

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-1051280

State Clearinghouse Number: 2003041001

Project Title: Tacos El Cabron Live Entertainment

Project location: 534 5th Avenue, San Diego CA 92101

City/County: San Diego/San Diego

Description of Previous Action and Project: The purpose of the Downtown Community Plan is to establish the land use vision and development polices for downtown, as a component of the City of San Diego's General Plan. The Community Plan provides strategies and specific implementation actions that allow the vision to be accomplished. In addition, the Community Plan also provides a basis for evaluating whether specific development proposals and public projects are consistent with Plan policies and standards.

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: An approval of a Conditional Use Permit (CUP) would allow for live entertainment, non-acoustic disc jockey and a dance floor within a fully enclosed ground floor restaurant. The approximately 2,500 square-foot restaurant is located in the Gaslamp Neighborhood of downtown San Diego.

Project Applicant: Jamier Behar, Abyan Properties on 5th Avenue, 534 5th Avenue, San Diego, CA 92101 (619) 348 8923

Determination: Pursuant to Public Resources Code Section 21166 and CEQA Guidelines 15162, 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.

This is to advise that the Hearing Officer of the City of San Diego on September 18, 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 project in its approved form would, or would not have a significant effect on the environment.

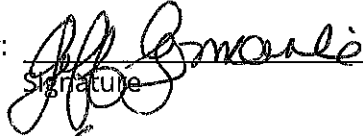
2. The proposed project would, or would not introduce additional impacts or increase the severity of impacts beyond those already analyzed in the FEIR.
3. Mitigation measures were, were not, made a condition of the approval of the project;
4. New Findings were, were not, required pursuant to CEQA Guidelines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

Telephone: (619) 557-7990

Filed by:



Signature

SENIOR PLANNER

Title

[Attach Copy of Check, Proof of CDFG Payment, or No Effect Form]

Reference: California Public Resources Code, Section 15162/63.



State of California - Department of Fish and Wildlife
2019 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 2/7/19) Previously DFG 753.5a

RECEIPT NUMBER:
 37-2019- 1025
 STATE CLEARINGHOUSE NUMBER (If applicable)
 2003041001

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

| | | |
|---|--------------------------------|--------------------|
| LEAD AGENCY CIVIC SAN DIEGO | LEAD AGENCY EMAIL -- | DATE 12/06/2019 |
| COUNTY/STATE AGENCY OF FILING San Diego County | DOCUMENT NUMBER 2019 - 0174 | |

PROJECT TITLE
 SAN DIEGO DOWNTOWN COMMUNITY PLAN - 6TH & G HOTEL PROJECT (705 SIXTH AVENUE)

| | | |
|---|-------------------------------|------------------------------|
| PROJECT APPLICANT NAME 6TH AND G, LLC | PROJECT APPLICANT EMAIL -- | PHONE NUMBER 619-533-7171 |
| PROJECT APPLICANT ADDRESS 321 7TH AVENUE | CITY SAN DIEGO | STATE CA |
| | | ZIP CODE 92101 |

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

| | | | | |
|---|--------|------------|----|------------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR) | | \$3,271.00 | \$ | \$3,271.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | 190174 | \$2,354.75 | \$ | |
| <input type="checkbox"/> Certified Regulatory Program document (CRP) | | \$1,112.00 | \$ | |
| <input type="checkbox"/> Exempt from fee | | | | |
| <input type="checkbox"/> Notice of Exemption (attach) | | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | | |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | | \$850.00 | \$ | |
| <input checked="" type="checkbox"/> County documentary handling fee | | | \$ | \$50.00 |
| <input type="checkbox"/> Other | | | \$ | |

PAYMENT METHOD:

Cash
 Credit
 Check
 Other VC AUTH#01651G
 TOTAL RECEIVED
 \$ 3,321.00

| | |
|----------------|---|
| SIGNATURE X | AGENCY OF FILING PRINTED NAME AND TITLE San Diego County JSAMUELA , Deputy |
|----------------|---|

