

**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 Land Use and Climate Innovation  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**Project Number:** PRJ-1115941

**State Clearinghouse Number:** 2003041001 & 2015021053

**Project Title:** Margaritaville Live Entertainment

**Project Location:** The project site is located on the northeast corner of Sixth Avenue and J Street within the boundaries of the Centre City Planned District and the Ballpark sub-district of the East Village neighborhood of the Downtown Community Plan area at 435 Sixth Avenue, 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), July 14, 2014 (Resolution R-309115), 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 No. PMT-3292541) for live entertainment within the ground-floor restaurant and outdoors on the fourth-floor pool deck of Margaritaville Hotel located at 435 Sixth Avenue. The live entertainment is intended for patrons of the hotel restaurant and bar and will be comprised of acoustic and non-acoustic (amplified) music with no dedicated audience seating or dance floors. Small performance stages with lighting are proposed within the ground-floor restaurant interior to the space and facing south and outdoors on the fourth-floor pool deck at the southwest corner under an existing rotunda structure. The speaker systems of the indoor and outdoor spaces are proposed to be inward facing. Both spaces also propose to include a noise monitoring system to monitor and automatically reduce speaker volumes so as to not exceed noise limits. In addition, fifty percent of all doors and operable windows will remain closed during indoor live entertainment within the ground-floor restaurant.

The ground floor restaurant and bar is open from 7:00 a.m. to 10:00 p.m. Sunday through Thursday and to 11:00 p.m. on Friday and Saturday. Within that time, indoor live entertainment is proposed from 11:00 a.m. to 10:00 p.m. Sunday through Thursday and to 11:00 p.m. Friday and Saturday (and Sunday when the following Monday is a recognized City holiday). The restaurant and bar located on the fourth-floor pool deck is open from 11:00 a.m. to 10:00 p.m. Sunday through Thursday and to 11:00 p.m. on Friday and Saturday. Outdoor live entertainment hours are proposed to be consistent to the hours of the restaurant and bar.

The project site is located on the northeast corner of Sixth Avenue and J Street within the boundaries of the Centre City Planned District and the Ballpark sub-district of the East Village neighborhood of the Downtown Community Plan area.

The purpose of the project is to help build out the Downtown Community Plan with an entertainment amenity. Project beneficiaries include Souldriver, LP, San Diego residents and visitors.

**Project Applicant:** Heather Roberts of Rossi Architects on behalf of Souldriver, LP.; 3952 Clairemont Mesa Blvd, Suite D-384, San Diego, CA 92117; T: 619-291-8272 ext. 109

**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 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 March 26, 2025 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: Holowach

Telephone: (619) 446-5187

Filed by: Courtney Holowach  
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)	\$2,354.75	\$	
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,112.00	\$	
<b>190174</b>			
<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 <b>X</b>	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County                      JSAMUELA                      , Deputy
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