

**CANDIDATE FINDINGS OF FACT  
FOR THE  
CITY COUNCIL OF THE CITY OF SAN DIEGO AND  
THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO  
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT  
FOR THE PROPOSED  
SAN DIEGO DOWNTOWN COMMUNITY PLAN, CENTRE CITY PLANNED  
DISTRICT ORDINANCE AND THE 10<sup>th</sup> AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR THE CENTRE CITY REDEVELOPMENT PROJECT**

**I. INTRODUCTION**

The following Findings of Fact (“Findings”) are made relative to the conclusions of the Final Environmental Impact Report (“FEIR”) for the proposed Centre City Community Plan, Centre City Planned District Ordinance and the Redevelopment Plan for the Centre City Redevelopment Project. The FEIR, which is incorporated by reference as if fully set forth herein, identifies significant or potentially significant environmental impacts which may occur as a result of the adoption of the San Diego Downtown Community Plan, the Centre City Planned District Ordinance, and the Redevelopment Plan for the Centre City Project Area (“Proposed Plans and Ordinance”). Thus, in accordance with the provisions of the California Environmental Quality Act, CEQA Sections 21000-21177 (“CEQA”), the State CEQA Guidelines, 14 Cal. Code Regs Sections 15000-15387, and the Procedures for Implementation of the California Environmental Quality Act and the State CEQA Guidelines of the Redevelopment Agency of the City of San Diego (June 1990) (“Agency Local CEQA Guidelines”), the Redevelopment Agency of the City of San Diego (“Agency”) and the City Council of the City of San Diego (“Council”) (collectively referred to herein as “Council/Agency”) hereby adopt these Findings.

The State CEQA Guidelines also require that the Council/Agency balance the benefits of the Proposed Plans and Ordinance against the unavoidable environmental risks in determining whether to approve the Proposed Plans and Ordinance (14 Cal. Code Regs. Section 15093(a)). The Council/Agency has carefully considered the benefits of the Proposed Plans and Ordinance. The FEIR identifies significant environmental effects which will not be mitigated to below a level of significance and which will be allowed to occur as a result of approval of the Proposed Plans and Ordinance. Therefore, the Council/Agency hereby adopts the Statement of Overriding Considerations accompanying this document, which states the specific reasons why the benefits of the Proposed Plans and Ordinance, each of which standing alone, is sufficient to support approval 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.

**A. DESCRIPTION OF PROPOSED PLANS AND ORDINANCE**

The proposed Downtown Community Plan would establish the overall vision for downtown and outline policies to attain this vision. The Downtown Community Plan would also serve as the basis for detailed zoning and development standards as well as a variety of other actions, such as open space acquisitions and transportation improvements. Under the proposed Downtown

Community Plan, downtown at buildout would consist of an integrated and connected network of distinct neighborhoods and districts, as described in Section 4.5.2.4 of the FEIR. Several of the neighborhoods, including Little Italy, Marina and the Gaslamp Quarter, are not expected to change significantly as a result of the Downtown Community Plan. Other areas, particularly East Village, would undergo major transformations to accommodate increasing residential and commercial activity.

The proposed Downtown Community Plan would depart from the existing 1992 Centre City Community Plan by further increasing intensity and density of land uses and increasing resident and employment populations. In addition, the proposed Plan would provide more park space, orient downtown's neighborhoods around mixed-use centers and connect neighborhoods through boulevards, green streets, and freeway lids.

The Centre City Planned District Ordinance would be amended to implement the proposed Downtown Community Plan. The Redevelopment Plan would be amended to make it consistent with the new Downtown Community Plan.

## **B. RECORD OF PROCEEDINGS**

For purposes of CEQA and these Findings and Statement of Overriding Considerations, the Record of Proceedings for the Proposed Plans and Ordinance consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation and all other public notices issued by the Council/Agency in conjunction with the Proposed Plans and Ordinance;
- The Draft FEIR;
- The FEIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft FEIR;
- All written and verbal public testimony presented during a noticed public hearing for the Proposed Plans and Ordinance at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program ("MMRP");
- The reports included in Volumes 2 and 3 of the FEIR;
- The Ordinances and Resolutions adopted by the Council/Agency in connection with the Proposed Plans and Ordinance, and all documents incorporated by reference therein;
- Matters of common knowledge to the Council/Agency, including but not limited to federal, state and local laws and regulations;

- Any documents expressly cited in these Findings and Statement of Overriding Considerations; 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 Council/Agency's decision are based are located at the City of San Diego ("City"), 202 C Street, San Diego, CA 92101, and at the Centre City Development Corporation ("CCDC"), 225 Broadway, Suite 1100, San Diego, CA 92101. Copies of all these documents, which constitute the record of proceedings, are and at all relevant times have been available upon request at the offices of the Council/Agency at the above addresses. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and 14 Cal. Code Regs § 15091(e).

The Council/Agency has relied on all the documents listed above in reaching its decision on the Proposed Plans and Ordinance, even if every document was not formally presented to the Council/Agency or Council/Agency staff as part of the Council/Agency files generated in connection with the Proposed Plans and Ordinance. These documents are either in the Proposed Plans and Ordinance files, reflect prior planning or legislative decisions of which the City Council was aware in approving the Proposed Plans and Ordinance, or influenced the expert advice provided to the Council/Agency staff or consultants, who then provided advice to Council/Agency. For that reason, these documents form part of the underlying factual basis for the Council/Agency's decisions relating to the adoption of the Proposed Plans and Ordinance.

## **II. GENERAL FINDINGS**

The Council/Agency hereby finds as follows:

- The foregoing statements are true and correct;
- The FEIR was completed in compliance with CEQA;
- The FEIR reflects the Council/Agency's independent judgment;
- An MMRP has been prepared for the changes to the Proposed Plans and Ordinance, which the Council/Agency has adopted or made a condition of approval of the Proposed Plans and Ordinance. That MMRP has been incorporated herein by reference and is considered part of the record of proceedings for the Proposed Plans and Ordinance;
- The MMRP designates responsibility and anticipated timing for the implementation of mitigation;
- In determining whether the Proposed Plans and Ordinance have a significant impact on the environment, and in adopting Findings pursuant to Section 21081 of CEQA, the Council/Agency has complied with CEQA Sections 21081.5 and 21082.2;

- The impacts of the Proposed Plans and Ordinance have been analyzed to the extent feasible at the time of certification of the FEIR;
- The Council/Agency has made no decisions related to approval of the Proposed Plans and Ordinance prior to certification of the FEIR, nor has the Council/Agency previously committed to a definite course of action with respect to the Proposed Plans and Ordinance; and
- Copies of all the documents incorporated by reference in the FEIR are and have been available upon request at all times at the offices of the City Clerk or CCDC, custodians of record for such documents or other materials.

### **III. SUMMARY REGARDING IMPACTS**

The FEIR concludes that implementation of the Proposed Plans and Ordinance would have significant direct impacts related to land use/planning; transportation, circulation, access and parking; cultural resources; aesthetics/visual quality; noise; air quality; and paleontological resources. Certain identified direct impacts to land use/planning; noise; air quality; and paleontological resources would be mitigated to below a level of significance by adoption of the identified mitigation measures. Identified direct impacts to land use/planning; transportation, circulation, access and parking; cultural resources; aesthetics/visual quality; and noise were found to be significant and not mitigated to below a level of significance. Direct impacts to public facilities and services; geology; hydrology/water quality; hazardous materials; population/housing; and energy were found not to be significant.

Cumulative impacts to energy; geology and seismicity; hazardous materials; land use policy conformance; paleontological resources, population/housing; visual quality; and public facilities and services were found not to be significant. Cumulative impacts to air quality; cultural resources; hydrology/water quality; land use/planning; noise; and traffic/circulation/parking would be significant and not mitigated to below a level of significance.

### **IV. FINDINGS REGARDING DIRECT IMPACTS**

The Council/Agency, having independently reviewed and considered the information contained in the FEIR for the Proposed Plans and Ordinance, the appendices and the record of proceedings, finds pursuant to CEQA, the State CEQA guidelines, and the Agency Local CEQA Guidelines that conditions, changes or alterations have been required in or incorporated into the Proposed Plans and Ordinance which avoid or substantially reduce certain significant direct environmental impacts. For these, the impact is considered significant but mitigated. However, for other significant impacts, these conditions, changes or alterations would not be sufficient to reduce significant direct impacts to below a level of significance. For those significant direct impacts which are considered to be significant and not mitigated, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411. For the unmitigated impacts, 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that unmitigated impacts are acceptable because of specific overriding considerations.

#### **A. LAND USE COMPATIBILITY (LU-B)**

##### **Impact LU-B1 (Ballpark Noise):**

Noise sensitive uses could be significantly impacted by entertainment activities associated with the ballpark. According to the Ballpark FEIR (CCDC 1999), the area within four blocks of the ballpark could be significantly impacted by crowd noise and fireworks associated with the ballpark. As such, ballpark noise impacts would be limited to future development within East Village within this four-block radius.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effect identified in the FEIR to below a level of significance. Thus, the impacts are considered **significant but mitigated**.

**Facts in Support of Finding:** Noise-sensitive uses that could be significantly impacted by ballpark noise have already been identified in the Ballpark FEIR (see FEIR, page 5.7-6), which also concluded that noise attenuation measures would be required to mitigate this impact to below a level of significance. By requiring an acoustical analysis to identify any new such sensitive uses, before issuance of the building permit, the FEIR assures that the appropriate noise attenuation measures are implemented to mitigate the impacts of ballpark noise to acceptable levels.

**Mitigation Measures:** Mitigation Measure NOI-B.2-1, which is set forth below, is feasible and made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***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.

##### **Impact LU-B2 (Traffic Noise):**

Residential uses located adjacent to high volume grid streets and freeways would experience excessive levels of noise, resulting in a significant land use compatibility impact. As discussed in Section 5.7 of the FEIR, traffic noise from I-5 would exceed acceptable exterior levels within a minimum of 475 feet. In addition, any grid street which would carry more than 7,000 average

daily trips would expose future noise-sensitive uses to unacceptable exterior noise levels. Freeway noise impacts would adversely impact noise sensitive uses within Little Italy, Cortez, and East Village. Noise from high volume grid streets would occur throughout all of the neighborhoods.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations would not, however, reduce all traffic-related noise impacts to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The FEIR sets forth specific criteria for identifying potentially impacted land uses, and requires an acoustical study before a building permit is issued to determine appropriate and effective mitigation measures that would be incorporated into any new project. Through the implementation of Mitigation Measure NOI-B.1-1, interior noise levels for such projects would thereby be reduced to below a level of significance. However, given the proximity of the freeway and major streets to many of the new projects, there may be no noise attenuation measures that can sufficiently reduce traffic noise impacts on exterior spaces within the identified impact areas.

**Mitigation Measures:** Mitigation Measure NOI-B.1-1, which is set forth below, is feasible and made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***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.

**Impact LU-B3 (Aircraft Noise):**

Noise sensitive uses within the 65 dB(A) CNEL contour of the San Diego International Airport would be significantly impacted by aircraft noise. Aircraft noise would interfere with a number of common activities including television viewing, conversations and sleeping. Aircraft noise would impact the northerly portions of Little Italy and Cortez.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations would not, however, reduce all aircraft-related noise impacts to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Applicable provisions of state law, including Title 21 and Title 24 of the California Administrative Code would require the completion of noise studies and implementation of appropriate noise attenuation that would reduce interior noise levels in new development to within acceptable limits.

**Mitigation Measures:** No noise attenuation measures are available to reduce the exterior impacts of aircraft noise levels to within acceptable limits.

**Impact LU-B4 (Railroad Noise):**

Noise generated by railroad activity would significantly impact noise sensitive uses located nearby. Railroad noise sources include engine, horn and wheel noise as well as crossing bells along the main tracks as well as within the rail yards. Railroad noise would disturb sleep patterns of persons living nearby to the railroad tracks. Railroad noise impacts would be expected to occur in the following districts: Little Italy, Columbia, Marina, East Village and Convention Center.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations would not, however, reduce all railroad noise impacts to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The Downtown Community Plan would include a policy which would seek establishment of quiet zones and enforce a ban on the sounding of horns, pursuant to federal regulations promulgated by the Federal Railroad Administration (Policy 13.4-P-2). However, implementation of this policy will require improvements to downtown highway-rail crossings, which in turn requires the cooperation of the California Public Utilities Commission and the rail operators. Moreover, the federal regulations do not provide for any means to restrict the sounding of railroad crossing bells. While the other noise attenuation measures required by the FEIR, plus the establishment of a quiet zone through downtown, would reduce the impact of railroad noise, they cannot silence the crossing bells and other associated railroad operation noise.

**Mitigation Measures:** Mitigation Measure LU-B.4-1, which is set forth below, is feasible and made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***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.

**Impact LU-B5 (Ballpark Lighting):**

According to the Ballpark FEIR, field lighting associated with the ballpark could significantly impact sleep patterns within a two-block radius. Ambient night-time lighting levels in the area are generally less than 2.0 foot-candles. According to the Ballpark EIR, field lighting could cause light levels to exceed the ambient condition within a two-block radius. Light-sensitive activities (e.g. sleep) could be adversely impacted by light in excess of ambient levels. Ballpark lighting impacts would be limited to East Village within the immediate area of the ballpark.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effect identified in the FEIR to below a level of significance. Thus, the impacts are considered **significant but mitigated**.

**Facts in Support of Finding:** As with the ballpark-related noise impacts, the impacts associated with the lighting generated by the ballpark were identified, and appropriate mitigation measures have been required by the Ballpark FEIR. By requiring that any new development equip habitable rooms with appropriate and sufficient light attenuation measures, the FEIR assures that impacts of ballpark-related light impacts would be reduced to below a level of significance.

**Mitigation Measures:** Mitigation Measure LU-B.5-1, set forth below, is feasible and is made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

*Mitigation Measure LU-B.5-1:* Prior to approval of a Development 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 CCDC 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.

**Impact LU-B6 (Transient Impacts):**

Increased development activity could have a significant land use compatibility impact on surrounding neighborhoods by encouraging transients in downtown to relocate into surrounding neighborhoods. Development within the downtown area could discourage transient activities because the areas would be active around the clock. Seeking more isolation, the transient population could move into the surrounding neighborhoods. The construction of proposed freeway lids could also affect dispersal of the transient population by making it easier to cross I-5 as well as providing open areas. Areas most susceptible to increased transient activities would be undeveloped canyons in residential neighborhoods within Uptown, Golden Hill, Sherman Heights and Barrio Logan, park land within Balboa Park, and vacant buildings and existing industrial areas within Barrio Logan.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations would not, however, reduce all impacts associated with transient activities, to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The presence of a large transient population is often accompanied by a number of activities which would adversely affect neighborhood character, particularly in residential areas. Common problems include inadequate sanitation, litter, crime, and panhandling. Urination and defecation on public and private property poses not only an aesthetic but also public health concern. Unsightly personal shelter areas and improper disposal of trash detract from the appearance of an area. Although the number of displaced homeless may be relatively low in surrounding neighborhoods, the sensitivity of residential neighborhoods and parks to the physical changes associated with homeless activities would result in even a small

number of additional homeless having a significant impact on the physical conditions in residential neighborhoods and parks.

The solution for homelessness lies primarily in providing appropriate short-term and long-term food and shelter as well as counseling. Typically, the homeless population is classified as transitional or chronic. The transitional homeless condition is normally short-term comprised of people with low income which make them susceptible to unexpected economic setbacks such as medical emergencies or job loss. Without sufficient economic resources to absorb these events, they are no longer able to afford permanent housing. The chronic homeless are a more constant population which live on the street year after year and represent an estimated 25% of the City's homeless population. A high percentage of the chronic homeless experience varying degrees of mental disabilities.

The needs vary for the transitional and chronic homeless. The primary solution for the transitional homeless is transitional housing. The majority of these persons are able to be self-sufficient again with help. These people need temporary food and shelter, generally for 6-9 months, to be self-sufficient again. Because most transitional housing programs include classes in self-esteem and job seeking, statistics show that the persons who are transitionally homeless do not return to transitional housing once they have successfully completed a transitional housing program.

While the availability of transitional housing is important, the availability of affordable housing to accommodate individuals successfully completing a transitional housing program is equally important. Thus, an adequate supply of affordable housing is a critical component of the solution for homelessness.

The solution for the chronic homeless population requires a more long-term housing situation. These persons are generally not suited for transitional housing because they are unable to meet the requirements established by transitional housing which normally require perfect attendance for 60-90 days as well as adherence to "house rules". The chronic homeless typically require longer-term housing which can provide more intensive care to assure that they maintain medications and are assisted with normal living functions.

The importance of transitional housing and longer-term care for the chronic homeless has been known for decades. The challenge has been to adequately fund these programs as well as assuring an adequate supply of low and moderate income housing.

While the proposed Community Plan has limited opportunities to help overcome the challenges faced with funding homeless programs. The Plan can and does include proactive measures to provide affordable housing to transitional homeless once they have resolved their short-term financial problems. Under redevelopment law, a minimum of 15% of new housing must be affordable to households with low and moderate incomes. In practice, this percentage has been exceeded downtown. Since 1975, an estimated 25% of the 9,000 units are classified as affordable.

In addition to the affordable housing mandated by redevelopment law, the proposed Community Plan and PDO include additional incentives to promote affordable housing downtown such as density bonuses to developers providing affordable housing units. Policy 3.4-P-3 of the proposed Community Plan expresses CCDC's commitment to assisting in securing sites and financing for rental housing. Policy 3.4-P-4 seeks to preserve existing and construct new SRO and living units by providing funds to renovate and secure low rents in existing buildings and allow construction of new SROs, living units and other similar forms of housing in appropriate mixed use land use districts. In recognition of the role of support services in assisting the transitional homeless, Policy 3.4-P-5 emphasizes the goal of securing funding and locations for housing linked to supportive services.

Providing transitional housing and affordable housing would reduce the physical effects of the homeless on urban canyons. The homeless inhabiting urban canyons are typically the higher functioning homeless because they are better equipped to be self-sufficient. As the higher functioning homeless tend to be the ones found in the canyons, additional transitional housing and affordable housing opportunities could serve to reduce the physical impacts of transients in urban canyons since they are the best-suited to be assisted by these opportunities.

The City established a Homeless Outreach Team (HOT) program to place the homeless in appropriate housing in the City. HOT teams include a member of the police force as well as individuals with psychiatric training and a County eligibility worker. The program is completely voluntary. If the offer to place the individual in housing is declined, the HOT team provides them with referrals to food, shelter and counseling opportunities.

**Mitigation Measures:** No measures beyond those associated with implementation of affordable housing requirements of state redevelopment law and incentives and policies contained in the proposed Community Plan are within the control of CCDC.

## **B. LOCAL STREETS (TRF-A.1)**

### **Impact TRF-A.1.1 (Impacts on Grid Streets):**

The increased traffic volumes would result in significant congestion on portions of the downtown grid streets. With buildout of the Community Plan, 62 of the 275 intersections would operate at an unacceptable level of service (LOS F).

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which could reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations would not, however, reduce all traffic-related impacts on grid streets, to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The traffic study for the FEIR identified several intersections that would be significantly adversely impacted by increased traffic generated by the Proposed Plans and Ordinance. While most of these intersections may be improved, and the impacts reduced, by preliminarily-identified changes to the intersections themselves, there is considerable uncertainty as to whether conditions on the ground at the time of actual implementation, including physical limitations and potentially adverse impacts to pedestrian and bicycle safety, would make a particular improvement feasible. The goals and policies in the Downtown Community Plan (see FEIR page 5.2-30 and 5.2-32) will promote protection of traffic flow on the grid system, and Mitigation Measure TRF-A.1.1-1 will require regular review of the conditions on the streets downtown; however, implementation of the identified potential improvements cannot be assured. Mitigation Measures TRF-A.1.1-2 and 3 will provide funding for downtown street improvements through a Development Impact Fee or comparable mechanism.

**Mitigation Measures:** Mitigation Measures TRF-A.1.1-1, 2 and 3, as set forth below, are feasible and are made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***Mitigation Measure TRF-A.1.1-1:*** At five-year intervals, commencing upon adoption of the proposed Community Plan, CCDC shall conduct a downtown-wide evaluation of the ability of the grid street system to accommodate traffic within downtown as well as the following roadway segment in the surrounding neighborhood: Imperial Avenue (between 25<sup>th</sup> Street and of 28<sup>th</sup> Street). The need for roadway improvements shall be based upon standards established by CCDC, in cooperation with the City Engineer. In completing these studies, the potential improvements identified in Appendix C of the traffic study and Tables 5.2-20 and 21 of the EIR will be reviewed to determine whether these or other actions are required to improve traffic flow along affected roadway corridors. As necessary, potential improvements shall also be determined for the identified roadway segments within the surrounding neighborhoods. In selecting improvements, CCDC shall review the effect the improvement may have on pedestrian or bicycle activities whenever pedestrians must traverse any of the following roadway conditions:

- Five or more lanes at any intersection (excepting Boulevards);
- Three or more travel lanes on residential streets, or crossing roadways with four or more lanes;
- Four or more travel lanes on multi-function streets, or crossing roadways with four or more travel lanes; or
- Dual right-turn lanes.

Following the completion of each five-year monitoring event, CCDC shall incorporate needed roadway improvements into its Capital Improvement Program (CIP) or identify another implementation strategy.

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 (CMP). The CMP stipulates that any activity forecasted to generate 2,400 or more daily trips (200 or more equivalent peak hour trips).

**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 as part of the Secondary Study process. 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 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 CCDC's CIP, or the equivalent, no further action shall be required. If any of the required improvements are not included in the CIP, or not expected within five years of project completion, CCDC 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 CCDC's discretion, the developer may be assessed a pro-rated share of the cost of improvements.

**Mitigation Measure TRF-A.1.1-3:** Upon adoption of the Community Plan, CCDC and the City shall update the Centre City Public Facilities Financing Plan (PFFP) to include a transportation element to be completed within six (6) months. The update to the Centre City PFFP required by this mitigation measure shall include the following:

- a) The responsible entities [the Entities] included in this effort will include, but may not be limited to, the City of San Diego, CCDC, SANDAG, and the Metropolitan Transit System. Other entities may be included upon the concurrence of the foregoing Entities;
- b) The PFFP update will specify transportation improvements as identified on Figure 7.2 of the Community Plan and further described on Table 5.2-21 and Figure 5.2-8 of this FEIR;
- c) The PFFP update will specifically include capital improvements to the downtown transit network as identified on page 7-10 and Figure 7-4 of the Community Plan and further described in Table 5.2-22 of this FEIR;
- d) For this mitigation measure, the PFFP update will not include freeway improvements, freeway ramps and will not now or in the future include transit operation or maintenance

improvements as these are specifically prohibited in Government Code 66000, which are addressed in Mitigation Measure TRF-A.2.1-2 below;

- e) The PFFP update will set forth a timeline and other agreed-upon relevant criteria for implementation of each improvement identified in items (b) and (c) above;
- f) The PFFP update will identify the total estimated costs for each improvement in items (b) and (c) above as provided for by CCDC and reviewed and confirmed by the City's Transportation Planning and Facilities Financing Section of the Planning Department;
- g) The PFFP update will include the establishment of a fair-share contribution from downtown development for improvement in items b) and c) above, through a Developer Impact Fee or secure, local alternative funding sources, in a manner that will comply with applicable law;
- h) Prior to adoption by the City of San Diego Council, the PFFP will be sent to the Entities for their review and comment;
- i) CCDC and the Facilities Financing Section of the Planning Department shall seek adoption of the PFFP update at a public hearing before the San Diego City Council within six months after adoption of the Community Plan Update. As extension not to exceed three (3) months shall be granted upon mutual consent of the Entities.

The failure or refusal of any Entity other than CCDC or the City, to cooperate in the implementation of this mitigation measure, shall not constitute a failure of CCDC or the City to implement this mitigation measure; however, the City and CCDC shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of the mitigation measure.

**Impact TRF-A.1.2 (Impacts on Surrounding Streets):**

The increased traffic volumes could result in significant congestion on major streets in the surrounding neighborhoods. Build-out of the proposed Downtown Community Plan will likely cause traffic volumes increases in the adjacent neighborhoods, both east and north of downtown. More specifically, the segment of Imperial Avenue, east of 28<sup>th</sup> Street would change from acceptable LOS E to unacceptable with buildout.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations would not, however, reduce all traffic-related impacts on surrounding streets, to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The same factors that affect the ability to mitigate traffic impacts on the downtown street grid apply in the case of the surrounding neighborhoods' streets. To the extent that physical improvements to the downtown grid, and efforts to increase transit usage, are successfully implemented, impacts to the surrounding neighborhoods should also be reduced; since they cannot be assured, however, the impacts are considered significant and not mitigated to below a level of significance.

**Mitigation Measures:** Mitigation Measure TRF-A.1.1-1 would serve to reduce impacts on surrounding streets but not necessarily to below a level of significance.

### **C. FREEWAY SYSTEM IMPACT (TRF-A.2)**

#### **Impact TRF-A.2.1 (Impact on Freeways):**

Buildout traffic volumes would have a significant impact on the freeways serving downtown. Impacts would occur on both freeway segments and ramps. The proposed Community Plan would contribute to projected substandard traffic conditions on study area freeway segments (I-5, SR-163 and SR-94) and ramps serving the downtown area.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effects of increased freeway traffic identified in the FEIR. These conditions, changes or alterations would not, however, reduce all traffic-related impacts on the freeway system to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2), and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Poor operations on the freeway mainlines are caused by high forecast traffic volumes and merge conflicts at the various on- and off-ramp locations. As a contributing factor to the forecast travel demands on the study area freeway facilities, the proposed Community Plan would result in significant traffic impacts to these facilities.

The traffic analysis was conducted assuming the various roadway network assumptions included in the “revenue-constrained” funding scenario of the SANDAG RTP. This was intended at the time of the analysis to represent an appropriate worst-case scenario. Since passage of the TRANSNET funding program in November 2004, the SANDAG RTP “Mobility” scenario becomes the operative plan for regional transportation planning. This scenario includes implementation of High Occupancy Vehicle (HOV) lanes on I-5 through the downtown area as well as on SR 94 serving downtown to/from the east. These improvements would, in part, improve the capacity of the freeway system and resulting traffic operations, but would not specifically address freeway ramp operations and associated access requirements for the downtown area.

Previous SANDAG studies of the regional freeway system and the ramps serving the downtown area (Central I-5 Corridor Study; Freeway Deficiency Plan, December 2003) identified potential freeway improvements that would address projected longer range deficiencies. While the study confirmed that no feasible and acceptable improvement options are available to address projected deficiencies on SR-163, north of downtown due to the demonstrated concern by public over maintaining the aesthetic qualities of this highway through Balboa Park, it did identify some concepts for improving traffic flow on I-5. These improvements included closing interchanges, adding through lanes on I-5, adding enhanced freeway to freeway connections and/or new auxiliary lanes and a modified system of ramps serving the downtown area referred to as a collector/distributor (C/D) system. It is important to note that none of these concepts have been analyzed in detail for their feasibility. Nor has environmental review been completed to determine potential environmental consequences of implementing these concepts. Furthermore, economic feasibility studies have not been completed. For example, the C/D system would have substantial effects on private property located in the path of the C/D system. In recognition of these facts, SANDAG, Caltrans and CCDC have recommended further study of the freeway improvement proposals identified by the Central I-5 Corridor Study to ensure proper consideration of all potential community and environmental impacts.

In addition, each of the ramps serving downtown were evaluated in the course of the traffic study to determine the feasibility of adding the additional lanes needed to accommodate buildout traffic. According to Table 4.14 of the Traffic Study, the feasibility of adding any additional lanes to these ramps is extremely limited. In general, the addition of lanes to the ramps is restricted by two primary factors. First, the freeway and/or ramp facilities cannot accommodate either additional merging movements or the necessary entrance/exit lane configuration. Second, the on-street network cannot accommodate either the additional lane(s) feeding or exiting the ramp.

The proposed Community Plan includes Policy 7.1-P-4 which indicates that CCDC will “work with appropriate transportation agencies on freeway improvements in and near the downtown

area.” In addition, the FEIR identifies two mitigation measures which are intended to encourage a multidisciplinary study which would develop a specific list of freeway improvements and identify funding sources. Furthermore, if appropriate, the Public Facilities Financing Plan for downtown would be amended to allow for collection of fair share contributions for freeway improvements, provided a defined program exists that will assure that funds are used in a timely fashion to offset impacts related to downtown development.

**Mitigation Measures:** Mitigation Measure TRF-A.2.1-1, as set forth below, is feasible and is made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***Mitigation Measure TRF-A.2.1-1:*** Upon adoption of the Community Plan, CCDC shall initiate a multi-jurisdictional effort to develop a detailed, enforceable plan [the Plan] that will identify transportation improvements that would reduce congestion on I-5 through downtown, as well as identify funding sources including federal, state, regional and local funding and which may also include fair share contributions by development as well as other mechanisms based on a nexus study. The process and Plan required by this mitigation measure shall include the following.

- a) The responsible entities [the Entities] included in this effort will include, but may not be limited to, the City of San Diego, CCDC, SANDAG, Caltrans, and the Metropolitan Transit System. Other entities may be included upon the concurrence of the foregoing Entities.
- b) The Plan will specifically identify physical and operational improvements to I-5, other freeways, relevant arterial roads and transit facilities [the Improvements], that are focused on specific transportation impacts created by downtown development, and will also identify the specific responsibilities of each Entity for the construction, maintenance and financing for each Improvement. The Plan may also identify other improvements necessary to address regional transportation needs, but for purposes of this mitigation measure, the Improvements included in the Plan need only be designed to mitigate the impacts created by downtown development.
- c) The Plan will set forth a timeline and other agreed-upon relevant criteria for implementation of each Improvement.
- d) The Plan will identify the total estimated costs for each such Improvement, including construction, maintenance and operational costs [the Total Costs], and the responsibility of each Entity for both implementation and funding for such Total Costs.
- e) The Plan will include the parameters for any fair-share or development impact fee programs (or the like) to be implemented, that would require private and/or public developers to contribute to the Total Costs, in a manner that will comply with applicable law.
- f) In developing the Plan, the Entities shall also consider ways in which the Improvements can be coordinated with existing local and regional transportation and facilities financing plans and programs, in order to avoid duplication of effort and expenditure; however, the existence

of such other plans and programs shall not relieve the Entities of their collective obligation to develop and implement the Plan as set forth in this mitigation measure. Nothing in the Plan shall be construed as relieving any Entity (or any other entity) from its independent responsibility (if any) for the planning, funding, construction, maintenance or operation of any transportation improvement.

- g) Upon adoption of the Plan by the City Council, SANDAG, MTS and Caltrans will also seek endorsement of same through their government structures.
- h) CCDC shall seek adoption of the Plan at a public hearing before the City Council within one year of the initiation of the multi-jurisdictional effort to develop the Plan. CCDC shall report in writing, and at a public hearing before the City Council and SANDAG (if SANDAG agrees to place such a report on its agenda), regarding the progress made to develop the Plan, within six months of the first meeting of the entities. Thereafter, CCDC shall report to the City Council at least annually regarding the progress of the Plan, for a period of not less than five years, which may be extended at the request of the City Council.
- i) The Plan shall also expressly include each Entity's pledge that it will cooperate with CCDC in making the required reports to the Agency, including the presence and participation of a responsible representative of the Entity at all public hearings called for the purpose of reviewing the progress of development and implementation of the Plan.
- j) The PFFP shall be amended to include any projects in the Plan that CCDC and the City Council determine are appropriate for inclusion in the PFFP. The amendment to the PFFP to accommodate such appropriate improvements shall be processed for adoption at the time the Plan is submitted for adoption to the City Council.

The failure or refusal of any Entity other than CCDC or the City to cooperate in the implementation of this mitigation measure shall not constitute a failure of CCDC or the City to implement this mitigation measure; however, the CCDC and City shall each use its best efforts to obtain the cooperation of all responsible Entities to fully participate, in order to achieve the goals of the mitigation measure.

Further, if the City Council or Redevelopment Agency finds that (1) any of the Entities fails or has failed to cooperate in the development or implementation of this Plan, or (2) there is insufficient funding for implementation of the improvements in accord with the Plan, or (3) development downtown has significantly outpaced the development of infrastructure needed to support the development, the Council/Agency shall thereafter review the status of the Plan and its improvements, to determine whether substantial evidence shows that any of the conditions listed in Public Resources Code section 21166 and Guidelines section 15162 exist, so that additional environmental documentation would be required. In any event, the annual progress report delivered by CCDC pursuant to this mitigation measure shall include an evaluation of whether any of these conditions exist.

**Impact TRF-A.2-2 (Elimination of Cedar Street Off-ramp):**

Elimination of the Cedar Street off-ramp would adversely impact the freeway system and connecting surface streets.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effects on freeway traffic, identified in the FEIR. These conditions, changes or alterations would not, however, reduce all traffic-related impacts, to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR, as discussed in Section VI of these Findings. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2), and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** As noted in the FEIR, one of the street modifications proposed by the Downtown Community Plan is the closure of the southbound I-5 off-ramp to Cedar Street and conversion of Cedar Street to two-way traffic. Closure of the Cedar Street I-5 freeway off-ramp would cause an overall increase in traffic on other off-ramps serving the downtown area, particularly the off-ramps at Front Street and Tenth Avenue. Since a number of these ramps are projected to operate at substandard LOS F under build-out of proposed Downtown Community Plan, and since the closure of the Cedar Street off-ramp will cause additional use of these identified substandard ramps, the closure of the Cedar Street off-ramp from southbound I-5 is also identified as a direct project-related significant impact. While Mitigation Measure TRF A.2.2-1 would require study prior to implementing any closure of the Cedar Street off-ramp, there is insufficient information regarding the actual feasible alternatives or other roadway modifications, to determine that the closure would not result in a significant and not mitigated impact. Further, because some of these measures require the concurrence of other agencies, there is no assurance the impacts would be reduced to below a level of significance.

**Mitigation Measures:** Mitigation Measure A.2.2-1, which is set forth below, is feasible and is made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***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 CCDC 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.

#### **D. PARKING (TRF-D.1)**

##### **Impact TRF-D.1 (Excessive Parking Demand):**

Buildout of downtown could create a significant parking impact due to the potential for demand to exceed supply.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant parking impact identified in the FEIR. These conditions, changes or alterations would not, however, reduce all parking-related impacts, to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Parking ratios established by the PDO would be inadequate to assure that the full demand for parking created by new development is met. In addition, there is no guarantee that private or public parking structures would be provided to meet the unfulfilled demand.

While the EIR conclusions cannot rely on independent parking facilities, the fact is that the current supply of parking is within 2% of the current demand due to the fact that private and public parking facilities have been built downtown. The close relationship of demand to supply has occurred despite the fact that, to date, parking has only been required to be provided by residential development. Thus, it would not be unreasonable to assume that additional private and public parking facilities would be constructed to meet the increased demand.

Furthermore, meeting the full demand for parking through required parking ratios is not considered good planning. Maximizing parking encourages vehicle trips which create additional congestion and gridlock on surface streets as well as increasing air pollution as vehicles idle for longer periods of time. Maximizing parking also discourages transit use and alternate forms of transportation including walking and biking.

Placing the burden of full parking on future development through onsite construction or payment of a fair share fee would increase the cost of construction which would, in turn, increase the cost of development. This would be particularly undesirable with respect to residential development due to the City's goal for achieving affordable housing in downtown.

Fully parking each individual project would discourage development of shared parking resources to maximize the use of parking throughout the 24-hour day. Parking is not considered the highest and best use for the valuable property in downtown.

Lastly, the standards contained in the proposed PDO exceed requirements in other similar West Coast cities, which often incorporate zero parking minimums and/or maximum parking requirements. Parking shortfalls are best resolved through specific solutions such as shared parking, increased on-street parking through angled spaces, visitor/service spaces, etc.

The potential for parking shortages in the downtown, as noted in the FEIR, could also result in additional parking in the adjacent neighborhoods, both east and north of I-5. Currently, parking in the adjacent neighborhoods occurs, for the most part, by parkers desiring to avoid the costs of parking in the more central downtown core areas. This generally requires an extensive walk to the primary destinations, which tends to discourage this behavior for all but for a minority of downtown parkers. In the future and with the identified potential for parking shortages in the downtown area, a greater share of parkers could seek parking in the adjacent neighborhoods.

The extent of parking in the adjacent neighborhoods will be a function of both the cost and availability of downtown parking as well as the specific uses developed in the adjacent sections of the downtown area. A number of public and private actions may be taken to reduce or avoid the potential parking shortages, and the regular study of parking needs, as required by Mitigation Measure TRF-D.1-1, will aid in identifying and implementing such actions.

**Mitigation Measures:** Mitigation Measure TRF-D.1-1, which is set forth below, is feasible and is made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***Mitigation Measure TRF-D.1-1:*** At five-year intervals, commencing upon adoption of the proposed Community Plan, CCDC shall evaluate the parking supply and demand within the downtown area as well as assess the amount of parking generated by downtown development in residential areas within a quarter-mile radius of downtown. The evaluations will include an inventory of the number of public and private parking spaces available for public parking within downtown and the residential neighborhoods within a quarter-mile radius of downtown. The evaluation shall determine the current as well as anticipated parking supply and demand during the ensuing five-year period. Based on the evaluation, CCDC shall determine if the discrepancy between demand and supply warrant ameliorative actions which may include but not be limited to: (1) constructing new public parking, (2) implementing specific shared parking programs with private parking facilities, (3) implementing parking meter programs that respond to changes in the parking demand which occur during a 24-hour period and/or (4)

implementing residential permit parking programs. Any actions identified during the parking evaluation shall be incorporated into CCDC's Capital Improvement Program, if appropriate, or carried out through some other form of enforcement such as amending Planned District Ordinances or other regulatory programs dealing with parking.

## **E. HISTORICAL RESOURCES (HIST-A)**

### **Impact HIST-A.1 (Impacts to Historical Resources):**

The demolition or substantial alteration of a resource listed on, or formally recommended eligible for, the National Register or California Register, including contributors to National Register or California Register Historic Districts; or listed on the San Diego Register, including contributors to San Diego Register Historic Districts; or that meet the CEQA criteria for historical resources would represent a significant direct impact. Future development within downtown pursuant to the proposed Downtown Community Plan could have a significant impact on historical resources. Although the impact cannot be accurately predicted on a plan-wide basis, impacts to historical resources may include substantial alteration, relocation, or demolition.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce some of the significant environmental effect identified in the FEIR. These conditions, changes or alterations would not, however, reduce all impacts to historical resources to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Adoption of the Downtown Community Plan will not, by itself, result in a significant impact upon historical resources. The goals and policies in the Downtown Community Plan will encourage the preservation and appropriate integration of historical resources into new development activity. Implementing the goals and policies, and following the Secretary of the Interior's Standards and Guidelines with respect to National Register- and California Register-listed/eligible structures, could reduce the impacts to such resources. Notwithstanding these goals and policies, however, and the implementation of Mitigation Measures HIST-A.1-1 through 3, it may not be feasible in a given instance to implement sufficient preservation, rehabilitation or reuse measures to reduce impacts to historic structures to below a level of significance.

For San Diego Register Listed resources, where retention or relocation is determined infeasible pursuant to the City's Historic Resource Regulations, as implemented through the City's Site Development Permit process, a Documentation Program (DP) shall be prepared and implemented pursuant to Mitigation Measure HIST A.1-3. While it is anticipated that the majority of the San Diego Register Resources would be retained or relocated, the potential exists for San Diego Register Listed resources to be demolished. It is considered speculative to determine whether implementation of Mitigation Measure A.1-3 would be able to reduce impacts to those resources to below a level of significance. Therefore, impacts to San Diego Register Listed are considered potentially significant and unmitigated.

**Mitigation Measures:** Mitigation Measures HIST-A.1-1 through 3, which are set forth below, are feasible and made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***Mitigation Measure HIST-A.1-1:*** For historic resources which are 45 years of age or older and which have not been evaluated for local, state and federal historic significance, CCDC shall consult with HRB to determine whether the resources is significant pursuant to CEQA.

For resources that have been formally determined to be significant under federal, state or local criteria, the following actions shall be carried out under direction of CCDC in consultation with HRB, as appropriate.

- **National Register-Listed/Eligible, California Register-Listed/Eligible Resources:** Resources listed on or formally determined eligible for the National Register or California Register and structures identified as contributing structures within a National or California Register District, shall be retained onsite and any improvements, renovation, rehabilitation and/or adaptive reuse of the property shall ensure its preservation according to the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings and Guidelines for Rehabilitation of Historic Buildings.
- **San Diego Register-Listed Resources:** Any development that proposes to remove or significantly alter one of these historical resources shall comply with Chapter 14, Article 3, Division 2 of the San Diego Municipal Code which regulates Historical Resources.

***Mitigation Measure HIST-A.1-2:*** If the potential exists for direct and/or indirect impacts to retained or relocated designated historical resources, the following measures shall be implemented.

#### **I. Prior to Permit Issuance**

##### **A Construction Plan Check**

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 meeting, whichever is applicable, the Centre City Development Corporation (CCDC) shall verify that the requirements for

historical monitoring during demolition and/or stabilization have been noted on the appropriate construction documents.

(a) Stabilization work can not begin until a Precon Meeting has been held at least one week prior to issuance of appropriate permits.

(b) Physical description, including the year and type of structure, and extent of stabilization shall be noted on the plans.

**B. Submittal of Treatment Plan for Retained Historic Resources**

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, the Applicant shall submit a Treatment Plan to CCDC for review and approval that includes measures for protecting any historic buildings and/or building components 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).

**C. Letters of Qualification have been submitted to CCDC**

1. The applicant shall submit a letter of verification to CCDC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the historical monitoring program (i.e., Architectural Historian, Historic Architect and/or Historian), as defined in the City of San Diego Historical Resources Guidelines (HRG).
2. CCDC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the historical monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from CCDC for any personnel changes associated with the monitoring program.

**II. Prior to Start of Construction**

**A. Documentation Program (DP)**

1. Prior to the first Precon Meeting and/or issuance of any construction permit, the DP shall be submitted to CCDC for review and approval and shall include the following:
  - (a) Photo Documentation
    - (1) Documentation shall include professional quality photo documentation of the structure prior to demolition with 35mm black and white photographs, 4x6 standard format, taken of all four elevations and close-ups of select architectural elements, such as, but not limited to, roof/wall junctions, window treatments, decorative hardware. Photographs shall be of archival quality and easily reproducible.
    - (2) Xerox copies or CD of the photographs shall be submitted for archival storage with the City of San Diego Historical Resources Board and the CCDC Project file. One set of original photographs and negatives shall be submitted for archival storage with the California Room of the City

of San Diego Public Library, the San Diego Historical Society and/or other relative historical society or group(s).

(b) Required drawings

(1) Measured drawings of the building's exterior elevations depicting existing conditions or other relevant features shall be produced from recorded, accurate measurements. If portions of the building are not accessible for measurement, or cannot be reproduced from historic sources, they should not be drawn, but clearly labeled as not accessible. Drawings produced in ink on translucent material or archivally stable material (blueline drawings are acceptable). Standard drawing sizes are 19" x 24" or 24" x 36", standard scale is 1/4" = 1 foot.

(2) One set of measured drawings shall be submitted for archival storage with the City of San Diego Historical Resources Board, the CCDC Project file, the South Coastal Information Center, the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other historical society or group(s).

2. Prior to the first Precon Meeting, CCDC shall verify that the DP has been approved.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and CCDC. The qualified 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.

(a) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with CCDC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Historical Monitoring Plan (HMP)

(a) Prior to the start of any work that requires monitoring, the PI shall submit a Historical Monitoring Plan which describes how the monitoring would be accomplished for approval by CCDC. The HMP shall include an Historical Monitoring Exhibit (HME) based on the appropriate construction documents (reduced to 11x17) to CCDC identifying the areas to be monitored including the delineation of grading/excavation limits.

(b) Prior to the start of any work, the PI shall also submit a construction schedule to CCDC through the RE indicating when and where monitoring will occur.

(c) The PI may submit a detailed letter to CCDC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate 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 historic resource.

- C. Implementation of Approved Treatment Plan for Historic Resources
1. Implementation of the approved Treatment Plan for the protection of Historic Resources within the project site may not begin prior to the completion of the Documentation Program as defined above.
  2. The Historian and/or Architectural Historian shall attend weekly jobsite meetings and be on-site daily during the stabilization phase for any retained or adjacent historic resource to photo document the Treatment Plan process.
  3. The Historian and/or Architectural Historian shall document activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day and last day (Notification of Monitoring Completion) of the Treatment Plan process and in the case of ANY unanticipated incidents. The RE shall forward copies to CCDC.
  4. Prior to the start of any construction related activities, the applicant shall provide verification to CCDC that all historic resources on-site have been adequately stabilized in accordance with the approved Treatment Plan. This may include a site visit with CCDC, the CM, RE or BI, but may also be accomplished through submittal of the draft Treatment Plan photo documentation report.
  5. CCDC 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.
- D. Verification of approval of a Historical Commemorative Program (HCP), if applicable
1. The applicant shall submit documentation to CCDC for concurrent review and approval by HRB for a site-specific HCP, if mitigation for impacts to a designated resource is based on association with an important person, event or community history and the building would not be retained on-site.
  2. CCDC shall provide a letter to the applicant approving or denying the proposal prior to the first preconstruction meeting and/or issuance of any construction permit. However, should CCDC grant conditional approval of the proposal, construction may be allowed to proceed, but the Certificate of Occupancy may not be issued until the historical commemorative program is approved.
  3. Prior to the issuance of any Certificate of Occupancy, the applicant shall provide verification to CCDC that the HCP has been implemented in accordance with the approved program. This may include a site visit with CCDC, the CM, RE or BI, but may also be accomplished through submittal of photo documentation or appropriate reporting program.
  4. CCDC will provide written verification to the RE or BI after the site visit indicating that the Certificate of Occupancy can issued.

### **III. During Construction**

#### **A. Monitor Shall be Present During Grading/Excavation/Trenching**

1. The monitor 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 CCDC of changes to any construction activities.
2. The monitor shall document field activity via the Consultant Site Visit Record (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 the case of ANY incidents involving the historical resource. The RE shall forward copies to CCDC.
3. The PI may submit a detailed letter to CCDC during construction requesting a modification to the monitoring program when a field condition arises which could effect the historical resource being retained on-site or adjacent to the construction site.

#### **B. Notification Process**

1. In the event of damage to a historical resource retained on-site or adjacent to the project site, the Historical Monitor shall direct the contractor to temporarily divert construction activities in the area of historical resource and immediately notify the RE or BI, as appropriate, and the PI (unless Monitor is the PI).
2. The PI shall immediately notify CCDC by phone of the incident, and shall also submit written documentation to CCDC within 24 hours by fax or email with photos of the resource in context, if possible.

#### **C. Determination/Evaluation of Impacts to a Historical Resource**

1. The PI shall evaluate the incident relative to the historical resource.
  - (a) The PI shall immediately notify CCDC by phone to discuss the incident and shall also submit a letter to CCDC indicating whether additional mitigation is required.
  - (b) If impacts to the historical resource are significant, the PI shall submit a proposal for mitigation and obtain written approval from CCDC. Direct and/or indirect impacts to historical resources from construction activities must be mitigated before work will be allowed to resume.
  - (c) If impacts to the historical resource are not considered significant, the PI shall submit a letter to CCDC indicating that the incident will be documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

### **IV. Night Work**

#### **A. If night work is included in the contract**

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.
  - (a) No Impacts/Incidents

In the event that no historical resources were impacted during night work, the PI shall record the information on the CSV and submit to CCDC via fax by 9 am the following morning, if possible.

- (b) Potentially Significant Impacts  
If the PI determines that a potentially significant impact has occurred to a historical resource, the procedures detailed under Section III - During Construction shall be followed.
  - (c) The PI shall immediately contact CCDC, or by 8 am the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
- 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 CCDC immediately.
- C. All other procedures described above shall apply, as appropriate.

## **V. Post Construction**

- A. Submittal of Draft Monitoring Report
- 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 Historical Monitoring Program (with appropriate graphics) to CCDC for review and approval within 90 days following the completion of monitoring,
    - (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. CCDC 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 CCDC for approval.
  - 4. CCDC shall provide written verification to the PI of the approved report.
  - 5. CCDC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Final Monitoring Report(s)
- 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to CCDC (even if negative), within 90 days after notification from CCDC 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 CCDC.

**Mitigation Measure HIST-A.1-3:** If a Designated Local Register historical resource would be demolished, the following measure shall be implemented.

**I. Prior to Issuance of a Demolition Permit**

A. A Documentation Program (DP) shall be submitted to CCDC for review and approval and shall include the following:

1. Photo Documentation

(a) Documentation shall include professional quality photo documentation of the structure prior to demolition with 35mm black and white photographs, 4x6 standard format, taken of all four elevations and close-ups of select architectural elements, such as, but not limited to, roof/wall junctions, window treatments, decorative hardware. Photographs shall be of archival quality and easily reproducible.

(b) Xerox copies or CD of the photographs shall be submitted for archival storage with the City of San Diego Historical Resources Board and the CCDC Project file. One set of original photographs and negatives shall be submitted for archival storage with the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other relative historical society or group(s).

2. Required drawings

(a) Measured drawings of the building's exterior elevations depicting existing conditions or other relevant features shall be produced from recorded, accurate measurements. If portions of the building are not accessible for measurement, or cannot be reproduced from historic sources, they should not be drawn, but clearly labeled as not accessible. Drawings produced in ink on translucent material or archivally stable material (blue-line drawings are acceptable). Standard drawing sizes are 19" x 24" or 24" x 36", standard scale is 1/4" = 1 foot.

(b) One set of measured drawings shall be submitted for archival storage with the City of San Diego Historical Resources Board, the CCDC Project file, the South Coastal Information Center, the California Room of the City of San Diego Public Library, the San Diego Historical Society and/or other historical society or group(s).

B. Prior to the first Precon Meeting, CCDC shall verify that the DP has been approved.

C. In addition to the Documentation Program, the Applicant shall comply with any other conditions contained in the Site Development Permit, as approved through the City's Historic Regulations contained in Chapter 14, Article 3, Division 2, which shall include but not be limited to one or more actions prepared and adopted by the HRB for demolition of the Local Register Resource.

## **F. ARCHAEOLOGICAL RESOURCES (HIST-B)**

### **Impact HIST-B.1 (Impacts to Archeological Resources):**

If important archaeological sites are located at redevelopment sites, construction activities, such as grading and excavation, could result in significant impacts.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which could reduce the significant environmental effects. These conditions, changes or alterations may not, however, reduce in all circumstances the impacts to archaeological resources to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Archaeological resources may be difficult to detect prior to construction activities, as they are located underground. In the downtown planning area, archaeological resources have been found within inches of the ground surface. Therefore, the potential to affect important archaeological sites exists if a redevelopment activity requires even minimal grading and/or excavation. The likelihood of encountering archaeological resources is greatest on redevelopment sites that have been minimally excavated in the past (e.g., vacant lots and lots containing surface parking; undeveloped areas around historic buildings; under buildings with post, pier, slab, or shallow wall foundations without basements; etc.). Previously excavated areas are generally considered to have a low potential for archaeological resources, since the soil containing the archaeological resources has been removed. In addition, building demolition and surface clearance could result in impacts to archaeological resources. While there are no formal cemeteries or recorded burials downtown, prehistoric burials are possible. Consequently, the potential for encountering human remains during construction of redevelopment activities is considered low. Nevertheless, impacts to human remains as a result of the proposed Plan may occur.

If during development, an important archaeological site is discovered, and has not been compromised through the development activities, preservation through the avoidance of the remaining portion and implementation of an appropriate Research Design and Data Recovery Program would reduce impacts. Notwithstanding the implementation of Mitigations Measure HIST-B.1-1, such preservation may or may not be feasible under the circumstances of a particular development, or else the discovery may not be made until destruction has occurred, in

which case preservation and implementation of a Research Design and Data Recovery Program may not sufficiently reduce the impacts to an insignificant level.

**Mitigation Measures:** Mitigation Measure HIST-B.1-1, which is set forth below, is feasible and is made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***Mitigation Measure HIST-B.1-1:*** If the potential exists for archaeological resources, the following measures shall be implemented.

**I. Prior to Permit Issuance**

A. Construction Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, the Centre City Development Corporation (CCDC) shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to CCDC

1. The applicant shall submit a letter of verification to CCDC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. CCDC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from CCDC for any personnel changes associated with the monitoring program.

**II. Prior to Start of Construction**

A. Verification of Records Search

1. The PI shall provide verification to CCDC 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 Coast 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 CCDC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager

(CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and CCDC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

(a) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with CCDC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Archaeological Monitoring Plan (AMP)

(a) Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Plan which describes how the monitoring would be accomplished for approval by CCDC. The AMP shall include an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to CCDC identifying the areas to be monitored including the delineation of grading/excavation limits.

(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).

(c) Prior to the start of any work, the PI shall also submit a construction schedule to CCDC through the RE indicating when and where monitoring will occur.

(d) The PI may submit a detailed letter to CCDC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate 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.

### **III. During Construction**

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during soil remediation 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 CCDC of changes to any construction activities.

2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to CCDC.

3. The PI may submit a detailed letter to CCDC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities,

presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

**B. Discovery Notification Process**

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery 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 CCDC by phone of the discovery, and shall also submit written documentation to CCDC within 24 hours by fax or email with photos of the resource in context, if possible.

**C. Determination of Significance**

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
  - (a) The PI shall immediately notify CCDC by phone to discuss significance determination and shall also submit a letter to CCDC indicating whether additional mitigation is required.
  - (b) If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from CCDC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
  - (c) If resource is not significant, the PI shall submit a letter to CCDC 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.

**IV. Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

**A. Notification**

1. Archaeological Monitor shall notify the RE or BI as appropriate, CCDC, and the PI, if the Monitor is not qualified as a PI.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

**B. Isolate discovery site**

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 provenience of the remains.
2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.

3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains are determined to be Native American
1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, only the Medical Examiner can make this call.
  2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
  3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..
  4. The PI shall coordinate with the MLD for additional consultation.
  5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, if:
    - (a) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
    - (b) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
- D. If Human Remains are not Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
  2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
  3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with CCDC, the applicant/landowner and the Museum of Man.

## **V. Night Work**

- A. If night work is included in the contract
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.
    - (a) No Discoveries  
In the event that no discoveries were encountered during night work, the PI shall record the information on the CSVN and submit to CCDC via fax by 9am the following morning, if possible.
    - (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.
    - (c) Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

The PI shall immediately contact CCDC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

- B. If night work becomes necessary during the course of construction
  - 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 CCDC immediately.
- C. All other procedures described above shall apply, as appropriate.

## **VI. Post Construction**

- A. Submittal of Draft Monitoring Report
  - 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 Archaeological Monitoring Program (with appropriate graphics) to CCDC for review and approval within 90 days following the completion of monitoring,
    - (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
      - 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.
  - 2. CCDC 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 CCDC for approval.
  - 4. CCDC shall provide written verification to the PI of the approved report.
  - 5. CCDC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts and Submittal of Collections Management Plan, if applicable
  - 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 CCDC for review and approval for any project which results in a substantial collection of historical artifacts.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
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 CCDC 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 CCDC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to CCDC (even if negative), within 90 days after notification from CCDC 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 CCDC which includes the Acceptance Verification from the curation institution.

## **G. PUBLIC VIEWS AND VIEW CORRIDORS (VIS-B)**

### **Impact VIS-B.1 (San Diego Bay and Coronado Bay Bridge View Interruption):**

Buildout of the East Village sub-districts would have a significant impact on views of San Diego Bay and the San Diego-Coronado Bay Bridge from Balboa Park and Highway 94.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce some of the significant environmental effects identified in the FEIR. These conditions, changes or alterations would not, however, reduce all impacts to visual resources to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The proposed Plan would promote slender upper towers on future high-rise buildings in order to allow intervening views of the Bay and the bridge. Goal 5.3-G-2 would encourage building design that would result in maintaining views of the Bay. However, views of the San Diego Bay and San Diego-Coronado Bay Bridge are largely uninterrupted at the present time from both Balboa Park and Highway 94, because the intervening East Village is currently predominated by low-rise buildings. Thus, any new high-rise development in the area

would result in increased view blockage and the impact would be significant. The only way to avoid these impacts would be to substantially curtail high-rise development in the East Village sub-districts, which would contravene the overall goals of the Downtown Community Plan, to reinforce downtown as the urban center of the City.

**Mitigation Measures:** No mitigation is feasible.

## **H. NOISE GENERATORS (NOI-A)**

### **Impact NOI-A.1 (Traffic Noise Increase):**

Traffic noise on nine of the grid street segments would significantly increase with implementation of the proposed Community Plan. The increased traffic volumes associated with the proposed Community Plan would result in a significant noise increase (>3.0 dB(A) CNEL for noise levels already exceeding 65 dB(A) CNEL, or causing a noise level to exceed the 65 dB(A) CNEL threshold) along nine street segments in the downtown planning area.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce some of the traffic-related significant environmental effect identified in the FEIR. These conditions, changes or alterations may not, however, reduce the traffic noise impacts identified above to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Physical noise attenuation measures along several of the identified roadway segments cannot be implemented because of existing restrictions on available land to construct noise attenuation walls; further, such walls would not likely reduce impacts to uses above the ground floor. Retrofitting existing structures with such walls would again encroach into available land, and even if a wall could be fitted onto a site, it cannot be constructed without the property owners' consent. Due to the uncertainty regarding the physical ability to construct effective attenuation walls, and the property owners' willingness to agree to such construction, this impact is considered significant and not mitigated.

**Mitigation Measures:** No feasible mitigation measures are available.

## **I. INTERIOR NOISE (NOI-B)**

### **Impact NOI-B.1 (Interior Traffic Noise):**

Segments of grid streets downtown as well as I-5 are expected to carry traffic volumes which would create traffic noise in excess of 65 dB (A) CNEL and, thus, could result in interior noise levels in excess of 45 dB(A) CNEL.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effects associated with interior traffic noise to below a level of significance. Thus, the impacts are considered **significant but mitigated**.

**Facts in Support of Finding:** A number of street segments downtown are expected to carry traffic volumes which would create traffic noise in excess of 65 dB (A) CNEL. Noise sensitive uses within 475 feet of I-5 could be impacted as well. Any habitable areas associated with future residential or other noise-sensitive land use facing these highlighted segments could experience interior noise levels in excess of 45 dB(A) CNEL if adequate insulation is not provided.

The FEIR sets forth specific criteria for identifying such impacted land uses, and requires an acoustical study before a building permit is issued, to determine appropriate and effective mitigation measures that would be incorporated into any new project. Through the implementation of Mitigation Measure NOI-B.1-1, interior noise levels for such projects would thereby be reduced to below a level of significance.

**Mitigation Measures:** Mitigation Measure NOI-B.1-1, which is set forth below, is feasible and is made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***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.

### **Impact NOI-B.2 (Interior Ballpark Noise):**

Noise generated during ballgames or concerts at Petco Park would have a significant direct impact on nearby noise sensitive uses. As discussed earlier, noise from crowds or amplified music could cause interior noise levels to exceed 45 dB (A) within four blocks for the ballpark. However, exterior noise levels would not exceed acceptable levels when average over a 24-hour period.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or

alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effect identified in the FEIR to below a level of significance. Thus, the impacts are considered **significant but mitigated**.

**Facts in Support of Finding:** Noise-sensitive uses that could be significantly impacted by ballpark noise have already been identified in the Ballpark, which also concluded that noise attenuation measures would be required to mitigate this impact to below a level of significance. By requiring an acoustical analysis to identify any new such sensitive uses, before issuance of the building permit, the FEIR assures that the appropriate noise attenuation measures are implemented to mitigate the impacts of ballpark noise to acceptable levels.

**Mitigation Measures:** Mitigation Measure NOI-B.2-1, which is set forth below, is feasible and is made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***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.

## **J. EXTERIOR NOISE IN RESIDENTIAL DEVELOPMENT (NOI-C)**

### **Impact NOI-C.1 (Exterior Traffic Noise in Residential Development):**

Segments of grid streets downtown as well as I-5 are expected to carry traffic volumes which would create traffic noise in excess of 65 dB (A) CNEL and, thus, could expose required outdoor open space to noise levels considered unacceptable.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations may not, however, reduce the exterior traffic noise impacts, identified above, to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Outdoor activities such as swimming and barbequing are more enjoyable in areas where background traffic noise levels are less than 65 dB(A) CNEL because higher levels interfere with normal conversation. Therefore, residential recreation activities in

areas above 65 dB(A) CNEL would be significantly impacted. Although the implementation of Mitigation Measure NOI-C.1-1 would reduce noise impacts in outdoor areas, it cannot be said that in every situation the effects would be reduced to below the level of 65 dB(A) CNEL.

**Mitigation Measures:** Mitigation Measure NOI-C.1-1, which is set forth below, is feasible and is made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***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.

**Impact NOI-C.2 (Exterior Aircraft Noise in Residential Development):**

Aircraft noise associated with San Diego International Airport would impact required outdoor open space within residential development located in the northern portion of downtown.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce some of the significant environmental impacts identified in the FEIR. These conditions, changes or alterations may not, however, reduce aircraft noise impacts, identified above, to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The existing CLUP for San Diego International Airport indicates that aircraft noise levels in the northwestern portion of the downtown planning area would be in excess of 65 dB(A) CNEL. As a result, residential and other noise-sensitive uses in the northern portion of the plan area would experience noise levels that would exceed 65 dB(A) CNEL. While future residential units would be required by Title 21 to achieve a 45 dB(A) CNEL level in all habitable rooms, traditional noise attenuation for exterior noise (e.g. walls) would be ineffective as the noise source would be vertical rather than lateral. Full enclosure of open spaces could reduce the noise level to below 65 dB(A) CNEL, but this would defeat the primary goal of creating "outdoor" open space. Thus, required outdoor open space areas in new residential development could be significantly impacted by aircraft noise.

**Mitigation Measures:** No feasible mitigation measures are available.

**K. EXTERIOR NOISE IN PUBLIC PARKS AND PLAZAS (NOI-D)**

**Impact NOI-D.1 (Exterior Traffic Noise in Public Parks and Plazas):**

Segments of grid streets downtown as well as I-5 are expected to carry traffic volumes which would create traffic noise in excess of 65 dB (A) CNEL and, thus, could expose public parks and plazas to noise levels considered significant.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce some of the significant environmental impacts identified in the FEIR. These conditions, changes or alterations may not, however, reduce traffic noise impacts on all public parks and plazas to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Recreation activities in public parks and plazas, including picnicking, conversations, and other activities are more enjoyable in areas where background traffic noise levels are less than 65 dB(A) CNEL. Among other things, levels higher than 65 dB(A) CNEL interfere with normal conversation.

At this stage, the actual spatial relationship between any future planned open space and the affecting source of the traffic noise is not known. Accordingly, it cannot be determined whether that open space would be significantly impacted. Assuming a significant level of impact, the available "mitigation" measures (e.g. enclosing the "open space" or building attenuation walls) defeat the basic purpose of providing open space.

Therefore, recreation activities in public parks and plazas above 65 dB(A) CNEL could be significantly impacted.

**Mitigation Measures:** Mitigation Measure NOI-D.1-1, which is set forth below, is feasible and is made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***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.

**Impact NOI-D.2 (Exterior Aircraft Noise in Public Parks and Plazas):**

Aircraft noise associated with San Diego International Airport would impact recreation activities within public parks and plazas located in the northern portion of downtown.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which could reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations may not, however, reduce aircraft noise impacts to public parks and plazas to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The existing CLUP for San Diego International Airport indicates that aircraft noise levels in the northwestern portion of the downtown planning area would be in excess of 65 dB(A) CNEL. As a result, recreation activities within public parks and plazas in the northern portion of the plan area would experience noise levels that would exceed 65 dB(A) CNEL. The same issues presented by any attempt to mitigate traffic noise upon public parks and plazas apply to the impacts created by aircraft noise.

**Mitigation Measures:** No feasible mitigation measures are available.

**L. EXPOSE SENSITIVE RECEPTORS TO UNACCEPTABLE EMISSION LEVELS (AQ-B)**

**Impact AQ-B.1 (Construction Emissions):**

Particulates generated during construction activities could exceed acceptable local standards and pose a health risk to nearby sensitive receptors.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effect identified in the FEIR to below a level of significance. Thus, the impacts are considered **significant but mitigated**.

**Facts in Support of Finding:** Emissions related to construction activity are considered short-term sources as their duration is limited to the period of construction at any single site within downtown. However, as construction may occur throughout the buildout process for downtown, these construction emissions would normally be present at various locations throughout downtown. Based on the air quality analysis contained in Appendix 2.7 to this FEIR, implementation of standard dust controls mandated by the City of San Diego, as well as implementation of the controls required by Mitigation Measure AQ-B.1-1, will reduce impacts to below a level of significance.

**Mitigation Measures:** Mitigation Measure AQ-B.1-1, which is set forth below, is feasible and is made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

***Mitigation Measure AQ-B.1-1:*** Prior to approval of a Development Permit which may involve grading and/or building demolition, 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 miles per hour, 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 the CCDC.
  - b. On-site access points shall be paved as soon as feasible or watered periodically or chemically stabilized.
  - c. Material transported offsite 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 miles per hour.
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, 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.
6. All diesel-powered vehicles and equipment shall be properly operated and maintained.
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.
8. The construction contractor shall utilize electric or natural gas-powered equipment in lieu of gasoline or diesel-powered engines, where feasible.
9. As much as possible, the construction contractor shall time the construction Plans and Ordinance 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.
10. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.
11. Low VOC coatings shall be used as required by SDAPCD Rule 67. Spray equipment with high transfer efficiency, such as the high volume-low pressure (HPLV) spray method, or manual coatings application such as paint brush hand roller, trowel, spatula, dauber, rag, or sponge, shall be used to reduce VOC emissions, where feasible.
12. If construction equipment powered by alternative fuel sources (LPG/CNG) is available at comparable cost, the developer shall specify that such equipment be used during all construction Plans and Ordinance on the development site.
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.
14. During demolition Plans and Ordinance, safety measures as required by City/County/State for removal of toxic or hazardous materials shall be utilized.
15. Rubble piles shall be maintained in a damp state to minimize dust generation.
16. During finish work, low-VOC paints and efficient transfer systems shall be utilized, to the extent possible.
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.

## **M. PALEONTOLOGICAL RESOURCES (PAL-A)**

### **Impact PAL-A.1 (Impacts to Paleontological Resources):**

Construction activities resulting from the Downtown Community Plan would have the potential to result in significant impacts to paleontological resources.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce the significant environmental effect identified in the FEIR to below a level of significance. Thus, the impacts are considered **significant but mitigated**.

**Facts in Support of Finding:** Except in areas underlain by artificial fill, all development associated with the Downtown Community Plan would occur on geologic formations that are assigned a high paleontological resource sensitivity. Any development that involves grading or excavation beyond the one to three foot depth of surficial fills for foundations, subterranean parking, or below-grade features including utility trenches would have the potential to expose fossil-bearing geologic formations and adversely impact paleontological resources. Implementation of Mitigation Measure PAL-A.1-1, however, would provide sufficient oversight and resources to reduce the potential for a significant impact on any paleontological resources located on the development site.

**Mitigation Measures:** Mitigation Measure PAL-A.1-1, which is set forth below, is feasible and is made binding through the Proposed Plans and Ordinance conditions of approval and through the MMRP.

**Mitigation Measure PAL-A.1-1:** If the potential exists for significant paleontological resources, a monitoring program in accordance with the following mitigation measure would be implemented.

#### **I. Prior to Permit Issuance**

##### **A. Construction Plan Check**

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, but prior to the first preconstruction meeting, whichever is applicable, Centre City Development Corporation (CCDC) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

##### **B. Letters of Qualification have been submitted to CCDC**

1. The applicant shall submit a letter of verification to CCDC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.

2. CCDC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from CCDC for any personnel changes associated with the monitoring program.

## **II. Prior to Start of Construction**

### **A. Verification of Records Search**

1. The PI shall provide verification to CCDC that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

### **B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and CCDC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with CCDC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to CCDC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to CCDC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to CCDC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or

absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### **III. During Construction**

#### **A. Monitor Shall be Present During Grading/Excavation/Trenching**

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 CCDC of changes to any construction activities.
2. The monitor shall document field activity via the Consultant Site Visit Record (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 the case of any discoveries. The RE shall forward copies to CCDC.
3. The PI may submit a detailed letter to CCDC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

#### **B. Discovery Notification Process**

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.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify CCDC by phone of the discovery, and shall also submit written documentation to CCDC within 24 hours by fax or email with photos of the resource in context, if possible.

#### **C. Determination of Significance**

1. The PI shall evaluate the significance of the resource.
  - a. The PI shall immediately notify CCDC by phone to discuss significance determination and shall also submit a letter to CCDC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from CCDC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
  - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been

made. The Paleontologist shall continue to monitor the area without notification to CCDC unless a significant resource is encountered.

- d. The PI shall submit a letter to CCDC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### **IV. Night Work**

- A. If night work is included in the contract
  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.
    - a. No Discoveries
      - (1) In the event that no discoveries were encountered during night work, The PI shall record the information on the CSV and submit to CCDC via fax by 9am the following morning, if possible.
    - b. Discoveries
      - (1) All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
    - c. Potentially Significant Discoveries
      - (1) If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
    - d. The PI shall immediately contact CCDC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
  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 CCDC immediately.
- C. All other procedures described above shall apply, as appropriate.

#### **VI. Post Construction**

- A. Submittal of Draft Monitoring Report
  1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to CCDC for review and approval within 90 days following the completion of monitoring,
    - 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
      - (1) The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources

- encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. CCDC 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 CCDC for approval.
  4. CCDC shall provide written verification to the PI of the approved report.
  5. CCDC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
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
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
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 CCDC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to CCDC (even if negative), within 90 days after notification from CCDC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from CCDC which includes the Acceptance Verification from the curation institution.

## V. FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL IMPACTS

### A. AIR QUALITY (AQ-A)

#### Increase in Mobile Source Emissions (Impact AQ-A.1):

Implementation of the proposed Downtown Community Plan would result in a significant cumulative air quality impact relative to mobile-source emissions.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which

could reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations may not, however, be able to reduce cumulative impacts to air quality to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the mobile-source emission impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The San Diego Air Basin is currently classified by the US EPA as a non-attainment area for ozone. All new development in the San Diego Air Basin compounds these problems by creating more emissions. New development within the downtown planning area would be no exception, creating long-term air emissions related primarily to increased vehicular use. Because the San Diego Air Basin already is impacted, any new development would have a significant cumulative impact on regional air quality.

The proposed Plan would concentrate development in an area which is well served by transit and offers a variety of opportunities to work and live in the same area. Federal, state and local regulations mandate as well as recommend measures to be incorporated by subsequent development within the Air Basin are anticipated to be incorporated into future development within downtown, as appropriate.

**Mitigation Measures:** There are no additional mitigation measures for cumulative mobile-source emission impacts.

**Construction Emissions (Impact AQ-B.1):**

Implementation of the proposed Downtown Community Plan would result in a significant cumulative air quality impact related to dust and construction equipment emissions.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which could reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations may not, however, be able to reduce cumulative impacts to air quality to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the construction emission impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The San Diego Air Basin is currently classified by the US EPA as a non-attainment area for dust (PM<sub>10</sub>). Dust and construction equipment emissions related to construction projects downtown contribute to the PM<sub>10</sub> levels within the San Diego Air Basin. Because the San Diego Air Basin already is impacted, any new construction emissions would have a significant cumulative impact on regional air quality.

**Mitigation Measures:** There are no additional mitigation measures for cumulative air quality impacts related to construction emissions.

## **B. HISTORICAL RESOURCES (HIST)**

### **Impacts to Historical Resources (HIST-A.1):**

The demolition or substantial alteration of significant historical resources in combination with the loss of similar resources in the region would result in a cumulatively significant historical impact. Historical resources continue to be lost within San Diego County, and any loss of these resources due to buildout of the Downtown Community Plan could result in a significant cumulative impact.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which could reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations may not, however, reduce cumulative regional impacts to historical resources to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Historical resources may continue to be lost throughout San Diego County, in jurisdictions beyond the control of CCDC. No measures beyond those required by federal, state and local regulations are available to control those losses. As such, any loss of historical resources within CCDC's jurisdiction could contribute to a significant cumulative impact on historical resources.

**Mitigation Measures:** There are no additional mitigation measures for cumulative historical resource impacts.

### **Impacts to Archaeological Resources (HIST-B.1):**

Impacts to important archaeological sites associated with redevelopment could combine with the loss of other important archaeological resources in the region and result in a significant cumulative impact.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which could reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations may not, however, reduce cumulative regional impacts to archaeological resources to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Any loss of archaeological resources within the Downtown Community Plan area could contribute to a cumulatively significant impact when added to the regional loss of such resources.

**Mitigation Measures:** No measures beyond those required by federal, state and local regulations are available to control such losses.

### **C. HYDROLOGY/WATER QUALITY (WQ)**

#### **Surface Water Pollution (WQ-A.1):**

Since urban runoff has already adversely impacted water quality in San Diego Bay, the addition of any pollutants in urban runoff discharged into the Bay would result in a cumulatively significant impact to water quality.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce some of the significant environmental effect identified in the FEIR. These conditions, changes or alterations may not, however, reduce cumulative regional impacts to water quality, to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the

alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** San Diego Bay is currently experiencing water quality problems caused by urban development within its watershed. Mandatory compliance with federal state and local regulations regarding short-term and long-term control of urban runoff and erosion would serve to reduce the direct impacts of future development on hydrology/water quality. In addition, the Plan would include policies to reduce urban runoff and associated pollutants generated from future development activities. Although existing regulations, Plan policies and implementation of mitigation measures would reduce direct water quality impacts to below a level of significance, cumulative water quality impacts would be unavoidable.

No measures exist beyond those required by federal, state and local regulations, as well as any requirements imposed to comply with the goals and policies of the Downtown Community Plan, are within the control of CCDC.

**Mitigation Measures:** No additional mitigation measures are available for cumulative water quality impacts.

#### **D. LAND USE COMPATIBILITY (LU)**

##### **Transient Impacts (LU-B.5):**

Increased development activities downtown would combine with those expected in surrounding neighborhoods to displace homeless populations encouraging them to move into less active areas in surrounding neighborhoods.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which could reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations may not, however, reduce cumulative impacts of transient activity to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The same issues of control with respect to direct impacts of transient activity, are applicable to the likelihood of a cumulatively significant impact due to transient activity.

**Mitigation Measures:** No feasible mitigation measures exist.

## **E. NOISE (NOI)**

### **Traffic Noise Increase (NOI-A.1)**

Traffic noise increases on nine of the grid street segments would significantly increase with the addition of traffic from the proposed Community Plan in combination with other new sources of traffic. Increased automobile trips related to new development within the downtown planning area would combine with automobile trips on grid streets to cause nine segments to increase by more than 3 dB(A) or exceed 65dB(A).

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce some of the significant environmental effect identified in the FEIR. These conditions, changes or alterations may not, however, reduce cumulative traffic noise impacts to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The issues regarding mitigation for traffic noise are the same as discussed in Impact NOI-C.1 and NOI-D.1. In many cases, insufficient room exists to construct a noise attenuation wall to reduce exterior traffic noise and, if feasible, the wall would only protect ground level areas. While buildings within the affected area could be retrofitted to attenuate the effects of the noise increase, implementation of such a mitigation strategy is not considered feasible.

**Mitigation Measures:** No feasible mitigation measures exist.

## **F. TRAFFIC/CIRCULATION/PARKING (TRF)**

### **Impacts to Grid Streets (TRF-A.1.1)**

The increased traffic volumes from buildout of the proposed Plan in combination with other increases in traffic would result in a significant cumulative impact on two intersections. The intersections of First Avenue and Elm Street as well as 13<sup>th</sup> Street and K Avenue would experience significant cumulative impacts.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or

alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce many of the significant environmental effects identified in the FEIR. These conditions, changes or alterations may not, however, reduce cumulative traffic impacts on the street grid to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Implementation of the improvements identified in Table 5.2-21 of the EIR would potentially reduce the cumulative impacts to below a level of significance. However, as pedestrian considerations may conflict with these improvements, the impacts may not be able to be reduced to below a level of significance.

**Mitigation Measures:** Implementation of the improvements identified in Table 5.2- 21 of the FEIR would reduce impacts.

#### **Impacts to Surrounding Streets (TRF-A.1.2)**

The increased traffic volumes could result in significant congestion on major streets in the surrounding neighborhoods. Build-out of the proposed Downtown Community Plan in combination with other new trips on surrounding roadways would have a cumulatively significant impact on several roadways. The following street segment already operates at LOS F and would experience significant cumulative impacts as a result of buildout of downtown under the proposed Plan: 28<sup>th</sup> Street (between Harbor Drive and Broadway).

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which would reduce many of the significant environmental effects identified in the FEIR. These conditions, changes or alterations may not, however, reduce cumulative traffic impacts on streets in surrounding neighborhoods to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** Implementation of roadway improvements such as restriping and/or widening may be able to reduce cumulative impacts on surrounding roadways.

**Mitigation Measures:** Implementation of Mitigation Measure TRF-A.1.1-1 would reduce impacts by identifying roadway improvements to be implemented.

### **Increased Freeway Traffic (TRF-A.2.1)**

Buildout traffic volumes would have a significant impact on the freeways serving downtown. Impacts would occur on both freeway segments and ramps. Interstate 5 between SR-94 and Pershing Drive would experience a cumulatively significant impact as would SR 163 between I-5 and Washington Avenue. The northbound onramps to I-5 at B Street and Eleventh Street would experience significant cumulative impacts as would the southbound onramp to I-5 at Grape Street.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which could reduce the significant environmental effect identified in the FEIR. These conditions, changes or alterations may not, however, reduce cumulative impacts on freeway segments and ramps to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR. In addition, pursuant to CEQA Section 21081(a)(2), State CEQA Guidelines Section 15091(a)(2), and Local Agency Guidelines Section 411, the Council/Agency finds that other conditions, changes or alterations that would avoid or substantially reduce the significant environmental effect as identified in the FEIR are within the responsibility and jurisdiction of another public agency and not the Council/Agency. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** While CCDC and the City would be obligated by Mitigation Measure A.2.1-1 to coordinate with state and local agencies charged with providing regional transportation needs (e.g. Caltrans, SANDAG and MTS) to identify improvements and funding sources for the freeways serving downtown, construction of those improvements are beyond the control of the City of San Diego, CCDC and future development. Improvements are at the discretion of Caltrans. Although CCDC would be able to work with Caltrans to evaluate and participate in improvements that are agreed upon and shown to reduce significant impacts, neither the City nor CCDC could unilaterally implement sufficient measures to reduce those impacts to below a level of significance.

**Mitigation Measures:** Beyond initiating multi-jurisdictional planning efforts to identify freeway improvements and funding sources, no other feasible mitigation measures exist as constructing improvements are beyond the direct control of CCDC and the City.

**Inadequate Parking Supply (TRF-D.1)**

Buildout of downtown could create a significant parking impact due to the potential for demand to exceed supply in combination with new parking demand generated in the surrounding neighborhoods.

**Findings:** Pursuant to CEQA Section 21081(a)(1), State CEQA Guidelines Section 15091(a)(1) and Agency Local Guidelines Section 411, the Council/Agency finds that conditions, changes or alterations have been required in, or incorporated into, the Proposed Plans and Ordinance which could reduce the significant environmental effects identified in the FEIR. These conditions, changes or alterations would not, however, reduce all cumulative parking-related impacts to below a level of significance. Therefore, a finding pursuant to CEQA Section 21081(a)(3), State CEQA Guidelines Section 15091(a)(3) and Agency Local Guidelines Section 411 is being made as well, and the Council/Agency hereby also finds 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 the alternatives identified in the FEIR, as discussed in Section VI of these Findings. As described in the Statement of Overriding Considerations, the Council/Agency has determined that this impact is acceptable because of specific overriding considerations. Thus, the impacts are considered **significant and not mitigated**.

**Facts in Support of Finding:** The same facts underlying the finding regarding direct impacts, set forth in the analysis of Impact TRF-D.1, apply to the cumulative impacts on parking supply. The demand for parking at buildout would exceed the amount of parking supply that would be created solely from conforming to the parking requirements of the proposed PDO. While public and/or private parking facilities may be constructed to fulfill the shortfall resulting from simple compliance with the PDO parking regulations, no guarantee exists that this would occur.

**Mitigation Measures:** No feasible mitigation measures exist.

**VI. FINDINGS REGARDING IMPACTS FOUND NOT TO BE SIGNIFICANT**

**Finding:** The Proposed Plans and Ordinance will not have a significant impact on the following: biological resources, mineral resources, and agricultural resources.

**Facts in Support of Finding:** The project area is an already-developed urban setting, almost entirely lacking in native vegetation or wildlife. The ornamental vegetation that exists throughout downtown is insignificant to wildlife that would otherwise be native to the area. Due to the urbanized character of the downtown area, there are no sensitive plant or animal species identified that would be affected by the Proposed Plans and Ordinance. There will be no change

in the nature or number of plant or animal species; no introduction of new species; and no deterioration of existing habitat as a result of the Proposed Plans and Ordinance.

Further, because of the history of urbanization in the downtown area, there are no significant viable mineral or agricultural resources, nor has the area been designated as a viable source of such resources.

## **VII. FINDINGS REGARDING ALTERNATIVES**

Because the Proposed Plans and Ordinance will cause unavoidable significant environmental effects, the Council/Agency must consider the feasibility of any environmentally superior alternative to the Proposed Plans and Ordinance, evaluating whether these alternatives could avoid or substantially lessen the unavoidable significant environmental effects while achieving most of the objectives of the Proposed Plans and Ordinance.

The objectives of the Proposed Plans and Ordinance are as follows:

- To strengthen downtown's role as the regional urban, administrative, commercial and cultural center for the metropolitan area;
- To accommodate in an urban environment a significant portion of the growth expected in the San Diego region over the coming years;
- To ensure that intense development is complemented with livability through strategies such as the development of new parks and Neighborhood Centers;
- To advance downtown's position as the regional economic and employment center, by ensuring availability of employment land, development of regional destinations, and creation of jobs easily accessed via transit, bicycle or on foot;
- To create walkable neighborhoods downtown with a mix of uses and easy access to open space, shops, services, amenities, and cultural attractions; and
- To connect downtown's neighborhoods to the waterfront with new streets and view corridors, re-establish Balboa Park's relationship to downtown, and integrate downtown with the surrounding neighborhoods.

The Proposed Plans and Ordinance would have potentially significant impacts in the following areas: Air Quality (cumulative); Cultural Resources (direct and cumulative), Land Use (direct and cumulative); Noise (direct and cumulative), Paleontological Resources (direct), Traffic and Circulation (direct and cumulative), Visual Quality (direct) and Water Quality (cumulative).

The EIR identifies one feasible alternative to the proposed Plan, which is to follow the existing plan adopted in 1992. As the proposed Plan constitutes a revision of the existing plan, the Guidelines require discussion of this existing plan as the "no project" alternative. Guidelines

§15126.6(e)(3)(A). The EIR does not identify any other feasible alternatives. The reason for this limited discussion of alternatives is that there are no other reasonable alternatives to the proposed Plan, that would “avoid or substantially reduce” the significant environmental effects of the proposed Plan as required by CEQA. As described in the EIR, the proposed Plans and Ordinance would produce a downtown residential population of 89,000 at buildout; under the existing plan, the residential population at buildout would be around 48,000. Based on these projections and a comparison of other uses contemplated under both plans, the EIR demonstrates that the significant impacts resulting from the proposed Plan would also occur under the existing Plan. As illustrated in Table 10.1-2 of the EIR, none of the significant impacts resulting from the proposed Plan would be avoided or substantially reduced by choosing instead to continue with the existing plan. This table shows that in all respects, impacts that are significant under the proposed Plan are also significant under the existing plan. Although some of the impacts under the 1992 plan would be quantitatively less than those under the proposed Plan, the impacts themselves remain environmentally significant under either scenario. Working with the community over a more than three-year period, and in the months since, staff has not been able to identify any alternative that would substantially reduce the impacts identified. Nor have any alternatives been identified in CCDC’s environmental analysis or in the comments submitted in response to the draft Plan EIR that would: (1) meet most of the project’s basic objectives, (2) be feasible, as CEQA defines the concept, and (3) eliminate or substantially reduce the significant impacts identified in the Plan EIR. Under the circumstances of this Plan, including downtown’s physical configuration and limitations, the existing state of development, and the mandates of the City’s Strategic Framework (along with the clear expectations of the community), there are no other alternatives meeting the requirements of the Guidelines. As such, the identification of only one alternative is reasonable.

As discussed below, the Council/Agency has considered and rejects the No Project. The Council/Agency finds that the Proposed Plans and Ordinance best meet the objectives of the project with the least environmental impact.

**No Project Alternative: Continued Implementation of Existing Centre City Community Plan**

This alternative would retain the Centre City Community Plan that was adopted in 1992, including the related Planned District Ordinances. The 1992 Plan and related ordinances contain a series of goals, policies and regulations intended to promote a diverse mix of land uses within downtown. The key features of the 1992 Plan are set forth in the FEIR at pages 5.1-6 and 5.1-7.

**Finding:** The Council/Agency finds that specific economic, legal, social, technological, or other considerations make infeasible the No Project: Continued Implementation of Existing Centre City Community Plan alternative identified in the FEIR.

**Facts in Support of Finding:** Many of the objectives of the Proposed Plans and Ordinance are the same or similar to those articulated in the 1992 Plan. Both plans envision a diverse mix of land uses (including residential, office, hotel and retail), increasing employment and housing opportunities,

and the creation of open space. However, the 1992 Plan envisioned a less-intensive scope of development. Under that plan, residential population at buildout would be little more than half of that contemplated by the Proposed Plans and Ordinance; employment positions would be just 74% of those under the Proposed Plans and Ordinance; retail square footage would just over two-thirds of that which will be provided under the Proposed Plans and Ordinance; and there would be nearly 4,000 fewer hotel rooms. As important, the 1992 Plan did not focus residential uses around neighborhood centers, place the same emphasis on pedestrian- and bicycle-friendly facilities, or provide for as much open space as will the Proposed Plans and Ordinance.

Despite the less intense development proposed under the 1992 Plan, most of the significant impacts predicted under the Proposed Plans and Ordinance would also occur (or not occur) under the 1992 Plan. Except for traffic and visual quality impacts, the environmental results of buildout under either the Proposed Plans and Ordinance or the 1992 Plan are essentially equivalent (FEIR, Table 10.1-2). As this table shows, even where these impacts under the 1992 Plan would be less intense than under the Proposed Plans and Ordinance, they would remain significant (see, e.g., all Traffic and Circulation impacts). Further, the 1992 Plan did not incorporate the smart growth principles that are intended to reduce reliance on the private automobile, which in turn could reduce the identified traffic impacts more efficiently than if the Council/Agency proceeded under the 1992 Plan.

San Diego's efforts to redevelop and revitalize its downtown began in 1972 with the establishment of the Horton Plaza redevelopment project area. Subsequent Plans and Ordinance, including the 1992 Plan, did much to advance the same objectives that are now the focus of the Proposed Plans and Ordinance. However, after a three-year public process that involved consideration of development trends, changes in demand and new opportunities that have arisen in the past decade, the proposed Downtown Community Plan was developed. The Proposed Plans and Ordinance now contemplate a far more intense level of development that will both (1) foster a vibrant urban core for the City and region, and (2) help curtail urban sprawl caused by an increasing size and diversity of population. At the same time, they more completely implement the objective of establishing neighborhoods and open spaces within downtown.

While the 1992 Plan aims to promote some of the same objectives as the Proposed Plans and Ordinance, it is infeasible because it does not allow for the same advanced approaches to economic and employment growth, neighborhood development, and realization of the benefits of a fully-developed, vibrant urban core.

## **VIII. FINDINGS REGARDING GROWTH INDUCING IMPACTS**

CEQA Guidelines Section 15126.2(d) requires that an EIR:

“Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.”

**Finding:** As discussed in Chapter 7.0 of the FEIR, one of the primary goals of the Downtown Community Plan is to encourage growth in the downtown area, to revitalize the downtown area. Growth in the downtown area will result in a positive impact because it will generate revenues that can fund improvements in infrastructure, the development of affordable housing and other benefits.

## **IX. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

CEQA Guidelines Section 15126.2(c) 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 State CEQA Guidelines also indicate that that “irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.” As referenced in the FEIR, the Proposed Plans and Ordinance 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.

While no water bodies are located within the downtown area, cumulative impacts from runoff would have a significant and irreversible impact on the adjacent San Diego Bay. Energy resources would be used both in the construction and the occupancy of new development under the Plan, although the increase in availability of transit facilities may serve to reduce consumption of gasoline associated with the increases in trips in and out of downtown.

The FEIR acknowledges that other nonrenewable resources (e.g. lumber, sand, gravel, metals and water) would inevitably be consumed in the course of construction contemplated under the Plan, and, in the long-term, use and occupancy of the new development. However, use of such resources would have an incremental impact on the regional consumption of such resources.

The FEIR also acknowledges that the loss of both cultural and paleontological resources would occur in the course of development, and that such losses would in some instances be irreversible, notwithstanding monitoring and salvage measures intended to reduce such impacts.

## **X. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS**

The Council/Agency are the “Lead Agency” for the Proposed Plans and Ordinance evaluated in the FEIR. The Council/Agency finds that the Draft FEIR and the FEIR were prepared in compliance with CEQA and the CEQA Guidelines. The Council/Agency finds that it has independently reviewed and analyzed the Draft FEIR and FEIR for the Proposed Plans and Ordinance, that the Draft FEIR which was circulated for public review reflected its independent judgment, and that the FEIR reflects the independent judgment of the Council/Agency.

The Notice of Preparation of the Draft FEIR was published on April 1, 2003. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency’s specific responsibilities.

The public review period for the Draft FEIR began on July 28, 2005 and the Draft FEIR and appendices were available for public review on that date. A Notice of Availability of Draft FEIR was filed with the County Recorder/County Clerk on July 28, 2005 and a Notice of Completion of Draft FEIR was submitted to the State Clearinghouse on July 28, 2005. The 45-day public review and comment period ended on September 12, 2005.

The Draft FEIR and appendices were available for public review at that time. On October 13, 2005, CCDC distributed the FEIR and provided proposed written responses to the responsible agencies. This was at least fourteen calendar days prior to certification of the FEIR. On November 15, 2005 public hearings were held before the Council/Agency to consider approval of the Proposed Plans and Ordinance and certification of the FEIR.

The Council/Agency finds that the FEIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Proposed Plans and Ordinance. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The FEIR was prepared after the review period and responds to comments made during the public review period.

The Council/Agency evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Council/Agency prepared written responses describing the disposition of significant environmental issues raised. The FEIR provides adequate, good faith and reasoned responses to the comments. The Council/Agency 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 FEIR. The 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 FEIR.

The FEIR evaluated the following areas for direct and cumulative impacts: Land Use and Planning; Transportation Circulation, Access and Parking; Cultural Resources; Public Facilities and Services; Geology and Seismicity; Aesthetics and Visual Quality; Noise; Air Quality; Hydrology and Water Quality; Hazardous Materials; Population and Housing; Paleontological Resources; Energy; Biological Resources; Mineral Resources; and Agricultural Resources. Additionally, the FEIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts of the Project. All of the significant environmental impacts of the Proposed Plans and Ordinance were identified in the text and summary of the FEIR. The significant environmental impacts of the Proposed Plans and Ordinance and the alternatives also were identified in the FEIR.

The mitigation measures which have been identified for the Proposed Plans and Ordinance were identified in the text and summary of the Draft EIR. The final mitigation measures are described in the MMRP, contained in the FEIR. Each of the mitigation measures identified in the MMRP, contained in FEIR is incorporated into the Proposed Plans and Ordinance. The Council/Agency

finds that the impacts of the Proposed Plans and Ordinance have been mitigated to the extent feasible by the Mitigation Measures described in the FEIR and identified in the MMRP.

Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The Council/Agency 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 Plans and Ordinance. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents will require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process. Additionally, the responses to the comments on the Draft EIR, which are contained in the FEIR, clarify and amplify the analysis in the Draft EIR.

Having reviewed the information contained in the Draft EIR and FEIR and in the administrative record as well as the requirements of CEQA, the State CEQA Guidelines and the Local Agency Guidelines regarding recirculation of Draft EIRs, and having analyzed the changes in the Draft EIR which have occurred since the close of the public review period, the Council/Agency finds that there is no new significant information in the FEIR and finds that recirculation of the Draft EIR is not required.

The Council/Agency finds that the FEIR was presented to the City Planning Commission, and that the City Planning Commission reviewed and considered the information contained in the FEIR prior to taking action to recommend approval of the Proposed Plans and Ordinance and certification of the FEIR.

CEQA requires the lead agency approving a project to adopt a mitigation monitoring and reporting program 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 mitigation monitoring and reporting program included in the FEIR as certified by the Council/Agency serves that function. The mitigation monitoring and reporting program includes all of the mitigation measures identified in the FEIR and has been designed to ensure compliance during implementation of the Proposed Plans and Ordinance. In accordance with CEQA, the mitigation monitoring and reporting program provides the measures to ensure that the mitigation measures are fully enforceable.

The Council/Agency is certifying a FEIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the FEIR as comprising the "Proposed Plans and Ordinance." It is contemplated that 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 Council/Agency is the lead agency for the Proposed Plans and Ordinance, the 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 Plans and Ordinance.

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**STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE  
CITY COUNCIL OF THE CITY OF SAN DIEGO AND  
THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO  
CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT  
FOR THE PROPOSED  
SAN DIEGO DOWNTOWN COMMUNITY PLAN, CENTRE CITY PLANNED  
DISTRICT ORDINANCE AND THE 10<sup>th</sup> AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR THE CENTRE CITY REDEVELOPMENT PROJECT**

The City Council of the City of San Diego and the Redevelopment Agency of the City of San Diego (“Council/Agency”) adopt and make this Statement of Overriding Considerations concerning the unavoidable significant impacts of implementing the San Diego Downtown Community Plan, Centre City Planned District Ordinance and 10<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project (the “Proposed Plans and Ordinance”). Those unavoidable significant impacts are identified in the Final Environmental Impact Report (“FEIR”) and the Findings made by the Council/Agency in connection with the FEIR, all of which are incorporated into this Statement of Overriding Considerations by this reference.

The Proposed Plans and Ordinance will bring substantial benefits to the City of San Diego and the downtown redevelopment area, including strengthening downtown’s role as the regional residential, administrative, commercial and cultural center for the metropolitan area; accommodating in an urban environment a significant portion of the growth expected in the San Diego region over the coming years; ensuring that intense development is complemented with livability through strategies such as the development of new parks and Neighborhood Centers; advancing downtown’s position as the regional economic and employment center, by ensuring availability of employment land, development of regional destinations, and creation of jobs easily accessed via transit, bicycle or on foot; creating walkable neighborhoods downtown with a mix of uses and easy access to open space, transit, shops, services, amenities, and cultural attractions; and connecting downtown’s neighborhoods to the waterfront with new streets and view corridors, re-establishing Balboa Park’s relationship to downtown, and integrating downtown with the surrounding neighborhoods.

The Council/Agency finds that the Proposed Plans and Ordinance unavoidable significant impacts are acceptable in light of the Proposed Plans and Ordinance benefits. Each benefit set forth below constitutes an overriding consideration warranting approval of the Proposed Plans and Ordinance, independent of the other benefits and despite each and every unavoidable impact:

**1. Develop downtown as the primary urban center for the region.** One of the foundational conclusions reached by the Steering Committee during its three-year process was that downtown should be developed as a vibrant, urban center for the region. The 1992 Community Plan had some of the same goals as the proposed Plan, but lacked the mandate for intense development which promoted a lively, 24-hour downtown environment while at the same time balancing residential, commercial and recreational uses. The new Plan re-focuses 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. Commercial and entertainment areas will balance and complement the neighborhoods, and all will be connected by pedestrian and bicycle friendly routes.

Because of the limited amount of vacant land available for development, the Plan notes that most of the intensified development will involve the redevelopment of existing structures and uses. The Plan coordinates these efforts to ensure the efficient use of the available land.

**2. Maximize employment opportunities within the downtown area.** The Steering Committee determined that downtown should be the region's premier employment center. To ensure this goal is achieved, the Plan requires the development of employment-generating uses over a large part of the core area, and also incentivizes retail and other commercial uses throughout downtown that will add to employment opportunities. Transit facilities located throughout downtown will make it easier for employers to attract and retain a workforce from within the downtown neighborhoods.

**3. Develop full-service, walkable neighborhoods linked to the assets downtown offers.** The Plan recognizes that parts of downtown are already characterized by built-out neighborhoods, while others areas are just beginning to undergo the transformation. Under the Plans and Ordinance, all neighborhoods in the downtown area are designed to require no more than a ten-minute walk from one end (or side) of the district to the other. All neighborhoods will have residential units, retail, employment opportunities, civic or cultural resources, open spaces and local services components. Several different aspects of the Proposed Plans and Ordinance are coordinated to provide for the development of these full-service neighborhoods, including elements governing the types of uses, the size, location and articulation of buildings, and the development of circulation routes that will protect pedestrian activity while allowing for ease of movement between points of interest, such as the waterfront and Balboa Park, in and adjacent to the various neighborhoods.

**4. Increase and improve park and public spaces.** Building on the existing public parks and spaces in downtown, the Plan contemplates a total of up to 131 acres of public open spaces, plus numerous additional pocket parks and plazas. Allowing parking underneath these open spaces will facilitate their development and respond to the parking needs of downtown. Further, and consistent with the development of downtown as a collection of self-contained neighborhoods, the open spaces will be connected by pedestrian paths and green streets with wide sidewalks and rich landscaping to encourage their use. In addition to the public open spaces, the Plan will require residential developments to include their own private open spaces for residents to enjoy.

**5. Maximize the advantages of downtown's climate and waterfront setting.** As a premier tourist and convention destination, San Diego has already seen the benefits of maximizing its outdoor settings and assets. The elements of the Plan that require ample open spaces and connections for walking between neighborhood centers in the downtown area will take advantage of the city's weather and waterfront activities. Re-opening some of the grid system streets to the waterfront will enhance the value of the various dining, recreational and commercial uses already

located at the waterfront, and coordination with the North Embarcadero Visionary Plan will ensure that the network of pedestrian and bicycle friendly routes will extend all the way to the waterfront throughout the downtown area where possible. Maintenance and enhancement of view corridors to the waterfront will add to the aesthetic appeal and value of the downtown area.

**6. Implement a coordinated, efficient system of vehicular, transit, bicycle and pedestrian traffic.** The Plan recognizes that the existing grid system of streets is practical and functional. However, as part of the emphasis on developed Neighborhood Centers, and easy pedestrian connectivity between them, the Plan includes several physical changes that will help define the neighborhoods and reinforce the intended uses of the retail, commercial services development allowed by the Plan.

**7. Integrate historical resources into the new downtown plan.** Redevelopment in the downtown area has already preserved and reused several historical buildings that appear on the National, State and Local Registers. The Plan continues and enhances the preservation of such structures, where feasible, and calls for the integration of features that reflect San Diego's heritage in new development. The Plan provides incentives for rehabilitation and reuse of historic structures. Historic districts, both established and proposed, will also contribute to the preservation of San Diego's heritage.

**8. Facilitate and improve the development of business and economic opportunities located in the downtown area.** The Plan acknowledges that significant economic benefits will flow from making the downtown area a friendly place for businesses to locate and operate. In addition to employment opportunities, downtown businesses will attract customers and visitors that bring revenue to the city as well as to the businesses. The emphasis on developing full-service residential neighborhoods will attract commercial and retail operations focused on serving those residents; additionally, the improved connections between neighborhoods and commercial/business centers will help businesses located downtown thrive. By requiring certain sites to provide employment opportunities, the Plan also ensures that portions of downtown will be available for business.

**9. Integrate health and human services into neighborhoods within downtown.** Downtown's population includes seniors, low-income wage earners, disabled and transient populations that benefit from a wide variety of human services. Those services have been disproportionately geographically concentrated in certain areas of downtown, as other areas have been redeveloped. Some of those most urgently needed care facilities also currently lack a comprehensive array of services that would reduce the impacts of the service providers on the surrounding areas. The Plan encourages multi-use facilities that will provide on-site the wide range of services needed by their clients. The Plan also locates many of these facilities within the various neighborhoods, allowing the residents and employees at those facilities complete access to the amenities of the neighborhood, including easier access to transit. Clusters of human service facilities will not be permitted any longer, so that the impacts of such facilities can be dispersed and reduced accordingly.

**10. Encourage a regular process of review to ensure the Plan and related activities are best meeting the vision and goals of the Plan.** The rapid pace of downtown development, however, means that conditions change from year to year, which in turn may require amendments to the Plan to keep it responsive to the needs and desires of downtown's residents, businesses and visitors. The Plan expressly urges a review at no greater than five-year intervals. By articulating the need for such reviews, the Plan provides guidance and direction to the people implementing it, and a regular forum for interested parties to voice their ideas, suggestions and concerns about the continued implementation of the plan through buildout.