

**SUBSEQUENT ACTION NOTICE OF DETERMINATION
(Consistency Determination Pursuant to CEQA Section 15162)**

To: Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

From: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Number: PRJ-1109526

State Clearinghouse Number: 2003041001 & 2015021053

Project Title: Front and A Street Off-Site Alcohol Sales

Project location: 201 West A Street, San Diego, CA 92101

City/County: San Diego/San Diego

Description of Previous Action and Project:

The City of San Diego previously prepared and certified the EIR for the Downtown redevelopment project which was a proposal to modify the Redevelopment Plan, Community Plan and Planned District Ordinance which govern development of downtown San Diego. The downtown area covers approximately 1,455 acres. The area is generally bounded by Laurel Street and Interstate (I-) 5 on the north; I-5, Commercial Street, 16th Street, Sigsbee Street, Newton Avenue, Harbor Drive, and the extension of Beardsley Street on the east; and San Diego Bay on the south and west. The proposed Downtown Community Plan would establish the overall vision for downtown and outline policies to attain this vision.

The Final Environmental Impact Report (FEIR) for the Downtown Community Plan, Centre City Planned District Ordinance (CCPDO), and 10th Amendment to the Centre City Redevelopment Plan (State Clearinghouse (SCH) No. 2003041001) was certified by the former Redevelopment Agency (Former Agency) and the Council of the City of San Diego (City Council) on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); and subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R- 04193), April 21, 2010 (Former Agency Resolutions R-04508 and R-04510), August 3, 2010 (Former Agency Resolution R-04544) and certified by City Council on February 12, 2014 (Resolution R-308724) and July 14, 2014 (Resolution R309115), and November 17, 2020 (Resolution R-313302); and the Final Supplemental Environmental Impact Report (SEIR) for the Downtown San Diego Mobility Plan (SCH No. 2014121002) certified by the City Council on July 6, 2016 (Resolution R-310561).

Development within the Downtown Community Planning area is also covered under the following documents, referred to collectively as the CAP FEIR: the FEIR for the City of San Diego Climate Action Plan (CAP) (Project No. 416603/SCH No. 2015021053) certified by the City Council on January 4, 2016 (Resolution R-310176); the Addendum to the CAP FEIR for the CAP Consistency Checklist (Project No. 416603/SCH No. 2015021053) adopted by the City Council on July 19, 2016 (Resolution R-310595); and the Addendum to the CAP FEIR for the City of San Diego CAP Update (Project No. 416603/SCH

No. 2015021053) adopted by the City Council on August 10, 2022 (Resolution R-314298). The Downtown FEIR and CAP FEIR are both Program EIRs prepared in compliance with the California Environmental Quality Act ("CEQA") Guidelines Section 15168.

Description of Current Project: The project proposes a Conditional Use Permit (CUP) for the sale of alcoholic beverages for off-site consumption at 201 West A Street within a grocery store located on the ground level of the "Front & A" mixed-use development. The residential tower portion of the mixed-use development is currently under construction and consists of the construction of the "Front & A" development, a 34-story mixed-use development containing 450 residential dwelling units, 47,570 SF of commercial retail space, and 693 parking spaces. The mixed use development is located on the full-block site bounded by West A, West B, Union, and Front Streets within the Public/Civic land use district of the Centre City Planned District and the Civic/Core neighborhood of the Downtown Community Plan area.

Project Applicant: SDCC NORTH BLOCK, LLC, 225 W. B Street, Floor 3, San Diego, CA 92101; 208-921-0898; Attn: Brent Schertzer

Determination: Pursuant to Public Resources Code Section 21166 and CEQA Guidelines 15168, 15162, 15163, and 15164, the City has determined that: (1) there is substantial evidence that none of the conditions requiring preparation of a subsequent or supplemental EIR or subsequent Negative Declaration/Mitigated Negative Declaration exist, and (2) the City will rely on the previous environmental document, which adequately addresses this project. The Downtown FEIR and CAP FEIR are "Program EIRs" prepared in compliance with CEQA Guidelines Section 15168. The information contained in the Downtown FEIR and CAP FEIR reflects the independent judgment of the City of San Diego as the Lead Agency. The environmental impacts of the Project were adequately address in the Downtown FEIR and CAP FEIR, the Project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within each document for the purposes of CEQA; and none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation or review is required under CEQA.

This is to advise that the Hearing Officer of the City of San Diego on April 3, 2024, approved the above-described project and made the following determinations:

- (1) No Substantial changes are proposed in the project which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
- (2) No Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous FEIR was certified shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous FEIR;

- b. Significant effects previously examined will be substantially more severe than shown in the previous FEIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Furthermore, the City has made the following determinations:

- 1. The proposed project would, or would not introduce additional impacts or increase the severity of impacts beyond those already analyzed in FEIR.
- 2. Mitigation measures were, were not made a condition of the approval of the project;
- 3. New Findings were, were not, required pursuant to CEQA Guidelines Section 15091.
- 4. New Statement of Overriding Considerations were, were not, required.

It is hereby certified that the CEQA 15162 Consistency Analysis Memorandum and final environmental document(s) are available to the public at the office of the City's Development Services Department, 1222 First Avenue, San Diego, CA 92101.

Analyst: Jeff Szymanski

Telephone: (619) 557-7990

Filed by: Jeff Szymanski
Signature
Senior Planner
Title