exposed soil areas shall be watered twice per day. On windy days or when fugitive dust can be observed leaving the development site, additional applications of water shall be applied as necessary to prevent visible dust plumes from leaving the development site. When wind velocities are forecast to exceed 25 mph, all ground disturbing activities shall be halted until winds that are forecast to abate below this threshold. 2. Dust suppression techniques shall be implemented including, but not limited to, the following: 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. 3. Vehicles on the construction site shall travel at speeds less than 15 mph. 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. 5. Where vehicles leave the construction site and enter adjacent public streets,	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>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> <ol style="list-style-type: none"> <li data-bbox="347 506 792 591">6. All diesel-powered vehicles and equipment shall be properly operated and maintained. <li data-bbox="347 612 792 761">7. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than five minutes, as required by state law. <li data-bbox="347 783 808 900">8. The construction contractor shall utilize electric or natural gas-powered equipment in lieu of gasoline or diesel-powered engines, where feasible. <li data-bbox="347 921 808 1155">9. As much as possible, the construction contractor shall time the construction activities so as not to interfere with peak hour traffic. In order to minimize obstruction of through traffic lanes adjacent to the site, a flag-person shall be retained to maintain safety adjacent to existing roadways, if necessary. <li data-bbox="347 1176 808 1283">10. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew. <li data-bbox="347 1304 816 1559">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. <li data-bbox="347 1581 808 1815">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. <li data-bbox="347 1836 816 1974">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. 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<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)					
<p>Impact HIST-A.1: Future development in downtown could impact significant architectural structures. (Direct and Cumulative)</p>	<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,</p>	<p>Prior to Development Permit (Design) Prior to Demolition, Grading, and/or Building Permit (Design) Prior to Certificate of Occupancy (Implementation)</p>	<p>Developer</p>	<p>CivicSD/City</p>	<p>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</p>

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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.</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>				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> <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 Resources</p>				No

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<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 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 San Diego HRG.</p> <p>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.</p> <p>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> <p>II. Prior to Start of Construction</p> <p>A. Documentation Program (DP)</p> <p>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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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</p>				

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	<p>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 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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>monitoring.</p> <p>2. Historical Monitoring Plan</p> <p>(a) Prior to the start of any work that is subject to a Historical Monitoring Plan, the PI shall submit a Historical Monitoring Plan which describes how the monitoring would be accomplished for approval by City Staff. The Historical Monitoring Plan shall include a 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> <p>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.</p> <p>2. The qualified Historical Monitor(s) shall attend weekly jobsite meetings and be on-site daily during the stabilization phase for</p>				

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	<p>any retained or adjacent historical resource to photo document the Treatment Plan process.</p> <p>3. The qualified Historical Monitor(s) shall document activity via the Consultant Site Visit Record (CSVr). The CSVr'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 CSVr. The CSVr's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>the case of ANY incidents involving the historical 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.</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 impacts to</p>				

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	<p>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. <ul 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 the course of construction:</p>				

Exhibit C

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<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. 3. The PI shall submit revised Draft Monitoring Report to City Staff for approval. 4. City Staff shall provide written 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>verification to the PI of the approved report.</p> <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. Final Monitoring Report(s)</p> <p>1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to City Staff (even if negative), within 90 days after notification from City Staff that the draft report has been approved.</p> <p>2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from City Staff.</p>				
	<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> <p>1. Photo Documentation</p> <p>(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.</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</p>				Yes

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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>				
<p>Impact HIST-B.1: Development in downtown could impact significant</p>	<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</p>	<p>Prior to Demolition or Grading Permit (Design)</p>	<p>Developer</p>	<p>CivicSD</p>	<p>Yes</p>

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
<p>buried archaeological resources. (Direct and Cumulative)</p>	<p>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 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</p>	<p>Prior to Certificate of Occupancy (Implementation)</p>			

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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> <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>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<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 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</p>				

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	<p>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 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</p>				

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	<p>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> <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 				

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	<p>Operations and Emergency Response training with certification documentation.</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 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 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. 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 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.</p> <p>(a) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with City Staff, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.</p> <p>2. Archaeological Monitoring Plan (AMP)</p> <p>(a) Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Plan (with verification that the AMP has been reviewed and approved by the Native American consultant/monitor when 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</p>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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> <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 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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> <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, 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. (a) The PI shall immediately notify City Staff by phone to discuss significance determination and shall also submit a letter to City Staff 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>indicating whether additional mitigation is required.</p> <p>(b) If the resource is significant, the PI shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor when applicable, and obtain written approval from City Staff and the Native American representative(s), if applicable. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.</p> <p>(c) If the resource is not significant, the PI shall submit a letter to City Staff indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.</p> <p>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>				

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	<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. <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 				

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	<p>recommendation within 48 hours after being notified by the Commission; OR;</p> <p>(b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,</p> <p>(c) In order to protect these sites, the Landowner shall do one or more of the following:</p> <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 				

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	<p>origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with City Staff, the applicant/landowner and the San Diego Museum of Man.</p> <p>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 CSVR 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 				

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	<p>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>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> 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<ol style="list-style-type: none"> 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. 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. 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance in accordance with section IV – Discovery of Human Remains, subsection 5(d).</p> <p>D. Final Monitoring Report(s)</p> <p>1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to City Staff (even if negative), within 90 days after notification from City Staff that the draft report has been approved.</p> <p>2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from City Staff which includes the Acceptance Verification from the curation institution.</p>				
Land Use (LND)					
<p>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)</p>	<p>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.</p>	<p>Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)</p>	<p>Developer</p>	<p>CivicSD/City</p>	<p>No; the proposed project is not located within four blocks of Petco Park.</p>

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
<p>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)</p>	<p>Mitigation Measures NOI-B.1-1 and NOI-C.1.1, as described below.</p>	<p>Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)</p>	<p>Developer</p>	<p>CivicSD/City</p>	<p>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.</p>
<p>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)</p>	<p>Mitigation Measures NOI-B.1-1, as described below.</p>	<p>Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)</p>	<p>Developer</p>	<p>City/City</p>	<p>No; the proposed project is not located within the 65 CNEL contour of SDIA.</p>
<p>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)</p>	<p>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.</p>	<p>Prior to Building Permit (Design) Prior to Certificate of Occupancy (Implementation)</p>	<p>Developer</p>	<p>City</p>	<p>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.</p>

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
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 mandated by Title 24 of the California Code. (Direct)	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.
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

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
<p>Impact NOI-D.1: Recreation areas within public parks and plazas may experience traffic noise levels in excess 65 dB(A) CNEL. (Direct)</p>	<p>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.</p>	<p>Prior to Development Permit (Design) Prior to Certificate of Occupancy (Implementation)</p>	<p>CivicSD/Developer</p>	<p>City</p>	<p>No; no public park or plaza is proposed.</p>
<p>Paleontological Resources (PAL)</p>					
<p>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>	<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. <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 	<p>Prior to Demolition, Grading or Building Permit (Design) Prior to Certificate of Occupancy (Implementation)</p>	<p>Developer</p>	<p>CivicSD/City</p>	<p>Yes</p>

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>the monitoring program.</p> <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 paleontological 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 Civic San Diego, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring. 2. Identify Areas to be Monitored <ol style="list-style-type: none"> (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 				

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	<p>grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).</p> <p>3. When Monitoring Will Occur</p> <p>(a) Prior to the start of any work, the PI shall also submit a construction schedule to Civic San Diego through the RE indicating when and where monitoring will occur.</p> <p>(b) The PI may submit a detailed letter to Civic San Diego prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.</p> <p>III. During Construction</p> <p>A. Monitor Shall be Present During Grading/Excavation/Trenching</p> <p>1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and Civic San Diego of changes to any construction activities.</p> <p>2. The monitor shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification</p>				

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	<p>of Monitoring Completion), and in the case of any discoveries. The RE shall forward copies to Civic San Diego.</p> <p>3. The PI may submit a detailed letter to Civic San Diego during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.</p> <p>B. Discovery Notification Process</p> <p>1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.</p> <p>2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</p> <p>3. The PI shall immediately notify Civic San Diego by phone of the discovery, and shall also submit written documentation to Civic San Diego within 24 hours by fax or email with photos of the resource in context.</p> <p>C. Determination of Significance</p> <p>1. The PI shall evaluate the significance of the resource.</p> <p>(a) The PI shall immediately notify Civic San Diego by phone to discuss significance determination and shall also submit a letter to Civic San Diego indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.</p> <p>(b) If the resource is significant, the PI shall submit a Paleontological Recovery Program and obtain written approval from Civic San Diego. Impacts to significant resources must be mitigated</p>				

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	<p>before ground disturbing activities in the area of discovery will be allowed to resume.</p> <p>(c) If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to Civic San Diego unless a significant resource is encountered.</p> <p>(d) The PI shall submit a letter to Civic San Diego indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.</p> <p>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. 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 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. (b) Discoveries – All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction. (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 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<p>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> <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 Civic San Diego 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) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to Civic San Diego for review and approval within 90 days following the completion of monitoring, <ol style="list-style-type: none"> (a) For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report. (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. 				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<ol style="list-style-type: none"> 2. Civic San Diego 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 Civic San Diego for approval. 4. Civic San Diego shall provide written verification to the PI of the approved report. 5. Civic San Diego shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. <p>B. Handling of Fossil Remains</p> <ol style="list-style-type: none"> 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued. 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate <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 				

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	the Acceptance Verification from the curation institution.				
Traffic and Circulation (TRF)					
<p>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)</p>	<p>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 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>	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>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 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>				

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	<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 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</p>	<p>Prior to Development Permit (Design)</p>	<p>Developer</p>	<p>CivicSD/City</p>	<p>No; project does not meet threshold requiring traffic study.</p>

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility	Applicable to Proposed Project?
	required improvements are not included in the CIP, or not expected within five years of project completion, the City of San Diego 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

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-recordation and documentation consistent to the standards of the National Parks Service (NPS) Historic American Building Survey (HABS) documentation. HABS documentation is described by the</p>	Prior to Demolition or Grading Permit (Design)	Developer	City

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	<p>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>			
	<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 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>Prior to Demolition or Grading Permit (Design)</p>	<p>Developer</p>	<p>City</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</p>	<p>Prior to Demolition or Grading Permit</p>	<p>Developer</p>	<p>City</p>

Exhibit C

Significant Impact(s)	Mitigation Measures	Implementation Time Frame	Implementation Responsibility	Verification Responsibility
	<p>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. The City would be responsible for reviewing and approving the display, including the language used for the display.</p>	(Design)		

Passed by the Council of The City of San Diego on APR 04 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 04 2017.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Bruin, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311016