



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: July 3, 2024 REPORT NO. HO-24-024  
HEARING DATE: July 10, 2024  
SUBJECT: Enclave Park, Process Three Decision  
PROJECT NUMBER: [PRJ-1070661](#)  
OWNER/APPLICANT: 4174 SORRENTO VALLEY OWNER, LLC

### SUMMARY

Issue: Should the Hearing Officer approve a Coastal Development Permit and a Site Development Permit to demolish seven single-story buildings to construct a new, nine-story, 300,000-square-foot research and development building along with a seven-story parking structure containing 716 parking spaces located at [4202 Sorrento Valley Boulevard](#) in the Torrey Pines Community Plan Area.

### Staff Recommendation:

1. ADOPT a resolution determining the project will have potentially significant impacts consistent with the certified Environmental Impact Report (EIR) No. 92-0126/SCH No. 1992041021 for the Torrey Pines Community Plan, and ADOPT a Mitigation, Monitoring and Reporting Program; and
2. APPROVE Coastal Development Permit No. [PMT-3177146](#); and
3. APPROVE Site Development Permit No. [PMT-3177147](#).

Fiscal Considerations: None. The applicant funds a deposit account that recovers all costs associated with processing the application.

Code Enforcement Impact: There are no open code enforcement actions on this site.

Community Planning Group Recommendation: On June 25, 2024, the Torrey Pines Community Planning Association voted 6-1-1 to make the following recommendations.

1. Applicant to use a warm palette for building materials to minimize visual contrast with surrounding natural environment.

2. Modify Landscape Plan to include tall, native plant species such as Torrey Pines and Sycamores, along Sorrento Valley Boulevard and other areas, where the building is visually prominent, to mitigate for adverse visual impacts, associated with bulk and scale and project contrast, with the surrounding natural environment.

Environmental Impact: The project site was previously analyzed within the certified Environmental Impact Report (EIR) No. 92-0126/SCH No. 1992041021 for the Torrey Pines Community Plan. An evaluation was prepared to determine if conditions specified in the California Environmental Quality Act (CEQA) and CEQA Guidelines, Section 15183 would require additional environmental review. The evaluation determined the project would not result in any project-specific significant effects that are peculiar to the project or its site beyond those identified in the certified EIR. A Mitigation Monitoring and Reporting Program for significant impacts related to Traffic and Circulation, Biology, and Cultural Resources will be implemented consistent with the EIR Mitigation Framework. Based on the CEQA Section 15183 evaluation, the project would not require any additional environmental review (Attachment 8).

## BACKGROUND

The 5.39-acre site is located on two contiguous lots located at 4174-4206 Sorrento Valley Boulevard. The site is in an urbanized neighborhood with Los Peñasquitos Creek to the north, Sorrento Valley Boulevard and existing industrial development to the south and existing industrial development to the west. The site is within the following overlay zones: Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Airport Influence Area Overlay Zone (MCAS Miramar-Review Area 1), Airport Safety Zone (Accidental Potential Zone 2 Portion (APZ II) & Transition Zone (TZ)), Brush Management, Coastal Overlay Zone (Non Appealable and Appealable Area), Special Flood Hazard Areas (100-Year Floodway and 100 Year Floodplain), Stream-Los Peñasquitos Creek, Prime Industrial Lands (PIL), Multi-Habitat Planning Area (MHPA), MSCP Sensitive-Southern Riparian Scrub, Parking Impact Overlay Zone (Coastal), Transit Priority Area (TPA), Very High Fire Severity Zone (VHFZO) within the Torrey Pines Community Planning Area

## DISCUSSION

### Project Description:

The project site consists of two lots located at 4174-4206 Sorrento Valley Boulevard. The 5.39-acre site is zoned IL-3-1 and designated for Industrial use in the Torrey Pines Community Plan. The IL-3-1 zone allows a mix of light industrial, office, and commercial uses. The project proposes the demolition of 91,840 square feet of office and light industrial uses within seven buildings and the construction of a new nine-story Life Science/Research and Development building totaling approximately 300,000 square feet and a seven-story 244,410 square foot parking structure with 716 parking spaces. The project will include accessory uses such as a gym and eating facilities for employee use, 108,482 square feet of landscaping, and roadway improvements for Sorrento Valley Boulevard (Attachment X, Figure 9, Site Plan). The project will widen Sorrento Valley Boulevard along the project frontage by approximately 4 feet on the project side and provide raised median, pedestrian, and bicycle improvements to the satisfaction of the City Engineer. The project would also construct stormwater infrastructure including new biofiltration basins, upgrades to storm drain

pipng, and importation of fill to raise the project site out of the 100-year floodplain in compliance with Special Flood Hazard Regulations, SDMC Sections 143.0145 and 143.0146. An MHPA boundary line correction to address the current MHPA boundary which overlaps areas within the project boundary that were entirely cleared and graded no later than 1978 during the initial property development, approximately 20 years prior to the adoption, mapping, and implementation of the MHPA.

Permits Required (consolidated for Hearing Officer decision per SDMC Section [112.0103](#)):

- A Process Three Coastal Development Permit (CDP) per SDMC Section [126.0704\(a\)\(5\)](#) is required for development on a property that is within the appealable area of the Coastal Overlay Zone.
- A Process Three Site Development Permit (SDP) per SDMC Section [126.0502\(a\)](#) is required for development on a property that contains Environmentally Sensitive Lands (ESL) in the form of wetlands/Sensitive Biological Resources and Special Flood Hazard Areas.

#### Project Related Issues:

##### MHPA Boundary Line Correction (BLC):

The project site is located within the City's MSCP Subarea Plan and the north and east portion of the project site abuts or includes mapped portions of the MHPA (Attachment 10). The project was designed to avoid and limit impacts to environmentally sensitive lands, including the MHPA, and sensitive biological resources; however, a small portion of the proposed project footprint near the project boundary will encroach into the existing MHPA boundary.

The original MHPA boundary for this site was established as part of the regional MSCP mapping efforts, which became effective in March 1997. The MHPA BLCs are permitted under the City's MSCP to rectify minor mapping inaccuracies at the project level and can be processed with the project's discretionary review. The MHPA BLCs typically involve removing existing, pre-MSCP development from the mapped MHPA.

Renovations to the property would affect approximately 0.4 acres of land within the current mapped limits of the MHPA, made up of developed land and approximately 98 square feet of non-native vegetation. The project site does not support native or sensitive vegetation communities.

A review of aerial imagery from 1966 through 1993 indicates that the BLC area was initially graded and developed no later than 1978, approximately 20 years prior to the adoption and implementation of the MSCP and MHPA and continued to be a part of the existing property prior to the adoption of the MSCP. The existing property consists of seven buildings, parking areas, and maintained areas. The project proposes renovations in the mapped MHPA area consisting of the replacement of an existing building and the establishment of a 100-foot wetland buffer between the proposed development and Los Peñasquitos Creek. As stated above, the BLC area consists of

asphalt parking and roadways and non-native vegetation and does not support native or naturalized vegetation.

The proposed MHPA BLC would result in a net loss to the MHPA of 0.4 acre; however, this loss does not represent a significant impact to the MHPA because:

- The proposed BLC area is within the limits of the existing property, and these areas were graded and developed in the 1970s, prior to the adoption of the MSCP in 1997.
- No wetlands or wetland buffer areas would be impacted by the project as none currently exist within the project site. However, the project would establish a 100-foot wetland buffer along the northern edge of the property between Los Peñasquitos Creek and project development to ensure and improve the function and values of the adjacent wetland habitat.
- No sensitive species habitat would be removed from the MHPA as a result of the BLC; therefore, the proposed MHPA BLC is not anticipated to have a negative effect on habitat linkages, wildlife corridors, or the management efficiency of the preserve. The project would not expand the current footprint of the property, and the proposed BLC area is located immediately adjacent to an open and contiguous MHPA habitat more suitable for wildlife movement. Furthermore, the proposed BLC would not increase the likelihood of an impact to a non-covered species or result in an impact to a rare or sensitive species that would result in the possible listing under the Federal or State Endangered Species Acts.
- Removing the area would comply with the City's MSCP Land Use Adjacency Guidelines (LUAG). The project would comply with MHPA LUAG in the following manner:
  1. The proposed project includes the creation of one or more biofiltration water quality basins along the northern edge of the project to capture stormwater runoff from the site where none currently exist. Appropriate best management practices (BMPs) would be utilized during construction and restoration to avoid impact to Los Peñasquitos Creek. No materials used in the construction of the project would be toxic, and all fueling, repair, and maintenance of construction equipment would take place outside of drainages and the MHPA.

The MHPA BLC removes previously permitted development mapped within the MHPA. With the BLC, the project site does not encroach into but is adjacent to the MHPA within Los Peñasquitos Creek. The project does not encroach upon the creek or the MHPA and will implement a 100-foot wetland buffer from off-site MHPA where none exists today.

The Federal Emergency Management Agency (FEMA) has mapped Los Peñasquitos Creek as a 100-year floodplain and regulatory floodway. The floodway generally aligns with the natural portion of Los Peñasquitos Creek while the floodplain extends over a portion of the existing and proposed development area. A portion of the project area is in the floodplain; however, the grading plan has been designed to result in a "no rise condition" and certified by a registered professional engineer demonstrating that the grading will not result in any increase in the flood levels during the occurrence of the base flood discharge. The project

will also include the removal of the existing asphalt drive aisles and surface parking near the creek, including a small off-site area located on City-owned property, which allows for a landscaped area between the existing Los Peñasquitos Creek and the future buildings. The site work to remove the drive aisles and parking space near the Creek will occur in the floodplain. Said work will result in an increase in the pervious surface in the floodplain and will not increase the water elevation “no-rise condition” per Section 143.0146 of the Land Development Code (LDC).

2. The proposed project does not include land uses that would utilize chemicals or byproducts potentially toxic or harmful to wildlife, habitat, or water quality.
3. The proposed project consists of new research buildings with exterior lights for safety. Exterior lighting would be designed to shield the MHPA and sensitive species from night lighting. Project construction is expected to occur during daylight hours. Should construction lighting be necessary, the lighting would be directed away from the MHPA and, if necessary, adequately shielded to protect the MHPA and sensitive species from night lighting.
4. The project would comply with the City’s standard requirements for compliance with construction noise and construction setback buffers from active nests to avoid indirect construction noise impacts on sensitive avian species. In addition, noise attenuation measures are included as part of the project conditions and/or MMRP to avoid impacts to light-footed Ridgway’s rail and least Bell’s vireo.
5. Barriers to incursions, such as fences, would be utilized along the northern boundary of the project to deter and redirect public access away from the MHPA. Access, trails, and pathways into the MHPA do not exist and are not being proposed. The proposed project is a research facility; therefore, domestic animal incursion and predation are not anticipated within MHPA.
6. All equipment shall be clean and free of debris and mud prior to entering the project site to reduce the potential for the introduction of invasive plant species. Furthermore, no invasive plant species would be included in the project landscaping.
7. The proposed project is not subject to brush management, as habitable premises are not located within 100 feet of a structure and contain native or naturalized vegetation.
8. All manufactured slopes associated with the project development are included in the project footprint. The project also includes the removal of asphalt within City-owned lands. No grading or slope manufacturing is proposed or anticipated as a result of the off-site asphalt removal; therefore, the asphalt removal would be consistent with the Land Use Adjacency Guidelines and general management directives.
9. The limits of work, sensitive species, and sensitive vegetation communities will be clearly identified and demarcated with flagging, staking, and/or construction fencing, or a combination thereof. No new manufactured slopes would be constructed within the MHPA.

The MHPA BLC will rectify and correct minor mapping inaccuracies related to pre-MHPA grading and clearing of on-site areas in 1970 during the initial property development, approximately 20 years prior to the adoption, mapping and implementation of the MSCP and MHPA. The project site would be subject to MSCP LUAGs designed to minimize indirect impact from drainage, toxins, lighting, noise, barriers, invasive species, brush management, and grading to sensitive resources contained in the MHPA and thus maintain the value of the preserve.

#### Floodplain:

The site is adjacent to the MHPA and lies within the 100-year Federal Emergency Management Agency (FEMA) Floodplain Special Flood Hazard Overlay (Flood Zone AE, 100-year floodplain) within the Los Peñasquitos Creek watershed. The floodway generally aligns with the natural portion of Los Peñasquitos Creek while the floodplain extends over a portion of the existing development area. To accommodate the construction of new structures within the floodplain, the project has been conditioned to obtain a Conditional Letter of Map Revision (CLOMR) from FEMA prior to the issuance of any grading, engineering, or building permits and a final Letter of Map Revision (LOMR) issued by FEMA prior to occupancy.

#### Community Plan:

The project site consists of two lots located at 4174-4206 Sorrento Valley Boulevard. The 5.39-acre site is zoned IL-3-1 and designated for Industrial use in the Torrey Pines Community Plan (TPCP).

The Project is consistent with the TPCP and specifically complies with the following:

- A. The containment of industrial development within areas specifically designated for industrial usage (TPCP page 79) The project proposes Research and Development use in an industrial park.
- B. As required by the Airport Land Use Compatibility Overlay Zone, the development within the Airport Influence Area shall be consistent with the Airport Land Use Compatibility Plan for MCAS Miramar (formerly Naval Air Station Miramar, TPCP page 82). The project is consistent with the Airport Land Use Compatibility Plan for MCAS Miramar relative to Safety Zones APZ II and TZ as well as other elements. The project has been designed so that most of the site is in TZ and that no habitable building is in APZ II.
- C. The proposed development is adjacent to environmentally sensitive resources; however, it will not adversely impact those resources and will, where feasible, contribute to the enhancement of the resource per TPCP page 82. The project will not adversely impact the Los Peñasquitos Creek, Multiple Species Conservation Plan (MSCP)/Multiple Habitat Planning Area (MHPA), or the Federal Emergency Management Agency (FEMA) 100-year floodplain and regulatory floodway because it provides a 100-foot wetland buffer where none exists today. This will reduce the impervious area on site and will provide stormwater facilities where not exist currently. The Project will reconstruct the stormwater systems

onsite and improvements along its Sorrento Valley Boulevard frontage to improve the capture of the drainage basin runoff.

- D. The project proposes a range of outdoor seating and eating areas for employees, including numerous seating areas, a central green space, a shaded courtyard, a pickleball court, and meandering walkways. Short and long-term bicycle lockers/racks will be provided. A locker room with showers will be provided onsite. This is in line with the TPCP page policies outlined on page 82.
- E. The project site is located just outside the Los Peñasquitos designated open space as shown on Map 2B (TPCP, page 24). In addition, the project is not located within any Wildlife Crossings/Linkages, as shown in Figure 6. (TPCP, page 28). While the project is adjacent to Los Peñasquitos Creek, it includes an MHPA Boundary Line Correction and has been designed to not encroach on the MHPA nor on the FEMA-mapped 100-year floodplain and regulatory floodway, and it implements the MHPA land use adjacency guidelines.

The Torrey Pines Community Plan and Local Coastal Program Land Use Plan do not identify any public accessways or views from this property, and none are currently provided. Therefore, the project will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in the Torrey Pines Community Plan and Local Coastal Program Land Use Plan.

#### Conclusion:

City staff has determined that the project is consistent with the Community Plan and regulations of the Land Development Code, as described above. Staff has provided draft findings and conditions to support approval of the project (Attachments 4 and 5) and recommends that the Hearing Officer approve the Coastal Development Permit and Site Development Permit as proposed.

#### ALTERNATIVES

1. Adopt Mitigation, Monitoring and Reporting Program No. PRJ-1062427 / SCH No. 92041021, and Approve Coastal Development Permit No. PMT-3177146 and Site Development Permit No. PMT-3177147 with modifications.
2. Do not adopt Mitigation, Monitoring and Reporting Program No. PRJ-1062427 / SCH No. 92041021, and Deny Coastal Development Permit No. PMT-3177146 and Site Development Permit No. PMT-3177147 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

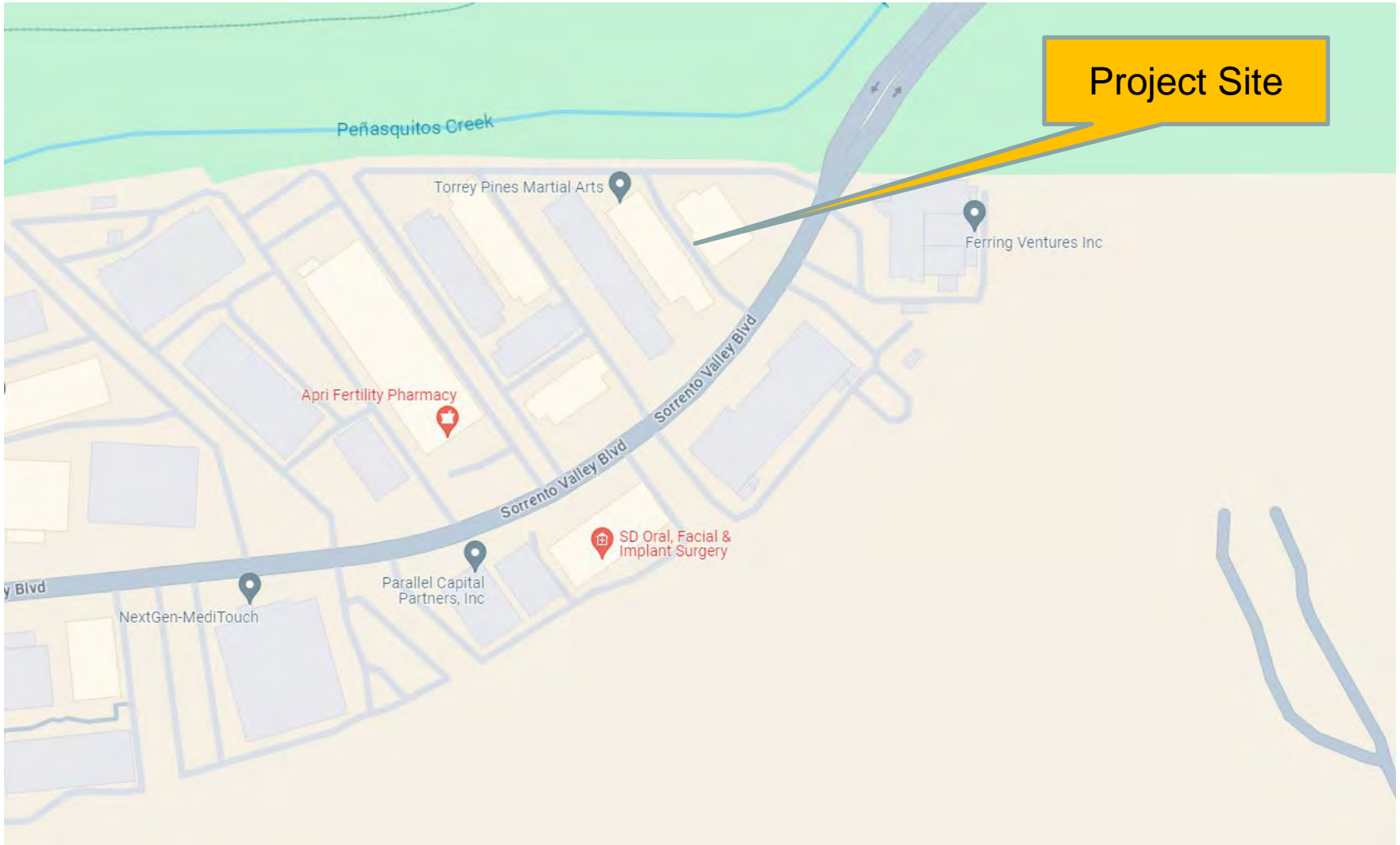
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Christian Hoppe  
Development Project Manager  
Development Services Department

Attachments:

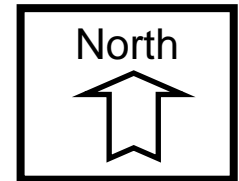
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Environmental Resolution and MMRP
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Community Planning Group Recommendation
8. CEQA Section 15183 Consistency Review Memorandum ([92-0126 EIR Torrey Pine Community Plan Update](#))
9. Ownership Disclosure Statement
10. Project Plans
11. Bio Report

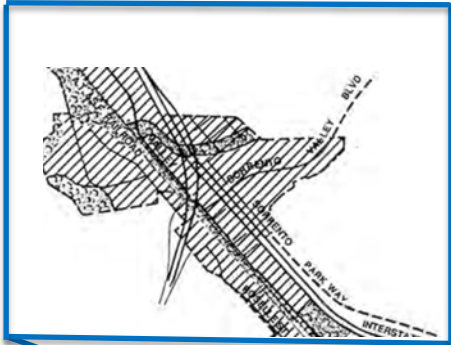




## Project Location Map

Enclave Park CDP/SDP  
Project No. 1070661 – 4202 Sorrento Valley Boulevard



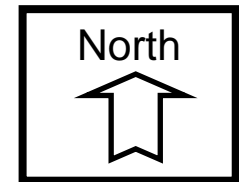


- RESIDENTIAL**
  - Very Low ( 0-4 DU/AC )
  - Low ( 5-9 DU/AC )
  - Low Medium (10-15 DU/AC )
  - Medium ( 16-44 DU/AC )
- COMMERCIAL**
  - Commercial
  - Commercial Recreation
- INDUSTRIAL**
- OPENSOURCE**
  - Openspace
  - NP Neighborhood Park
- SCHOOLS**
  - E
- PUBLIC UTILITY / FACILITY**
  - (U)



# Land Use Map

Enclave Park CDP/SDP  
 Project No. 1070661 - 4202 Sorrento Valley Boulevard

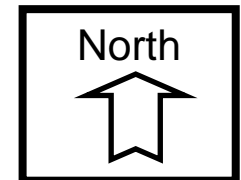


**Project Site**



## **Aerial Photograph**

Enclave Park CDP/SDP  
Project No. 1070661 – 4202 Sorrento Valley Boulevard



RESOLUTION NUMBER

ADOPTED ON July 10, 2024

**A RESOLUTION OF THE HEARING OFFICER OF THE CITY OF SAN DIEGO DETERMINING THE ENCLAVE PARK PRJ-1070661 IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15183 AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM**

WHEREAS, the Council of the City of San Diego (Council) adopted a comprehensive plan update to the Torrey Pines Community Plan that was comprised of the adoption of amendments to the Torrey Pines Community Plan, North City Local Coastal Program and Land Use Plan, and the General Plan (Torrey Pines Community Plan Update); and

WHEREAS, on January 10, 1995, the Council adopted Resolution R-285182 certifying Environmental Impact Report No. 92-0126 (SCH No. 92041021) (prior EIR), adopting Findings of Fact and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the Torrey Pines Community Plan Update, copies of which are on file in the Office of the City Clerk in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, on September 19, 2022, 4174 Sorrento Valley Owner, LLC., Owner/Permittee, submitted an application to the Development Services Department for approval of a Coastal Development Permit and Site Development Permit for the Enclave Park Project PRJ-1070661 located within the Torrey Pines Community Plan area; and

WHEREAS, State CEQA Guidelines Section 15183 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site; and

WHEREAS, the Development Services Department has completed a CEQA Guidelines Section 15183 – Projects Consistent with a Community Plan or Zoning evaluation (section 15183 evaluation) for the proposed Enclave Park Project (project); and

WHEREAS, the section 15183 evaluation determined there are no environmental effects that:

- a. Are peculiar to the project or the parcel on which the project would be located,
- b. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,

- c. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- d. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

WHEREAS, the section 15183 evaluation determined the project will have potentially significant impacts to Traffic and Circulation, Cultural Resources, and Biology, consistent with the prior EIR; and

WHEREAS, the section 15183 evaluation determined the project would have potentially significant impacts and uniformly applied development policies or standards will be implemented to mitigate the environmental effect; and

WHEREAS, the Hearing Officer of the City of San Diego has considered the potential environmental effects of the Project; and

WHEREAS, the Hearing Officer held a duly noticed public meeting and considered the written record for the project as well as public comment, the information contained in the section 15183 evaluation, and the Section 15183 Consistency Review Checklist prior to making a decision on the project; NOW THEREFORE,

BE IT RESOLVED that the Hearing Officer acknowledges that the project is exempt from CEQA pursuant to CEQA Guidelines section 15183.

BE IT FURTHER RESOLVED that pursuant to CEQA Guidelines section 15183(e), the Hearing Officer adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this Hearing Officer to mitigate or avoid significant effects of the project on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that pursuant to CEQA Guidelines Section 15183(f) to (h), the Hearing Officer, has determined that implementation of the Multiple Species Conservation Program Subarea Plan Multi-Habitat Planning Area Land Use Adjacency Guidelines and the General Plan Noise Element Land Use Compatibility Guidelines will substantially mitigate the effects of the project.

BE IT FURTHER RESOLVED that Development Services staff may file a Notice of Exemption in accordance with CEQA Guidelines section 15062 with the Clerk of the Board of Supervisors for the County of San Diego and the State Clearinghouse in the Office of Planning and Research regarding the project.

APPROVED:

By: \_\_\_\_\_  
Christian Hoppe

## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM

COASTAL DEVELOPMENT PERMIT NO. PMT-377146 AND  
SITE DEVELOPMENT PERMIT NO. PMT 377147

ENCLAVE PARK PROJECT NO. PRJ-1070661

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during the implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the California Environmental Quality Act – Section 15183 Consistency Review Memorandum and Mitigation Monitoring and Reporting Program will be maintained at the offices of the Development Services Department 1222 First Avenue, San Diego, CA, 92101. All mitigation measures contained in the Mitigation Monitoring and Reporting Program No. PRJ-1062427 / SCH No. 92041021 shall be made conditions of COASTAL DEVELOPMENT PERMIT NO. PMT-377146 and SITE DEVELOPMENT PERMIT NO. PMT 377147 as may be further described below.

### MITIGATION MONITORING AND REPORTING PROGRAM

#### A. GENERAL REQUIREMENTS – PART I

##### Plan Check Phase (prior to permit issuance)

1. Prior to the issuance Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:  
  
<http://www.sandiego.gov/development-services/industry/information/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** - The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs.

The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS – PART II**

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

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

*Qualified Archaeological Monitor*  
*Native American Monitor*  
*Qualified Biological Monitor*  
*Qualified Acoustician/Noise Monitor*

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

CONTACT INFORMATION:

- a. The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
  - b. For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Enclave Park, PRJ-1070661, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED, MMC and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.)  
  
**Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.**
  3. **OTHER AGENCY REQUIREMENTS:** Evidence that any other agency requirements or permits have been obtained or are in process shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: ***Not Applicable for this project.***



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

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

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

<b>Document Submittal/Inspection Checklist</b>		
<b>Issue Area</b>	<b>Document Submittal</b>	<b>Associated Inspection/Approvals/Notes</b>
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Construction CSVs	Construction Biological Monitoring
Cultural Resources	Archaeology Reports	Archaeology/Historic Site Observation
Traffic and Circulation	Verification VMT reduction measures constructed/installed	Prior to Building Permit
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

**C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS – PART III**

**BIOLOGY**

***MM-BIO-1 (RESOURCE PROTECTIONS DURING CONSTRUCTION)***

- I. Prior to Construction

- A. Biologist Verification:** The owner/permittee shall provide a letter to the City’s Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego’s Biological Guidelines (2018), has been retained to

implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.

- B. Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. BCME:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- F. Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction

- A. Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive

areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

- B. Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

***MM-BIO-2 (LEAST BELL'S VIREO (State Endangered/Federally Endangered))***

1. Prior to the issuance of any grading permit (FOR PUBLIC UTILITY PROJECTS: prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IF THE LEAST BELL'S VIREO IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

BETWEEN MARCH 15 AND SEPTEMBER 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED LEAST BELL'S VIREO OR HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF ANY OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST;  
OR

AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE LEAST BELL'S VIREO. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING\* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB (A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 16).

\* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF LEAST BELL'S VIREO ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 15 AND SEPTEMBER 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

## **CULTURAL RESOURCES**

### ***MM-CR-1 (Archaeological Resources)***

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

##### **A. Entitlements Plan Check**

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

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

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) 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. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC 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 MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ 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, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor 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 MMC, 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 an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC 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).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC 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(s) Shall be Present During Grading/Excavation/Trenching
  1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.
  2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
  3. The PI may submit a detailed letter to MMC 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 that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed or emailed 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 MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
  2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
  4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
    - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in Guidelines Section, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
    - c. If the resource is not significant, the PI shall submit a letter to MMC 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 no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
  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 provenance of the remains.
  2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
  3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains ARE determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
  2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
  3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Guidelines Section 15064.5(e), the California Public Resources and Health & Safety Codes.
  4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
  5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
    - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, 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, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
    - c. To protect these sites, the landowner shall do one or more of the following:
      - (1) Record the site with the NAHC;
      - (2) Record an open space or conservation easement; or
      - (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.



**V. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract
  - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  - 2. The following procedures shall be followed.
    - a. No Discoveries  
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.
    - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
    - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
    - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend 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 MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

**VI. Post Construction**

- A. Preparation and Submittal of Draft Monitoring Report
  - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.
    - 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. MMC 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 MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
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 cost for curation is the responsibility of the property owner.
- 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 MMC 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 MMC.
  3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- 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 MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

## **TRAFFIC AND CIRCULATION**

### ***MM-TRA-1 (Vehicles Miles Travelled)***

1. Prior to the issuance of first occupancy, the project shall implement the following Vehicle Miles Traveled (VMT) Reduction Measures totaling at least eight points required by the Mobility Choices Ordinance, satisfactory to the City Engineer:
  - A. The Owner/Permittee shall install a pedestrian resting area/recreation node on-site, adjacent to the public pedestrian walkway along the northern edge of the Project site.

- The resting area/recreation node shall include signage designating the space as publicly available and shall be maintained by the property owner.
- B. The Owner/Permittee shall provide short-term and long-term bicycle parking spaces that are available to the public, at least 10% beyond minimum requirements.
    - 1. The Project is required to provide 36 short-term spaces and the Project shall provide 40 short-term spaces.
    - 2. The Project is required to provide 36 long-term spaces and the Project shall provide 40 long-term spaces
  - C. The Owner/Permittee shall provide and maintain on-site multi-modal information kiosks.

HEARING OFFICER RESOLUTION NO. HO-XXX  
COASTAL DEVELOPMENT PERMIT NO. PMT-3177146  
SITE DEVELOPMENT PERMIT NO. PMT-3177147  
**ENCLAVE PARK - PROJECT NO. 1070661**

WHEREAS, 4174 SORRENTO VALLEY OWNER, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish seven individual single-story buildings, construct a new nine-story research and development building totaling 300,000 square feet along with a seven-story parking structure containing 716 parking spaces (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 3177146 and Site Development Permit No. 3177147), on portions of a 5.39 acre site, and a Multi-Habitat Planning Area (MHPA) Boundary Line Correction;

WHEREAS, the project site is located at 4202 Sorrento Valley Boulevard in the Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Airport Influence Area Overlay Zone (MCAS Miramar-Review Area 1), Airport Safety Zone (Accidental Potential 2 Portion (APZ II) & Transition Zone (TZ)), Brush Management, Coastal Overlay Zone (Non Appealable and Appealable Area), Special Flood Hazard Areas (100-Year Floodway and 100 Year Floodplain), Stream-Los Peñasquitos Creek, Prime Industrial Lands (PIL), Multi-Habitat Planning Area (MHPA), MSCP Sensitive-Southern Riparian Scrub, Parking Impact Overlay Zone (Coastal), Residential Tandem Parking Overlay Zone, Transit Priority Area (TPA), Very High Fire Severity Zone (VHFZO) of the Torrey Pines Community Planning Area;

WHEREAS, the project site is legally described as PARCELS A AND B AS SHOWN ON PARCEL MAP NO. 1203, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN PAGE 1203 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY,

DECEMBER 29, 1972, BEING A PORTION OF LOTS 14, 15 AND 16 VIA SORRENTO VALLEY INDUSTRIAL PARK UNIT NO. 6, ACCORDING TO MAP NO. 6922;

WHEREAS, on July 10, 2024, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. PMT-3177146 and Site Development Permit No. PMT-3177147 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. PMT-3177146 and Site Development Permit No. PMT-3177147.

**A. Coastal Development Permit [SDMC Section 126.0708]**

**1. Findings for all Coastal Development Permits:**

- a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The project site consists of two lots located at 4174-4206 Sorrento Valley Boulevard. The 5.39-acre site is zoned IL-3-1 and designated for Industrial use in the Torrey Pines Community Plan (TPCP). The IL-3-1 zone allows a mix of light industrial, office, and commercial uses. The project proposes the demolition of seven buildings on site, construction of a new nine-story Life Science/Research and Development building totaling approximately 300,000 square feet and a seven-story, 244,410 square foot parking structure with 716 parking spaces and an MHPA Boundary Line Correction. The project will also include non-trip-generating activities such as a gym and eating facilities. The project will reduce the site's impervious area and implement a 100-foot wetland buffer from the Los Peñasquitos Creek.

The Project is consistent with the TPCP and specifically complies with the following:

- A. The containment of industrial development within areas specifically designated for industrial usage (TPCP page 79) The project proposes Research and Development use in an industrial park.
- B. As required by the Airport Land Use Compatibility Overlay Zone, the development within the Airport Influence Area shall be consistent with the Airport Land Use Compatibility Plan for MCAS Miramar (formerly Naval Air Station Miramar, TPCP page 82). The project is consistent with the Airport Land

Use Compatibility Plan for MCAS Miramar relative to Safety Zones APZ II and TZ as well as other elements. The project has been designed so that most of the site is in TZ and that no habitable building is in APZ II.

- C. The proposed development is adjacent to environmentally sensitive resources; however, it will not adversely impact those resources and will, where feasible, contribute to the enhancement of the resource per TPCP page 82. The project will not adversely impact the Los Peñasquitos Creek, Multiple Species Conservation Plan (MSCP)/Multiple Habitat Planning Area (MHPA), or the Federal Emergency Management Agency (FEMA) 100-year floodplain and regulatory floodway because it provides a 100-foot wetland buffer where none exists today. This will reduce the impervious area on site and will provide stormwater facilities where none exist currently. The Project will reconstruct the stormwater systems onsite and improvements along its Sorrento Valley Boulevard frontage to improve the capture of the drainage basin runoff.
- D. The project proposes a range of outdoor seating and eating areas for employees, including numerous seating areas, a central green space, a shaded courtyard, a pickleball court, and meandering walkways. Short and long-term bicycle lockers/racks will be provided. A locker room with showers will be provided onsite. This is in line with the TPCP page policies outlined on page 82.
- E. The project site is located just outside the Los Peñasquitos designated open space as shown on Map 2B (TPCP, page 24). In addition, the project is not located within any Wildlife Crossings/Linkages, as shown in Figure 6. (TPCP, page 28). While the project is adjacent to Los Peñasquitos Creek, it includes an MHPA Boundary Line Correction and has been designed to not encroach on the MHPA nor on the FEMA-mapped 100-year floodplain and regulatory floodway, and it implements the MHPA land use adjacency guidelines.

The Torrey Pines Community Plan and Local Coastal Program Land Use Plan do not identify any public accessways or views from this property, and none are currently provided. Therefore, the project will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway or impact any public views identified in the Torrey Pines Community Plan and Local Coastal Program Land Use Plan.

**b. The proposed coastal development will not adversely affect environmentally sensitive lands.**

The project site is located within an urbanized neighborhood surrounded by Los Peñasquitos Creek to the north, Sorrento Valley Boulevard and existing industrial development to the south, and existing industrial development to the west. Los Peñasquitos Creek is located off-site and the Multiple Habitat Planning Area (MHPA) is mapped within the creek. A portion of the MHPA is mapped within the developed portions of the site and a MHPA Boundary Line Correction (BLC) is proposed. See

Finding A.2.d for additional information supporting the BLC, incorporated here by reference.

The project's landscape design provides a transition between the Los Peñasquitos Creek riparian habitat and the development. To comply with the City's Biology Guidelines, the project locates the new development away from the sensitive riparian habitat associated with the creek by implementing a 100-foot wetland buffer.

A boundary line correction (BLC) would be implemented to remove 0.4 acre of existing development in the northern portion of the existing property from the MHPA. The MHPA BLC will rectify and correct minor mapping inaccuracies related to pre-MHPA grading and clearing of on-site areas during the initial property development, approximately 20 years prior to the adoption, mapping and implementation of the MSCP and MHPA.

Due to the small size, the proposed MHPA BLC is not anticipated to have a negative effect on habitat linkages, wildlife corridors, or the management efficiency of the preserve. The project would not expand the current footprint of the property, and the proposed BLC area is located immediately adjacent to an open and contiguous MHPA habitat more suitable for wildlife movement. Furthermore, the proposed BLC would not increase the likelihood of a significant impact to a non-covered species or result in an impact to a rare or sensitive species. The project site would be subject to Land Use Adjacency Guidelines (LUAGs) designed to minimize indirect impact from drainage, toxins, lighting, noise, barriers, invasive species, brush management, and grading to sensitive resources contained in the MHPA and thus maintain the value of the preserve. Projects within or adjacent to the MHPA must demonstrate compliance with the LUAGs in accordance with the MSCP subarea plan.

No project-related grading or ground disturbance within the project footprint will occur until the MHPA BLC is approved. After the BLC is approved, the project would remove asphalt parking from City-owned lands adjacent to the project to the north and conduct a 25-month revegetation of the area. The revegetation would utilize native, noninvasive vegetation that would transition between the existing habitat and the project landscape. As the project landscape moves up the slope into the pedestrian paths and outdoor spaces associated with the project, the site plan and planting palette would take on a more formal character, featuring bermed planting, biofiltration basins, and a large event lawn to support various campus functions. Moving out toward the streetscape, the landscape focus shifts to screening and buffering with native and water-wise species.

With the MHPA BLC, the project will not encroach upon Los Peñasquitos Creek, and it will implement a 100-foot wetland buffer from off-site MHPA where none exists today. The Federal Emergency Management Agency (FEMA) has mapped Los

Peñasquitos Creek as a 100-year floodplain and regulatory floodway. The floodway generally aligns with the natural portion of Los Peñasquitos Creek while the floodplain extends over a portion of the existing and proposed development area. A portion of the project area is in the floodplain; however, the grading plan has been designed to result in a “no rise condition” and certified by a registered professional engineer demonstrating that the grading will not result in any increase in the flood levels during the occurrence of the base flood discharge.

The site is entirely within a FEMA Zone AE Special Flood Hazard Area due to the existing elevations of the site and the conditions of the adjacent Los Peñasquitos Creek channel. The project development will include importing fill and raising the grade such that the future building finished flood elevations will be at least 2 feet higher than the 100-year water surface elevations in accordance with the City's Special Flood Hazard Regulations, SDMC Sections 143.0145 and 143.0146 and as described in the Drainage Design Manual. The site design will include removal of the existing asphalt drive aisles and surface parking near the creek, including a small off-site area located on City-owned property, which allows for a landscaped area between the existing Los Peñasquitos Creek and the future buildings. The site work to remove the drive aisles and parking space near the Creek will occur in the floodplain. Said work will result in an increase in the pervious surface in the floodplain but will not increase the water elevation “no-rise condition” per Section 143.0146 of the Land Development Code (LDC). The finalized project footprint would be primarily outside of the effective regulatory floodway in accordance with City and FEMA regulations, except for a strip of proposed landscaping areas along the northern boundary of the project site within the 100-foot wetland buffer.

The project is consistent with the LDC, including the CAP Checklist and addresses Stormwater requirements and sediment control. The project will not adversely impact Los Peñasquitos Creek, MHPA, or the FEMA 100-year floodplain and regulatory floodway. It will provide a 100-foot wetland buffer where none exists today, reduce the impervious area on site and provide stormwater facilities where none currently exist, which will result in improved form and function of the creek and Los Peñasquitos lagoon. The project will reconstruct stormwater systems onsite and along the Sorrento Valley Boulevard street frontage to improve the capture of the drainage basin runoff. Median breaks will be cut towards the capture basins on the north side of the street to increase the capture rate. The project will also add one additional street drain and provide three biofiltration basins that will capture and treat the stormwater before it is released into the creek. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

- c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified implementation program.**

The project site is designated for Industrial land use in the Torrey Pines Community Plan (TCP) and North City Local Coastal Land Use Plan (LCP). The recommendations and development criteria of the North City Future LCP have been incorporated into



the individual elements of the TPCP. The General Plan designates the site for Industrial Employment in the Land Use and Community Planning Element and Prime Industrial Land in the Economic Prosperity Element. The project is also zoned IL-3-1 (Light-Industrial) allowing a mix of light industrial, office, and commercial uses. The site is currently developed with seven single-story tilt-up industrial buildings and surface parking and does not currently provide a wetland buffer. The proposed project will be a nine-story Life Science/Research and Development building with a seven-story parking structure.

TPCP goals and polices direct industrial development to "...encourage the location of scientific research, biotechnology, and light manufacturing uses in Sorrento Valley because of its proximity to UCSD and the University and Mira Mesa communities' industrial areas"; "locate industrial development within areas specifically designated for industrial usage"; and "encourage new industrial development to be well designed and aesthetically pleasing." TPCP policies further recommend future industrial development adjacent to "riparian vegetation in channels through the Sorrento Valley industrial area shall be preserved in its natural state in order to maintain its vital wildlife habitat value." The project proposes to reduce impervious surfaces from 88 percent to 44 percent, create a 100-foot wetland buffer, improve onsite stormwater infrastructure, Implement the MSCP LUAG and MHPA BLC, enhance landscape to soften the appearance and buffer the development from natural features, and implement right-of-way improvements for community roadway classifications and bike lanes. There are no public views or access from the project site, as identified in the TPCP and by redeveloping the site from seven structures to two structures, it will offer more opportunities to view the open space from the public right-of-way. This project is located in an area undergoing redevelopment, with older single-story industrial buildings being replaced by multi-story research buildings. The MHPA BLC would remove previously permitted development area from the MHPA. The project would be adjacent to, but not encroach into the MHPA.

A portion of the project area is in the floodplain; however, the grading plan has been designed to result in a "no rise condition" and certified by a registered professional engineer demonstrating that the grading will not result in any increase in the flood levels during the occurrence of the base flood discharge. Site design will include removing much of the existing asphalt drive aisles and surface parking near the creek, including a small off-site area located on City-owned property, and creating a landscape area between the existing Los Peñasquitos Creek and the future buildings. Site work to remove the drive aisles and parking space near the Creek will occur in the floodplain. This work will increase the pervious surface in the floodplain but will not increase the water elevation "no-rise condition" per SDMC Section 143.0146. Therefore, the proposed project is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The project promotes the TPCP goals of maintaining the character of Torrey Pines Industrial land areas by ensuring that redevelopment occurs in a manner that protects natural features, and preserves existing streetscape themes.. Staff has

determined that the project fits into the established theme of the surrounding area and is consistent with the TPCP goals, policies, land use designation and the land development code and no deviations or variances are required. Therefore, the development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the Certified Implementation Program.

- d. For every coastal development permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The project is not located within the First Public Roadway. The Local Coastal Plan and the Land Development Code identify the permitted use of the project as industrial. The project site is located within an urbanized industrial node of the City. The project will be developed entirely within the existing legal lot area and will not encroach upon any existing or proposed physical access to the coast. There are currently no existing trails or public access provided nor is any specified in the Local Coastal Program or in the Community Plan. Public access through the site will not be prohibited. The Project will provide a barrier at the property line to protect the adjacent wetland habitat. The Project will remove the existing asphalt in order to implement a 100-foot wetland buffer from the Los Peñasquitos Creek. Therefore, the Project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**B. Site Development Permit [SDMC Section 126.0505]**

**1. Findings for all Site Development Permits**

- a. The proposed development will not adversely affect the applicable land use plan.**

See findings A.1.a. and 1.c above, which are hereby incorporated by reference. The proposed project will not adversely affect the applicable land use plan.

- b. The proposed development will not be detrimental to the public health, safety, and welfare.**

The project site is located within an urbanized neighborhood surrounded by Los Peñasquitos Creek to the north, Sorrento Valley Boulevard and existing industrial development to the south and existing industrial development to the west. Los Peñasquitos Creek is located off-site and is mapped as Multiple Habitat Planning Area (MHPA). The project will not encroach upon the creek and a MHPA BLC would remove previously permitted development area from the MHPA. The project would be adjacent to, but not encroach into the MHPA and will implement a 100-foot wetland buffer from the MHPA.

The site is entirely within a FEMA Zone AE Special Flood Hazard Area due to the existing elevations of the site and the conditions of the adjacent Los Peñasquitos Creek channel. The project redevelopment will include importing fill and raising the grade such that the future building finished flood elevations will be at least 2 feet higher than the 100-year water surface elevations in accordance with the City's Special Flood Hazard Regulations, SDMC Sections 143.0145 and 143.0146 and freeboard requirements, as described in the Drainage Design Manual. The final project footprint would be primarily outside of the regulatory floodway in accordance with City and FEMA regulations, except for a strip of proposed landscaping areas along the northern boundary of the project site within the 100-foot wetland buffer.

Sediment basins will be installed in conjunction with the initial grading operation of a project and maintained through the development process. Grading and erosion control measures are also required. Hydrology and water quality measures will be implemented through the project's compliance with the uniformly applicable City and FEMA development standards, including the City of San Diego Stormwater Regulations as set forth in the project Stormwater Requirements Applicability Checklist.

According to the project's Preliminary Geotechnical Investigation, the project may be subject to geologic hazards, including moderate to strong seismic shaking, liquefaction, seismically induced settlement, lateral spread, and consolidation settlement. The project is located within a seismically active region, as is most of the Southern California region. However, the potential for ground rupture is very low due to the absence of active faults at the project site. Compliance with the uniformly applicable development standards and policies in the 2022 California Building Code (CBC) adopted by the City would reduce the potential risk to both people and structures.

The project is also subject to the City of San Diego Hazardous Materials Management Plan requirements and uniformly applicable fire and life safety protection systems requirements of the City of San Diego (City of San Diego 2017b). Brush management requirements apply pursuant to the Fire Code and the City's Landscape Manual and LDC. Therefore, the proposed development would not be detrimental to the public health, safety, and welfare.

- c. **The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

See finding A. 1.c above, which is hereby incorporated by reference. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

## 2. **Supplemental Findings [SDMC Section 126.0505(b)-Environmentally Sensitive Lands]**

**a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The site is currently developed with seven single-story tilt-up industrial buildings, asphalt drive aisles, parking, and landscaping. The site is zoned IL-3-1 and designated for industrial development in the Torrey Pines Community Plan. The project consists of a nine-story Life Science/Research and Development building (including associated amenity space) totaling approximately 300,000 square feet, a seven-story parking structure with 716 parking spaces, and landscaping. The project will demolish the existing buildings and remove most of the asphalt drive aisles and parking thus increasing the area's pervious surface.

The project lies entirely within the 100-year Federal Emergency Management Agency (FEMA) Floodplain Special Flood Hazard Overlay (Flood Zone AE, 100-year floodplain) within the Los Peñasquitos Creek watershed.

The project will provide a 100-foot wetland buffer where none exists today, will reduce the impervious area on site and will provide stormwater facilities where none exist currently which all will result in improved form and function of Los Peñasquitos creek and lagoon. The project will reconstruct the stormwater systems onsite and along the Sorrento Valley Boulevard street frontage to improve the capture of the drainage basin runoff. Median breaks and drains in the median will capture runoff basins on the north side of the street to increase the capture rate of the storm flows south of the site. Additionally, the project will add one additional street drain. The project will provide three biofiltration basins that will capture and treat the stormwater before it is released into the creek which will benefit the adjacent creek and Los Peñasquitos lagoon.

The project has been conditioned for the applicant to obtain a Conditional Letter of Map Revision (CLOMR) from FEMA in coordination with processing through the City of San Diego's Floodplain Management section. As proposed, the site is physically suitable for the design and siting of the proposed development, and the development will result in minimum disturbance to environmentally sensitive lands.

**b. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

Site topography is flat, with elevations between 41 and 45 feet above mean sea level, with the site's topography gently sloping north. The project includes on-site and off-site capture of stormwater run-off where the current development does not capture or treat stormwater run-off.. The final project footprint would be primarily outside of the regulatory floodway in accordance with City and FEMA regulations, except for a strip of proposed landscaping areas along the northern boundary of the project site within the 100-foot wetland buffer. Prior to the issuance of any construction permit

or occupancy, a Letter of Map Revision (LOMR) must be obtained from FEMA. Therefore, the project will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

See Findings A.1.b. and B. 2.a.-d. incorporated here by reference. With the MHPA BLC, the site is adjacent to the MHPA and lies within the 100-year Federal Emergency Management Agency (FEMA) Floodplain Special Flood Hazard Overlay (Flood Zone AE, 100-year floodplain) within the Los Peñasquitos Creek watershed. The floodway generally aligns with the natural portion of Los Peñasquitos Creek while the floodplain extends over a portion of the existing and proposed development area. To accommodate the construction of new structures within the floodplain, the project has been conditioned to obtain a CLOMR from FEMA prior to the issuance of any grading, engineering, or building permits.

The project site is located within an urbanized neighborhood abutting Los Peñasquitos Creek to the north, Sorrento Valley Boulevard and existing industrial development to the south, existing industrial development to the west. A portion of the project site currently is located within the City's Multi-Habitat Planning Area (MHPA). However, Los Peñasquitos Creek is located adjacent off-site and is mapped as MHPA. With the BLC, the project will not encroach upon either the creek or the MHPA and will implement a 100-foot wetland buffer from the off-site MHPA. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

**d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).**

The original MHPA boundary for this site was established as part of the regional MSCP mapping efforts, which became effective in March 1997. The MHPA BLCs are allowed under the City's MSCP to rectify minor mapping inaccuracies at the project level and can be processed with the project's discretionary review. The MHPA BLCs typically involve removing existing, pre-MSCP development from the mapped MHPA.

Renovations to the property would affect approximately 0.4 acres of land within the current limits of the MHPA, made up of primarily developed land and approximately 98 square feet of non-native vegetation. The project site does not support native or sensitive vegetation communities. An additional 0.2 acres of developed land on City of San Diego-owned land will be impacted as a result of the property redevelopment. These impacts consist of asphalt removal within developed lands. The area proposed

for off-site improvements is not included in the MHPA BLC request and would remain in MHPA.

A review of aerial imagery from 1966 through 1993 indicates that the area was initially graded and developed no later than 1978, approximately 20 years prior to the adoption and implementation of the MSCP and MHPA. The BLC area has continued to be a part of the existing property prior to the adoption of the MSCP, and the existing property consists of seven buildings, parking areas, and maintained areas. The project proposes renovations in the MHPA area consisting of the replacement of an existing building and the establishment of a 100-foot wetland buffer between the proposed redevelopment and Los Peñasquitos Creek. As stated above, the area is primarily developed consisting of asphalt parking and roadways and does not support native or naturalized vegetation.

The proposed MHPA BLC would result in a net loss to the MHPA of 0.4 acre; however, this loss does not represent a significant impact to the MHPA because:

- The proposed BLC area is within the limits of the existing property, and these areas were graded and developed in the 1970s, prior to the adoption of the MSCP in 1997.
- No wetlands or wetland buffer areas would be impacted by the project as none currently exist within the project site. However, the project would establish a 100-foot wetland buffer along the northern edge of the property between Los Peñasquitos Creek and project development to ensure and improve the function and values of the adjacent wetland habitat.
- No sensitive species habitat would be removed from the MHPA as a result of the BLC; therefore, the proposed MHPA BLC is not anticipated to have a negative effect on habitat linkages, wildlife corridors, or the management efficiency of the preserve. The project would not expand the current footprint of the property, and the proposed BLC area is located immediately adjacent to an open and contiguous MHPA habitat more suitable for wildlife movement. Furthermore, the proposed BLC would not increase the likelihood of a significant impact to a non-covered species or result in an impact to a rare or sensitive species that would result in the possible listing under the Federal or State Endangered Species Acts.
- Removing the area would comply with the City's MSCP Land Use Adjacency Guidelines. The project would comply with MHPA LUAG in the following manner:
  1. The proposed project includes the creation of one or more biofiltration water quality basins along the northern edge of the project to capture stormwater runoff from the site where none currently exist. Appropriate best management practices (BMPs) would be utilized during construction and restoration to avoid impact to Los Peñasquitos Creek. No materials used in the construction of the project would be toxic, and all fueling, repair, and maintenance of construction equipment would take place outside of drainages and the MHPA. The project includes a Multi-Habitat

Planning Area (MHPA) Boundary Line Correction (BLC) to remove previously permitted development mapped within the MHPA. With the BLC, the project site does not encroach into but is adjacent to the MHPA within Los Peñasquitos Creek. The project does not encroach upon the creek or the MHPA and will implement a 100-foot wetland buffer from off-site MHPA where none exists today. The Federal Emergency Management Agency (FEMA) has mapped Los Peñasquitos Creek as a 100-year floodplain and regulatory floodway. The floodway generally aligns with the natural portion of Los Peñasquitos Creek while the floodplain extends over a portion of the existing development area. A portion of the project area is in the floodplain; however, the grading plan has been designed to result in a “no rise condition” and certified by a registered professional engineer demonstrating that the grading will not result in any increase in the flood levels during the occurrence of the base flood discharge. The project will also include the removal of the existing asphalt drive aisles and surface parking near the creek, including a small off-site area located on city-owned property, which allows for a landscaped area between the existing Los Peñasquitos Creek and the future buildings. The site work to remove the drive aisles and parking space near the Creek will occur in the floodplain. Said work will result in an increase in the pervious surface in the floodplain and will not increase the water elevation “no-rise condition” per Section 143.0146 of the Land Development Code (LDC).

2. The proposed project does not include land uses that would utilize chemicals or byproducts potentially toxic or harmful to wildlife, habitat, or water quality.

3. The proposed project consists of new research buildings with exterior lights for safety. Exterior lighting would be designed to shield the MHPA and sensitive species from night lighting. Project construction is expected to occur during daylight hours. Should construction lighting be necessary, the lighting would be directed away from the MHPA and, if necessary, adequately shielded to protect the MHPA and sensitive species from night lighting.

4. The project would comply with the City's standard requirements for compliance with construction noise and construction setback buffers from active nests to avoid indirect construction noise impacts on sensitive avian species. In addition, noise attenuation measures are included as part of the permit conditions and MMRP to avoid impacts to light-footed Ridgway's rail and least Bell's vireo.

5. Barriers to incursions, such as fences, would be utilized along the northern boundary of the project to deter and redirect public access away from the MHPA. Access, trails, and pathways into the MHPA do not exist and are not being proposed. The proposed project is a research facility; therefore, domestic animal incursion and predation are not anticipated within MHPA.

6. All equipment shall be clean and free of debris and mud prior to entering the project site to reduce the potential for the introduction of invasive plant species. Furthermore, no invasive plant species would be included in the project landscaping.

7. The proposed project is not subject to brush management, as habitable premises are not located within 100 feet of a structure and contain native or naturalized vegetation.

8. All manufactured slopes associated with the project development are included in the project footprint. The project also includes the removal of asphalt within City-owned lands. No grading or slope manufacturing is proposed or anticipated as a result of the off-site asphalt removal; therefore, the asphalt removal would be consistent with the Land Use Adjacency Guidelines and general management directives.

9. The limits of work, sensitive species, and sensitive vegetation communities will be clearly identified and demarcated with flagging, staking, and/or construction fencing, or a combination thereof. No new manufactured slopes would be constructed within the MHPA.

With the MHPA BLC, the project would not encroach into the MHPA and would implement the MHPA LUAG; therefore, the project is consistent with the MSCP and VPHCP.

**e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The project will provide stormwater facilities that do not exist currently. Los Peñasquitos Creek is located adjacent to the project site. The project will provide three biofiltration basins that will capture and treat the stormwater before it is released into the creek. The project will comply with all regulatory requirements set forth in the SDMC and the MHPA wetland adjacency guidelines. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Guidelines Section 15183 – Project Consistent with a Community Plan evaluation for the proposed project. This evaluation was performed to determine if conditions specified in CEQA Section 15183 would require the additional environmental review for the proposed project. As outlined in the evaluation, staff has determined that the proposed project is consistent with the development density established by existing zoning, the community plan, and the general plan policies for which an EIR was certified. Based on the CEQA Guidelines Section 15183 consistency analysis herein, the proposed project would not require any additional environmental review.



## ATTACHMENT 5

The project would comply with the applicable mitigation measures outlined within the project-specific and previously certified Torrey Pines Community Plan Update Program Environmental Impact Report Mitigation Monitoring and Reporting Program (MMRP) to reduce potentially significant impacts to transportation and circulation, biology and cultural resources.

To mitigate transportation and circulation impacts, the applicant would be required to provide Vehicle Miles Travelled (VMT) reduction measures totaling at least eight points as required by the Mobility Choices Ordinance (MM-TRA-1). Specifically, the project would construct a resting area/recreation node on site; provide short-term bicycle parking spaces available to the public; and provide and maintain multi-modal information kiosks on-site.

The biology mitigation would include avoidance and minimization measures during construction to adjacent sensitive biological resources, including biological monitoring (MM-BIO-1) and the State/Federally Listed Endangered least Bell's vireo (MM-BIO-2).

Although the project site is not mapped within a recorded archaeological site, the surrounding area is in a high sensitivity area for significant archaeological resources. Therefore, standard measures, including archaeological and Native American monitoring during construction (MM-CR-1), have been incorporated in the MMRP and would be required. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonable related to, and calculated to alleviate, negative impacts created by the proposed development.

The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on these findings adopted by the Hearing Officer, Coastal Development Permit No. PMT-3177146 and Site Development Permit No PMT-3177147 are hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee in the form, exhibits, terms and conditions as set forth in Permit No. PMT-3177146 and Permit PMT-3177147, a copy of which is attached hereto and made a part hereof.

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Christian Hoppe  
Development Project Manager  
Development Services

Adopted on: July 10, 2024

IO#: 24009365

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION  
501

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

INTERNAL ORDER NUMBER: 24009365

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. PMT-3177146  
SITE DEVELOPMENT PERMIT NO. PMT-3177147  
**ENCLAVE PARK - PROJECT NO. PRJ-1070661**  
HEARING OFFICER

This Coastal Development Permit No. PMT-3177146 and the Site Development Permit No. PMT-3177147 are granted by the Hearing Officer of the City of San Diego to 4174 SORRENTO VALLEY OWNER, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708 and 126.0505. The 5.39-acre site is located at 4202 Sorrento Valley Boulevard in the Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Airport Influence Area Overlay Zone (MCAS Miramar-Review Area 1), Airport Safety Zone (Accidental Potential Zone 2 Portion & Transition Zone), Brush Management, Coastal Overlay Zone (Non-Appealable and Appealable Area), Special Flood Hazard Areas (100-Year Floodway and 100 Year Floodplain), Stream-Los Penasquitos Creek, Prime Industrial Lands (PIL), Multi-Habitat Planning Area (MHPA), MSCP Sensitive-Southern Riparian Scrub, Parking Impact Overlay Zone (Coastal), Transit Priority Area (TPA), Very High Fire Severity Zone (VHFSOZ) within the Torrey Pines Community Planning Area. The project site is legally described as: PARCELS A AND B AS SHOWN ON PARCEL MAP NO. 1203, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN PAGE 1203 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 29, 1972, BEING A PORTION OF LOTS 14, 15 AND 16 VIA SORRENTO VALLEY INDUSTRIAL PARK UNIT NO. 6, ACCORDING TO MAP NO. 6922.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to demolish seven buildings and construct a new nine-story building totaling approximately 300,000 square feet and a seven-story parking structure with 716 parking spaces as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 26, 2024, on file in the Development Services Department.

The project shall include:

- a. Demolition of seven single-story buildings
- b. Construction of a new nine-story, 300,000-square-foot research and development building along with a seven-story parking structure containing approximately 716 parking spaces.

- b. Landscaping (planting, irrigation and landscape-related improvements);
- c. Off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by July 24, 2027.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. All mitigation requirements contained in the Mitigation, Monitoring, and Reporting Program [MMRP] No. PRJ-1062427 / SCH No. 92041021 shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP No. PRJ-1070661 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Biology
- Cultural Resources
- Traffic and Circulation

15. Prior to issuance of a building permit, the project applicant shall demonstrate to the City that testing of proposed generators would not result in noise levels exceeding 60 decibels A-weighted Equivalent Level (dBA LEQ) at the Multiple Species Conservation Program Multi-Habitat Planning Area boundary.

A Level 1 sound enclosure shall be installed with the proposed generators to sufficiently attenuate noise levels during generator testing. Other noise-attenuating equipment and/or acoustical shielding may be incorporated into the project design to comply with the noise limit and demonstrate such compliance to the City. Other noise-attenuating features may include, but not be limited to, noise walls, noise control enclosures, and/or noise-absorbing paneling around the generator.

16. Prior to the issuance of a building permit, an exterior-to-interior noise analysis shall be performed for all office spaces with facades with a line of sight to Sorrento Valley Boulevard. The exterior-to-interior noise analysis shall demonstrate that interior noise levels do not exceed 50 decibels A-weighted Community Noise Equivalent Level (dBA CNEL).

The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels for the planned office spaces. If predicted noise levels are found to exceed 50 dBA CNEL, the analysis shall identify architectural materials or techniques that could be included to reduce noise levels to 50 dBA CNEL in office spaces. Standard measures such as glazing with appropriate Sound Transmission Class (STC) ratings, as well as walls with appropriate STC ratings, should be considered. Final plans shall demonstrate that interior noise levels do not exceed 50 dBA CNEL for office facades with a line of sight to Sorrento Valley Boulevard.

**ENVIRONMENTAL SERVICES REQUIREMENTS/WASTE MANAGEMENT PLAN:**

17. The Owner/Permittee shall comply with the Waste Management Plan dated September 2023 and shall be enforced and implemented to the satisfaction of the Environmental Services Department.

**CLIMATE ACTION PLAN REQUIREMENTS:**

18. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

**ENGINEERING REQUIREMENTS:**

19. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

20. Prior to the issuance of any Grading permit, the Owner/Permittee shall obtain an approved Drainage Study to the satisfaction of the City Engineer. The Drainage Study shall demonstrate the capacity of the project's storm conveyance system considering both onsite and offsite flows draining to the project site as well as tailwater conditions from Penasquitos Creek for both the 100-year and 10-year water surface conditions. Coordination with the Stormwater Department shall be required if insufficient capacity of the storm conveyance system is determined.

21. Prior to the issuance of any building permit, the Owner/Permittee shall install properly sized energy dissipation shall be provided on the project site prior to overflow of Penasquitos Creek, satisfactory to the City Engineer.

22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

23. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

24. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

25. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Technical Report (Stormwater Quality Management Plan) that will be subject to final review and approval by the City Engineer, based on the City's Stormwater Standards Manual in effect at the time of the construction permit issuance.

26. Development of this project shall comply with all stormwater construction requirements of the State Construction General Permit (CGP), Order No. 2022-0057-DWQ, NPDES No. CAS000002,

## ATTACHMENT 6

and National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region. This project will be required to adhere to the City of San Diego Stormwater Standards Manual in effect at the time of approval of ministerial permit.

27. In accordance with Order No. 2022-0057-DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

28. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as proof of enrollment under the Statewide Construction General Permit. When ownership of the entire site or portions of the site changes prior to the filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2022-0057-DWQ and a copy shall be submitted to the City.

29. Prior to the issuance of any building permits, the Owner/Permittee shall denote on the final map and the improvement plans "Subject to Inundation" for all areas of the project site with elevations less than the base flood elevation plus 2 feet.

30. The Applicant shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.

31. The property owner shall enter into an agreement to indemnify, protect, and hold harmless the City, its officials, and employees from any and all claims, demands, causes or action, liability or loss because of, or arising from flood waters.

32. Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad must be compacted to 95% of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM Standard D-698). Granular fill slopes must have adequate protection for a minimum flood water velocity of five feet per second.

33. Prior to the issuance of a grading permit, the permittee shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA. The request for the CLOMR must be submitted through the Floodplain Management Section of the City Stormwater Department. The Permittee must provide all documentation, engineering calculations for the floodplain and floodway, and fees which are required by FEMA.

34. Prior to occupancy, a Letter of Map Revision (LOMR) must be obtained from FEMA. The Permittee must submit a request for the Final LOMR to FEMA via the Floodplain Management Section of the Stormwater Department. The Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

35. The bond for this project will not be released until the Final LOMR is issued by FEMA. The Floodplain Management Section of the City of San Diego's Stormwater Department will notify the Development Services Department of such issuance as soon as it is informed by FEMA.



36. The applicant shall obtain an approval from the Stormwater Department's Operations Division regarding the connections of the existing and proposed storm drain systems in the vicinity of the Penasquitos Creek channel.

**LANDSCAPE REQUIREMENTS:**

37. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

38. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

39. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6.

40. In the event that the Owner/Permittee requests a foundation-only permit, a site plan or staking layout plan shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.'

41. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

42. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

**MULTIPLE HABITAT PLANNING AREA [MHPA] LAND USE ADJACENCY REQUIREMENTS:**

43. Prior to issuance of any construction permits, including but not limited to the first Grading Permit, Demolition Plans/Permits, and Building Plans/Permits, the Owner/Permittee shall depict the following requirements on construction documents for the Project Site under the heading "MHPA Land Use Adjacency Requirements."

**Grading/Land Development/MHPA Boundaries** -Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.

**Drainage** - All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

**Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."

**Lighting** -All lighting within or adjacent to the MHPA is directed away/shielded from the MHPA, or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations per LDC Section 142.0740.

**Barriers** -Existing fences/walls; and/or signage along the MHPA boundaries shall remain and or be added to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.

**Invasives** - No invasive, non-native plant species shall be introduced into areas within or adjacent to the MHPA.

**Brush Management** -Brush management zones will not be greater in size that is currently required by the City's regulations (this includes use of approved alternative compliance). Within Zone 2 the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a home-owner's association or other private party.

**Noise** - Due to the site's location adjacent to the MHPA, construction noise will need to be avoided, if possible, during the breeding season of least Bell's vireo (3/15-9/15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys will be required in order to determine species presence/absence.

If the species is not identified within the MHPA, no additional measures will be required. If present, measures to minimize noise impacts will be required and should include temporary noise walls/berms. If a survey is not conducted and construction is proposed during the species' breeding season, presence would be assumed. Noise levels from construction activities during the bird breeding season shall not exceed 60 dBA hourly LEQ at the edge of the occupied MHPA, or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ.

**LIGHT-FOOTED RIDGWAY'S RAIL (RALLUS OBSOLETUS LEVIPES) REQUIREMENTS:**

44. Prior to the issuance of any grading permit, NTP, or Pre-construction meeting, the City Deputy Director (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the light-footed Ridgway's rail are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and September 15, the breeding season of the light-footed Ridgway's rail, until the following requirements have been met to the satisfaction of the City Manager:

- A. A Qualified Biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those habitat areas within suitable habitat that would be subject to construction noise levels exceeding 60 dB(A) hourly average for the presence of the light-footed Ridgway's rail. Surveys for the light-footed Ridgway's rail shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife service within the breeding season prior to the commencement of any construction. If rails are present, then the following conditions must be met:
  - i. Between March 1 and September 15, no clearing, grubbing, or grading of occupied rail habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist. The location and extent of occupied rail habitat shall be verified through additional surveys by a Qualified Biologist conducted the day immediately prior to the initiation of work and once a week during construction in the breeding season; and
  - ii. Between March 1 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied rail habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City representative at least two weeks prior to the commencement of construction activities. Prior to the

commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or

- iii. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the light-footed Ridgway's rail. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

\*Note: Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City representative, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If light-footed Ridgway's rails are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and September 15 as follows:
  - i. If this evidence indicates the potential is high for light-footed Ridgway's rail to be present based on historical records or site conditions, then condition A.iii shall be adhered to as specified above.
  - ii. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

45. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall demonstrate that a Right of Entry (ROE) permit has been obtained or is in the process of being obtained from the City Parks and Recreation Department Open Space Division for the removal and revegetation of asphalt parking stalls located on city-owned property (APNs 310-050-13 and 310-050-14) along the northern property boundary.

46. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall submit complete construction documents depicting the removal and revegetation of asphalt parking stalls located on city-owned property (APNs 310-050-13 and 310-050-14) along the northern property boundary.

**PLANNING/DESIGN REQUIREMENTS:**

47. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

48. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

49. Prior to issuance of any construction permit authorizing grading or construction of impervious surfaces, a fee shall be deposited with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed based on site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the Owner/Permittee and verified by the Development Services Department.

50. Per San Diego Municipal Code Section 143.0141(b)(5), a minimum 100-foot wetlands buffer shall be provided as shown on Exhibit "A." Impacts to wetlands shall be avoided, and this wetland buffer shall be maintained around all wetlands as appropriate to protect the functions and values of the wetlands.

51. Permitted uses in the wetland buffer areas are limited to those identified in SDMC section 143.0130(e) and as shown in the Exhibit "A."

52. The physical fitness facility may only be used by employees of the premises as an accessory use per SDMC section 131.0623(k).

53. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

54. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

**TRANSPORTATION REQUIREMENTS**

55. Prior to issuance of any building permit, the Owner/Permittee shall widen Sorrento Valley Boulevard along the Project frontage by approximately 4 feet. The improvements shall be completed and operational prior to first occupancy.
56. Prior to issuance of any building permit, the Owner/Permittee shall construct a 14-foot-wide raised median along Sorrento Valley Boulevard along the Project frontage. The improvements shall be completed and operational prior to first occupancy.
57. Prior to issuance of any building permit, the Owner/Permittee shall dedicate 8 feet and provide a 4 feet curb widening for 52 feet of half-width right-of-way improvements along Sorrento Valley Boulevard along the project frontage, satisfactory to the City Engineer. The improvements shall be completed and operational prior to first occupancy.
58. Prior to issuance of any building permit, the Owner/Permittee shall install high visibility crosswalks, bicycle loop detectors and retroreflective signal head backplates on all legs of the Sorrento Valley Road / Sorrento Valley Boulevard intersection to the satisfaction of the City Engineer. This improvement will require a traffic signal modification plan, and the improvements shall be completed and operational prior to first occupancy.
59. Prior to issuance of any building permit, the Owner/Permittee shall install loop detectors for bicycles on all legs of the Sorrento Valley Road / Vista Sorrento Parkway intersection to the satisfaction of the City Engineer. This improvement will require a traffic signal modification plan, and the improvements shall be completed and operational prior to first occupancy.
60. Prior to occupancy clearance on any building permit, the Owner/Permittee shall install a pedestrian resting area/recreation node on-site (as shown on Exhibit A), adjacent to Sorrento Valley Boulevard, to the satisfaction of the City Engineer. The resting area/recreation node shall include signage designating the space as publicly available and shall be maintained by the property owner, satisfactory to the City Engineer.
61. The Owner/Permittee shall provide and maintain access to services, specifically an on-site gym and café for tenant employees (in the general location shown on Exhibit A) satisfactory to the City Engineer.
62. The Owner/Permittee shall meet or exceed the City of San Diego Climate Action (CAP) requirements and Municipal Code requirements for short-term and long-term bicycle parking spaces to the satisfaction of the City Engineer. The Project is required to provide 36 short-term and 36 long-term bicycle parking spaces and shall provide 40 short-term and 40 long-term bicycle parking spaces.
63. The Owner/Permittee shall provide and maintain TDM bulletin boards in central locations that encourage alternative transportation options including transit, satisfactory to the City Engineer.

64. Prior to issuance of any building permit the Owner/Permittee shall commit to maintaining an employer network in the SANDAG iCommute program and promoting the "RideMatcher" service to employees, satisfactory to the City Engineer.

65. Prior to occupancy clearance on any building permit, the Owner/Permittee shall provide and maintain on-site multi-modal information kiosks.

66. Prior to issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the construction of a 30-foot-wide City Standard driveway at the eastern side of the site on Sorrento Valley Boulevard, satisfactory to the City Engineer.

67. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of 26-foot-wide City Standard driveway, at the western side of the site on Sorrento Valley Boulevard, satisfactory to the City Engineer.

68. The Owner/Permittee shall provide and maintain a 10-foot by 10-foot visibility triangle area on both sides of the eastern driveway measured along the property line on Sorrento Valley Boulevard. No Obstacles higher than 36 inches shall be located within this area, e.g., shrubs, or landscape. hardscape, walls, columns, signs etc.

69. The Owner/Permittee shall provide and maintain a 10-foot by 10-foot visibility triangle area on both sides of the western driveway measured along the property line on Sorrento Valley Boulevard. No Obstacles higher than 36 inches shall be located within this area e.g. shrubs, landscape. hardscape, walls, columns, signs etc.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

70. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

71. Prior to the issuance of any construction permit for building, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the public right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer.

72. Prior to the issuance of any construction permit for building, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private Backflow Prevention Device(s) [BFPDs], on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Public Utilities Department and the City Engineer. BFPDs shall be located above ground on private property, in line with the service, and immediately adjacent to the right-of-way.

73. Prior to the issuance of any construction permit for building, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private sewer facilities encroaching into the public right-of-way.

74. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

75. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities within the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Department and the City Engineer.

76. Prior to any construction permit for building, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Department and the City Engineer.

77. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on July 10, 2024, and [Approved Resolution Number].



**ATTACHMENT 6**

COASTAL DEVELOPMENT PERMIT NO. PMT-3177146

SITE DEVELOPMENT PERMIT NO. PMT-3177147

Date of Approval: July 10, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Christian Hoppe  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**4174 SORRENTO VALLEY OWNER, LLC**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**

The Project does not comply with Community Plan and Local Coastal Plan policies related to the protection of visual resources (see attached). Despite repeated requests for a Visual Study for over a year, to assess potential visual affects, one was not provided.

The TPCPB recommends:

- Applicant to use a warm color palette for building materials to minimize visual contrast with surrounding natural environment.
- Modify Landscape Plan to include tall, native plant species such as Torrey Pines and Sycamores, along Sorrento Valley Blvd. and other areas, where the building is visually prominent, to mitigate for adverse visual impacts, associated with bulk and scale and project contrast, with the surrounding natural environment.

Motion: Dee Rich; Second, Greg Jabin

Yays – 6

Nays – 1

Recusals - 1



4202 Sorrento Valley Blvd

1/2 Mile

The following highlights policies clipped from the Torrey Pines Community Plan and Adopted LCP are related to aesthetics. Portions of these documents, believed to be applicable to industrial development, are highlighted below.

## Torrey Pines Community Plan

### KEY POLICIES

The following key policies reflect the underlying concern for the Torrey Pines community planning area. These policies reflect the Plan vision which is a theme interwoven throughout all the elements of this Plan.

1. All development adjacent to open space areas shall be designed to reduce visual and development impacts. Cp pg3
7. New industrial and commercial development proposed adjacent to identified open space corridors shall contribute to the preservation of these areas. Cp pg4

### ISSUES

The subcommittee identified a number of issues that served as a general framework for the development of the goals, policies and proposals of the Plan. Among these

- The size, bulk, scale, height and compatibility of new residential development
- Street improvements, and their impacts on neighborhood character, pedestrians, and environmentally sensitive areas
- Development and construction impacts to environmentally sensitive areas, including sedimentation, erosion, visual impacts and encroachment
- Expansion of commercial and multi-unit development in and adjacent to single-unit residential neighborhoods
- The lack of active and passive recreational park facilities
- The lack of protection of environmentally sensitive resources
- The environmental impacts associated with public utility and facility projects issues were:
  - The need to provide land and opportunities for scientific research, light manufacturing and biotech industries for a balanced economy consistent with environmental considerations.

### DEVELOPMENT AND PLANNING HISTORY

- Since 1975, the Torrey Pines area has continued to grow and develop under the guidelines of the 1975 plan. This growth and development more recently has become problematic.

- Numerous negative impacts from development, especially to environmentally sensitive areas, were identified by residents of the Torrey Pines Community Planning Group and Planning Department analysis indicated that the identification, prevention and resolution of these impacts were beyond the scope and control of the existing 1975 plan. As a result of this analysis, the Planning Group requested an update to the existing community plan.

## ENVIRONMENTAL SETTING

The Torrey Pines community planning area is characterized by an abundance of sensitive environmental resources and contains a number of major local and regional open space systems, most of which are protected by this and other plans, and by various regulations.

Most of these systems are associated with the watersheds of the Los Peñasquitos and San Dieguito Lagoons as well as Carmel, Soledad, and Los Peñasquitos Creeks, and include the San Dieguito Lagoon and River Valley, Crest Canyon, the Torrey Pines State Reserve and Extension, Torrey Pines State Beach, the Los Peñasquitos Lagoon and associated uplands, and the Carroll Canyon wetlands/wildlife corridor. These systems, and recommendations regarding them, are described in more detail in the **Resource Management and Open Space Element** of this Plan.

## LOCAL COASTAL PROGRAM

The California Coastal Act of 1976 established a coastal zone boundary within which certain planning and development requirements must be met. These requirements have been designed to protect and enhance California's coastal resources. The North City Local Coastal Program Land Use Plan (LCP) was adopted by the San Diego City Council in March 1981, revised in May 1985, and revised again in March 1987. The LCP, as amended, remains in full force and effect. However, should any policies contained in this document conflict with the previously adopted LCP Land Use Plan, this document shall take precedence.

The LCP encompasses all of the Torrey Pines planning area, except for a small portion at the very southern tip of Sorrento Valley. The LCP also encompasses portions of the community planning areas of Mira Mesa, Carmel Valley, University, Sorrento Hills, and Via De La Valle, as well as open space and urban reserve areas identified in the City's Progress Guide and General Plan (General Plan). These areas were grouped because of considerations of drainage into the San Dieguito and Los Peñasquitos Lagoon, impacts on traffic volume and traffic circulation in the area, and the cumulative impacts of development.

The recommendations and development criteria of the LCP have been incorporated into the individual elements of this Plan. Due to the standard of review established in the Coastal Act of 1976, an LCP Land Use Plan must contain a great deal of specificity to direct the formulation of suitable implementing ordinances. Therefore, more specific and detailed supplemental coastal development policies not contained within the main body of this Plan can be found in **Appendix E**. These policies apply to

all development with the coastal zone and take precedence over any policies contained elsewhere in the document that may conflict with the coastal development policies.

## RESOURCE MANAGEMENT & OPEN SPACE ELEMENT

### GOALS

5. Preserve, enhance and restore all natural open space and sensitive resource areas, including Los Peñasquitos Lagoon and associated uplands, Torrey Pines State Park and Reserve Extension areas with its distinctive sandstone bluffs and red rock, Crest Canyon, San Dieguito Lagoon and River Valley, the Carroll Canyon Wetland/Wildlife Corridor through Sorrento Valley, and all selected corridors providing linkage between these areas.

### POLICIES

- Land uses adjacent to environmentally sensitive habitats shall not negatively impact those areas.
- Development impacts to rare, threatened, endangered, or candidate species shall be minimized or eliminated.
- No filling, clearing, grubbing, or other disturbance of biologically sensitive habitats shall be permitted without approved mitigation plans.
- Coastal lagoons and estuaries that are designated and zoned open space shall remain undeveloped.
- Public access in areas of environmentally sensitive habitats shall be limited to low-intensity recreational, scientific, or educational use. Access shall be controlled or confined to designated trails or paths, and no access shall be approved which results in disruption of habitat.
- New development adjacent to and impacting biologically sensitive areas shall be responsible for the restoration and enhancement of that area. In particular, when mitigation areas are needed for public projects, the disturbed areas in Crest Canyon should be revegetated with Coastal Mixed Chaparral and Torrey Pines.

### Carroll Canyon Wetland/Wildlife Corridor

This open space corridor runs the length of Sorrento Valley and provides an important linkage between Carroll Canyon and Los Peñasquitos Lagoon. The majority of this corridor is privately owned and consists primarily of wetlands containing riparian vegetation. Some portions of this corridor have been channelized and most of it has experienced urban encroachment. However, this area continues to support riparian habitat and provides a significant linkage for many plant and animal species between two significant open space resource areas.

1. All new development proposed adjacent to this open space corridor shall incorporate the urban design guidelines located within the **Industrial Element** as appropriate.

## **INDUSTRIAL ELEMENT**

### *POLICIES*

3. Development proposed adjacent to environmentally sensitive resources shall not adversely impact those resources, and shall, where feasible, contribute to the **enhancement of the resource**. (Our interpretation is that aesthetics, per CEQA, are considered along with flora and fauna).

4. Redevelopment of industrial areas shall require a Planned Industrial Development permit, until such time as the Zoning Code Update is complete, in order to implement the policies and design guidelines in this element.

## **SPECIFIC PROPOSALS**

### Industrial Development Design Guidelines

#### *Preservation and Enhancement of the Carroll Canyon Creek Corridor*

2. Preserve and enhance the environmental quality and health of the corridor.

## **APPENDIX A LEGISLATIVE FRAMEWORK**

The California Coastal Act of 1976 mandates that all designated coastal areas develop a

Local Coastal Plan that is consistent with state-wide goals and objectives. The North City

Local Coastal Program Land Use Plan, with revisions, was adopted by the City Council in March, 1987. The plan provides specific guidelines for the development of that area of the community that lies within the coastal zone boundary.

## **E. LOCAL COASTAL PROGRAM POLICIES**

The policies of this section shall apply to all development in the **Torrey Pines community planning area within the Coastal Zone**. In the event these policies conflict with goals, policies, or proposals contained elsewhere in the Plan, the Local Coastal Program Policies shall take precedence.

### **VISUAL RESOURCES**

The State Coastal Act states that the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. The Torrey Pines community planning area possesses many highly scenic open space areas and

dramatic vistas. Torrey Pines also has a number of road segments that have scenic qualities worthy of formal recognition and protection. This Plan contains numerous recommendations, policies and implementing actions focusing on the preservation of these visual resources including:

1. Significant scenic resource areas including San Dieguito River Regional Park, Crest Canyon, Torrey Pines State Reserve Extension, Los Peñasquitos Lagoon, and the Carroll Canyon Creek Corridor have been designated and rezoned to open space.
4. Future development adjacent to the Torrey Pines Reserve Extension, San Dieguito Lagoon, and Crest Canyon areas shall provide for adequate buffer areas. Development proposals shall provide adequate setbacks to avoid significant erosion, visual or sediment impacts from construction. Setbacks also shall be required to prevent fire breaks from being constructed on reserve property or into off-site sensitive areas. No clear-cutting or removal of vegetation shall be allowed within the San Dieguito Lagoon Preserve, Crest Canyon or the Torrey Pines State Reserve Extension.



# Torrey Pines Community Plan - Local Coastal Program Addendum, Amended 1981

## LOCATING AND PLANNING NEW DEVELOPMENT

### a. Goals

- o To preserve and enhance the unique natural environment (page 15).

- o To assess aesthetics, convenience and appropriateness equally in determining need for new development (page 15).

### b. Proposals

Development of the entire Sorrento Valley industrial Area should be subject to stringent review so as to minimize ... and also minimize visual impacts upon the adjacent residential community...

### LCP Specific Language

- o New development should first be located adjacent to developed areas able to accommodate it, and where it will not have significant adverse effects on coastal resources.

## VISUAL RESOURCES AND SPECIAL COMMUNITIES

**ISSUE:** PROTECT THE VISUAL INTEGRITY OF FUTURE DEVELOPMENT ON THE SLOPES ABOVE SAN DIEGUITO LAGOON, AT THE INTERSTATE 5-CARMEL VALLEY RD INTERSECTION, AND IN THE SORRENTO VALLEY INDUSTRIAL AREA.

### Existing Conditions

Torrey Pines is one of the most scenic communities in all of San Diego. The canyons, lagoons, vegetation and cliffs of Torrey Pines should be protected, if development occurs. The visual quality of the environment should be maintained through grading and landscaping standards, building design techniques, open space, preservation and sign controls. According to a strict interpretation of Coastal policies, Torrey Pines is not a special community nor does it contain any special neighborhoods.

### Existing Plan/LCP Language (Torrey Pines Community Plan, 1975)

#### *a. Goal*

- o To preserve and enhance the unique natural beauty and amenities of the Torrey Pines community (page 65).

#### *b. Proposals*

Points of visual relief should be developed in the urban landscape through the use of open spaces and landscaping, building setbacks, building materials, location of public facilities, and street and right-of-way design maintenance (page 66).

- o The distinct areas of the community should be protected from intrusion and encroachment of incompatible uses (page 66).

- o Nuisances to adjacent uses should be minimized through the control of noise, odor, pollution, vibration and glare,

#### *- LCP Specific Language*

- o Protect scenic and visual qualities of coastal areas as a public resource.

- o Development should be designed to protect public views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded public areas.

- o Existing visual impacts from the freeways, of development within Sorrento Valley should be mitigated. Sign control and landscaping standards in addition to other techniques should be considered.

- o Guidelines for scale, height, and grading for future development should be followed.

## INDUSTRIAL AND ENERGY FACILITIES

**ISSUE: PREVENT DETRIMENTAL EFFECTS ON LOS PENASQUITOS LAGOON FROM INDUSTRIAL DEVELOPMENT IN SORRENTO VALLEY .**

### Existing Conditions

Physical separation and visual screening between Sorrento Valley and adjacent areas is highly desirable, as well as restriction of development from further infringement on the Los Penasquitos Lagoon ecosystem. No major industrial or energy facilities

Existing Plan/LCP Language (Torrey Pines Community Plan, 1975)

#### *a. Goals*

- o Encourage the industrial area to be aesthetically pleasing (page 36).
- o Encourage physical separation and visual screening between Sorrento Valley and adjacent areas (page 36).
- o Restrict development in Sorrento Valley from further infringement on the Penasquitos Lagoon ecosystem (page 36).

#### *B. Proposals*

o Development of the entire Sorrento Valley industrial area (especially on the north and west perimeters) should be subject to stringent review so as to minimize siltation and other adverse environmental impact on the Penasquitos Lagoon; and also minimize adverse visual impacts upon the adjacent residential community and freeway travelers.

The screening of, especially the northern area, can best be accomplished by massive planting of trees such as the faster growing varieties of Eucalyptus. The result of such treatment can be compared to the University of California Campus, which from a distance is virtually invisible (page 39).



**THE CITY OF SAN DIEGO**

**M E M O R A N D U M**

DATE: June 7, 2024

TO: Environmental/Project File, Development Services Department

FROM: Anne B. Jarque, Senior Planner, Development Services Department

SUBJECT: Enclave Park Project, PRJ-1070661  
California Environmental Quality Act – Section 15183 Consistency Review

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The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Guidelines Section 15183 – Projects Consistent with a Community Plan or Zoning evaluation for the proposed Enclave Park Project (project). See Title 14 California Code of Regulations §15183.

The Torrey Pines Community Plan Update (CPU) Program Environmental Impact Report (PEIR) No. 92-0126 (State Clearinghouse [SCH] No. 1992041021) was certified by the San Diego City Council on January 10, 1995, per Resolution No. 285182. This evaluation was performed to determine if conditions specified in CEQA Guidelines Section 15183 would require preparation of additional CEQA review for the proposed project. As outlined in the evaluation, DSD has determined that the proposed project/project amendments are consistent with the development density/intensity established by existing zoning, community plan, or general plan policies for which a PEIR was certified. In addition, this evaluation determined the project would not result in any project-specific significant effects that are peculiar to the project or its site beyond those identified in the Torrey Pines CPU PEIR or substantially mitigated by uniformly applied development policies or standards. The project would require the adoption of a Mitigation Monitoring and Reporting Program (MMRP) consistent with the PEIR Mitigation Framework. Based on the CEQA Guidelines Section 15183 consistency analysis herein, the proposed project would not require any additional environmental review.

**BACKGROUND**

The project site has been analyzed within EIR DEP No. 92-0126 (SCH No. 1992041021) prepared for the Torrey Pines CPU certified by the San Diego City Council on January 10, 1995, per Resolution No. 285182. The PEIR conducted a program-level analysis that would require implementation of the associated Mitigation Framework. The Mitigation Framework identifies mitigation for traffic and circulation, air quality, biology, hydrology and water quality, visual quality, and cultural resources.

Per Section 15183 of the CEQA Guidelines, CEQA mandates that projects that are consistent with the development density/intensity established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as

might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section. "Consistent" means that the density/intensity of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density/intensity-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density/intensity standard, the project shall be consistent with the applicable plan. In approving a project meeting the requirements of Section 15183 of the CEQA Guidelines, DSD limited its examination of environmental effects that:

- (1) Are peculiar to the project or the parcel on which the project would be located;*
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,*
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or*
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.*

If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for the project solely on the basis of that impact. Per Section 15183(h), an environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy is applicable to it.

The project must be consistent with a community plan adopted as part of a general plan, a zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or a general plan of a local agency. Additionally, an EIR must be certified by the lead agency for the zoning action, the community plan, or the general plan. Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to Section 15183.

The consistency analysis shall be limited to only those significant environmental effects for which each public agency with authority to mitigate any of the significant effects on the environment identified in the EIR on the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible. The City, as Lead Agency, must make a finding at a public hearing as to whether feasible mitigation measures will be undertaken.

The consistency review analysis is presented in the CEQA Section 15183 Consistency Review Checklist attachment.

Environmental/Project File (PRJ-1070661), Development Services Department  
June 7, 2024

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Anne B. Jarque  
Senior Planner  
Development Services Department

Attachment: CEQA Section 15183 Consistency Review Checklist

## ATTACHMENT - CEQA SECTION 15183 CONSISTENCY REVIEW CHECKLIST

1. Project Title/Project Number: Enclave Park Project / PRJ-1070661
2. Lead agency name and address: City of San Diego, 1222 First Avenue, MS-501, San Diego, California 92101
3. Contact person and phone number: Anne Jarque, Senior Planner, City of San Diego Development Services Department, 619-557-7953
4. Project Location: 4122, 4174, and 4202 Sorrento Valley Boulevard, San Diego, CA 92121
5. Project Applicant/Sponsor's name: 4174 Sorrento Valley Owner, LLC
6. Community Plan designation: Light Industrial/Industrial (City of San Diego 2020a; City of San Diego 2014)
7. Zoning: Light Industrial (IL-3-1) (City of San Diego 2019)
8. Description of project: The project is within the Torrey Pines Community Plan Area in the City of San Diego (City) in southwestern San Diego County (Figure 1, *Project Location*). The project is north of Sorrento Valley Boulevard and south of Los Peñasquitos Creek, approximately 0.4 mile east of Interstate (I-) 5 (Figure 2, *Aerial Photograph*). The project is requesting a COASTAL DEVELOPMENT PERMIT (CDP), SITE DEVELOPMENT PERMIT (SDP), and a Multi-Habitat Planning Area (MHPA) Boundary Line Correction (BLC) for the demolition of 91,840 square feet of office and light industrial uses split among seven buildings, in order to construct approximately 300,000 square feet of research and development (R&D) use, 108,482 square feet of landscaping, an 7-story parking garage consisting of 244,410 square feet of space, and roadway improvements for Sorrento Valley Boulevard (Figure 3, *Site Plan*). The project will widen Sorrento Valley Boulevard along the project frontage by approximately 4 feet on the project side and provide raised median, pedestrian, and bicycle improvements to the satisfaction of the City Engineer. The project would also construct stormwater infrastructure including new biofiltration basins, upgrades to storm drain piping, and importation of fill to raise the project site out of the 100-year floodplain.

Project frontage improvements include:

- Widening of Sorrento Valley Boulevard along the project frontage by approximately 4 feet from the centerline.
- Construction of a raised median along portions of Sorrento Valley Boulevard along the project frontage.
- Dedication of 8 ft and provision of a 4 ft curb widening for 52 ft half width right-of-way (ROW) improvements.

The above improvements would be consistent with the Sorrento Valley Boulevard ultimate classification of a 4-lane Major roadway and designed per the City of San Diego Street Design Manual and industry standards.

Pedestrian improvements include:

- Installation of a pedestrian resting area/recreation node on-site, adjacent to the pedestrian walkway along the northern edge of the project site. The resting area/recreation node will include signage designating the space as publicly available and will be maintained by the property owner.
- Access to services, specifically an on-site gym and café, that shall reduce the need for employees to drive and encourage walking trips.

There are no pedestrian deficiencies identified within the project's walkshed boundary, and therefore no off-site pedestrian improvements are required. The project would provide the above improvements as measures to promote pedestrian mobility and passive recreation.

Bicycle improvements include:

- Meeting or exceeding the City of San Diego Climate Action (CAP) requirements and Municipal Code requirements for short-term and long-term bicycle parking spaces. The project will provide short-term and long-term bicycle parking spaces that are at least 10% beyond minimum requirement. The project is required to provide a minimum of 36 short-term and 36-long-term bicycle parking spaces; therefore, the applicant shall provide 40 short-term spaces and 40 long-term bicycle parking spaces.

The bicycle facilities within the project's bikeshed boundary have been implemented to the Torrey Pines Community Plan planned classification, and therefore no off-site bicycle improvements are required. The project would provide the above improvement as measure to promote bicycle mobility.

Transit improvements include:

- Transportation Demand Management (TDM) bulletin boards in central locations that encourage alternative transportation options including transit.
- Maintenance of an employer network in the SANDAG iCommute program and promotion of the "RideMatcher" service to employees.

Systemic safety improvements include:

- Sorrento Valley Road / Sorrento Valley Boulevard: To address bicycle hot spots, the installation of high visibility crosswalks and loop detectors for bicycles shall be provided by the project for all legs of the intersection to the satisfaction of the City Engineer. To address vehicular hot spots, the installation of backplates with retroreflective borders on the traffic signal heads shall be provided by the project to the satisfaction of the City Engineer.
- Sorrento Valley Boulevard / Vista Sorrento Parkway: To address bicycle hot spots, the installation of loop detectors for bicycles shall be provided for all legs of the intersection to the satisfaction of the City Engineer. To address vehicular hot spots, the installation of



backplates with retroreflective borders on the traffic signal heads shall be provided by the project to the satisfaction of the City Engineer.

Transportation Demand Management measures include:

- The pedestrian and bicycle improvements stated above.
- The provision and maintenance of on-site multi-modal information kiosks.

The project would remove all five existing driveways along Sorrento Valley Boulevard and create two new driveways, east and west, to serve the proposed project site. The location of the western driveway would remain unchanged in comparison to existing conditions, while the location of the eastern driveway would not coincide with any of the existing driveways. Both driveways would be full access, but the west driveway would serve employees and visitors and the east driveway would be restricted to truck and service access only. The east driveway would not provide access to the parking structure and would be signed as "Service Only".

The project's landscape design will give the corporate campus a unique identity, acting as a nexus between the Los Peñasquitos Creek riparian habitat and a dynamic employment hub. To comply with the City's Biology Guidelines, the project would pull development away from the sensitive riparian habitat associated with the creek by implementing a 100-foot wetland buffer. A boundary line correction (BLC) would be implemented to remove the northern portion of the existing property that contains existing development from the MHPA. No project-related grading or ground disturbance within the project footprint will occur until the MHPA BLC is approved. After the BLC is approved, the project would remove asphalt parking from the City-owned lands adjacent to the project to the north and conduct a 25-month revegetation of the area. The revegetation would utilize native, noninvasive vegetation that would create a seamless transition between the existing habitat and the project. As the landscape weaves its way up the slope and into the pedestrian paths and outdoor spaces associated with the project, the site plan and planting palette would take on a more formal character, featuring bermed planting, biofiltration basins, and a large event lawn to support various campus functions. Moving out toward the streetscape, the landscape focus shifts to screening and buffering; however, the palette continues to prioritize native and water-wise species.

From a regional drainage perspective, the site is entirely within a FEMA Zone AE Special Flood Hazard Area due to the existing elevations of the site and the conditions of the adjacent Los Peñasquitos Creek channel. The project redevelopment will include importing fill and raising the grade such that the future building finished flood elevations will be at least 2 feet higher than the 100-year water surface elevations in accordance with the City's Special Flood Hazard Regulations, SDMC Sections 143.0145 and 143.0146 and freeboard requirements, as described in the Drainage Design Manual (City 2017a). The finalized project footprint would be primarily outside of the effective regulatory floodway in accordance with City and FEMA regulations, except for a strip of proposed landscaping areas along the northern boundary of the project site within the 100-foot wetland buffer.

Currently, there are two sewer laterals emanating from the project site, both of which discharge into the 8-inch sewer main in Sorrento Valley Boulevard. As part of the proposed project, any existing sewer laterals that have not already been plugged and abandoned would be plugged and abandoned at the property line per City standards. The project intends to discharge all of its sewage into the existing 8-inch sewer main in Sorrento Valley Boulevard through two proposed 8-inch sewer laterals. One new manhole would be installed to connect one of the proposed lateral to the existing sewer main; the other proposed lateral would connect to an existing manhole.

Construction of the project would be completed in one phase, with construction assumed to be completed in 2027.

To ensure compliance with all applicable uniformly applied development policies of the City's General Plan, the Torrey Pines Community Plan, the IL-3-1 zone, the Coastal Overlay Zone (Non-Appealable 1, Coastal Appealable, and Deferred Certification), the Airport Land Use Compatibility Overlay Zone, the City's Multiple Species Conservation Program (MSCP), Subarea Plan and Multiple Habitat Planning Area (MHPA), the Land Development Code (including, but not limited to the Environmentally Sensitive Lands (ESL) regulations, the Climate Action Plan regulations, the Mobility Choices regulations, the Off-site Development Impact regulations, the Landscape regulations, and the Grading regulations), the Land Development Manual, and the MCAS Miramar Airport Land Use Compatibility Plan, Airport Influence Area (AIA), the project would also include standard conditions of approval and the mitigation found in Attachment A.

9. Surrounding land uses and setting: The project site is located in an existing office and industrial park with seven buildings and surface parking and is designated light industrial. The existing buildings are single level rectangular buildings that extend to the northern edge of the parcel, and surface parking currently abuts Los Peñasquitos Creek. The project site is adjacent to Sorrento Valley Boulevard, and similar light industrial uses and surface parking lots border Sorrento Valley Boulevard in the project vicinity. Surrounding land uses include commercial development to the east, south, and west, and undeveloped land and open space areas to the north. Protected open space areas, such as the Los Peñasquitos Creek and Los Peñasquitos Canyon County Preserve, are located north and east of the site, and I-5 is located west of the site.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement): None required.
11. Community Plan Update program EIR Information (Name of CPU PEIR, Project No., EIR SCH if applicable, Approving Body with Certification Date, and Resolution Number): Final Environmental Impact Report for the Torrey Pines Community Plan Update, DEP No. 92-0126, SCH No. 1992041021, Certified by City Council January 10, 1995, Resolution 285182.
12. Consistency with the density/intensity established by community plan, zoning action, or general plan: Yes. The project is consistent with and does not exceed the allowed development density or intensity within the Torrey Pines Community Plan industrial land use designation. The Final Program Environmental Impact Report for the Torrey Pines

Community Update, DEP No. 92-0126, SCH No. 92041021, was certified by the City Council on January 10, 1995, under Resolution 285182. Refer to Attachment B for a Torrey Pines Community Plan Land Use Consistency analysis.

**CONSISTENCY REVIEW:** (To be completed by Lead Agency)

In approving a project meeting the requirements of section 15183(b) and (f) of the CEQA Guidelines, the City of San Diego Development Services Department (DSD) made the following determinations:

- There are no significant environmental effects that are peculiar to the project or the parcel on which the project would be located;
- There are no significant environmental effects of the project that were not analyzed as significant effects in the EIR;
- There are no potentially significant off-site impacts or cumulative impacts which were not discussed in the EIR; and
- There are no previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.
- As applied to the project, uniformly applied development policies or standards would substantially mitigate the effect of the project on the environment.

In approving a project meeting the requirements of section 15183 of the CEQA Guidelines, the City of San Diego Development Services Department (DSD) finds:

- The project shall implement feasible mitigation measures.
- The project requires no mitigation measures.

Accordingly, consistent with section 15183(c), of the CEQA Guidelines, an additional EIR need not be prepared for the project because all impacts are either not peculiar to the parcel or to the project, have been addressed as a significant effect, or can be substantially mitigated by the imposition of uniformly applied development policies or standards.

\_\_\_\_\_  
Anne B. Jarque  
Senior Planner  
Development Services Department

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June 7, 2024  
Date of Final Report

Analyst: AJarque

Attachments: Figure 1: Project Location  
Figure 2: Aerial Photograph  
Figure 3: Site Plan  
Figure 4: Vegetation Communities and Sensitive Resources  
Figure 5: Flood Hazards  
Figure 6: Visual Renderings

Environmental/Project File (PRJ-1070661), Development Services Department  
June 7, 2024

Attachment A: Mitigation Monitoring and Reporting Program  
Attachment B: Effects Found Not to be Significant

## **EVALUATION OF ENVIRONMENTAL IMPACTS UNDER SECTION 15183 OF THE CEQA GUIDELINES:**

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is significant and unmitigated, potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for the project solely on the basis of that impact pursuant to section 15183 of the CEQA Guidelines. Answers of “Potentially Significant Impact” shall provide an explanation of whether the impacts:
  - a. Are peculiar to the project or the parcel on which the project would be located;
  - b. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
  - c. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action,
  - d. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR, or
  - e. Can be substantially mitigated by the imposition of uniformly applied development policies or standards.
4. “Less Than Significant With Mitigation Incorporated” applies where the incorporation of Mitigation Framework from the referenced EIR has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the Mitigation Framework as they appear in the EIR, and briefly explain how they reduce the effect to a less than significant level. In this case, a brief discussion should identify the following:

- a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by Mitigation Framework based on the earlier analysis.
  - c. Mitigation framework. For effects that are “Less Than Significant With Mitigation framework Incorporated”, describe the Mitigation Framework that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
5. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
6. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

## TRAFFIC AND CIRCULATION

Issue	Prior EIR Determination	Project Determination			
		Significant and Unavoidable (SU)	Less Than Significant with Mitigation Incorporated (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
Would the revisions in the Torrey Pines Community Plan Update:					
a) Result in an increase in projected traffic which is significant in relation to the capacity of the community's roadway system?	SU	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### EIR Analysis

The Torrey Pines CPU PEIR evaluated transportation-related impacts of the Community Plan and determined that implementation would result in direct, indirect, and cumulative impacts and, additionally, as future development occurs, implementation of the Plan would create incremental impacts at three community intersections. The EIR determined the Community Plan incorporates a mitigation framework consisting of goals and policies intended to relieve projected traffic congestion within the community, including improving public transit services especially to the employment areas, providing bikeway and pedestrian pathways, requiring Transportation Demand Strategies to be implemented within the industrial areas, and requiring specific roadway improvements to be implemented as partial mitigation for significant impacts to traffic and circulation. These roadway improvements have been subsequently constructed by other projects. The EIR concluded that implementation of the mitigation framework would partially reduce impacts to traffic and circulation but not below significance. The City adopted a Statement of Overriding Considerations (SOC) for significant unmitigated impacts.

### *Torrey Pines CPU EIR Mitigation Framework*

The Torrey Pines Community Plan Update specifies goals and policies intended to relieve projected traffic congestion within the community. These goals and policies include:

- Improve public transit service to the Torrey Pines Community and especially to the employment area of Sorrento Valley. Provide regular bus service, light rail transit and commuter rail to link the community with the regional transportation network.
- Provide bikeway and pedestrian paths that link all areas within the community, as well as linking Torrey Pines with surrounding communities and jurisdictions.
- Provide a bicycle/pedestrian pathway along the south side of Carmel Valley Road, which would meander along the lagoon with sitting areas and viewpoints into the lagoon.
- Provide improvements to the road network that will facilitate traffic circulation without negatively impacting adjacent open space areas and residential neighborhoods.
- Provide a safe and environmentally sensitive improvement of the Del Mar Terrace neighborhood streets.

- Require that Transportation Demand Management strategies be implemented within the Sorrento Valley industrial area. Provide bicycle racks/lockers, showers, and locker room facilities for employees who bike or walk to work.
- New commercial development shall be designed to accommodate the worst-case parking scenario unless well served by public transit. The use of on-street parking shall not be considered in calculating parking requirements.

### Project Analysis

A Local Mobility Analysis (LMA; Appendix B) was prepared for the project. The project is consistent with the allowed development density and intensity in the industrial land use designation of the Community Plan. The Torrey Pines CPU PEIR assumed industrial zoned land would have an intensity level that would generate 200 ADT per acre or 16 ADT/KSF, under the category of industrial/business park use in the City's Trip Generation Manual (City 2003). The project, which proposes a scientific research and development campus to replace an existing business park, would be expected to generate 8 ADT/KSF, per the City's Trip Generation Manual. Accordingly, the project does not propose a more intensive trip generation than what was analyzed in the Torrey Pines CPU PEIR.

Since the certification of the Torrey Pines CPU PEIR, the metric for determining significant transportation impacts has been LOS, but VMT is now the primary metric for determining significance of transportation impacts pursuant to Senate Bill (SB) 743, which became effective July 1, 2020. Additionally, since the certification of the PEIR and adoption of the Community Plan, the City of San Diego adopted a new threshold of significance for transportation VMT impacts under CEQA, and uniform development regulations referred to as the Mobility Choices Regulations (San Diego Municipal Code Section 143.1101), together with a Final Program Environmental Impact Report, SCH No. 2019060003 (City of San Diego 2020b). The Complete Communities: Housing Solutions and Mobility Choices PEIR found that implementation of the Mobility Choices Program and associated updates to the LDC to implement a new threshold for VMT impacts would not be associated with increases in per capita VMT. Rather, implementation of the Mobility Choices Program would support reductions in per capita VMT by either requiring the construction of, or funding for, transportation infrastructure and amenities within Mobility Zones 1 and 2 (e.g., Downtown or in a TPA) that would encourage non-vehicular travel. The Complete Communities: Housing Solutions and Mobility Choices PEIR found that implementation of the Mobility Choices program and the new significance threshold for transportation impacts, would result in VMT impacts for any new development that occurs in an area that generates resident VMT per capita or VMT per employee that is greater than 85 percent of the base year regional average, absent any mitigation. While the Mobility Choices Program regulations were intended to serve as mitigation to ensure an overall reduction in citywide VMT, the PEIR did not conclude that all potential VMT impacts would be fully mitigated because at a program level of analysis it could not be determined with certainty whether the improvements associated with program implementation would fully mitigate VMT impacts at the project level.

The Complete Communities CEQA Findings and SOC found the remaining significant and unmitigated impacts to be acceptable in light of a variety of overriding considerations generated by



the benefits<sup>1</sup> of developments that implemented the City's Mobility Choices program, including the following:

- \*They implement the goals and policies of the General Plan, Climate Action Plan, and Housing Strategies;
- \*They promote economic and employment growth;
- \*They promote the City's complete streets strategy;
- \*They promote pedestrian scale development strategies;
- \*They promote recreational and infrastructure opportunities; and
- \*They promote Climate Action Plan trip reduction strategies.

Pursuant to CEQA Guidelines 15150, the Complete Communities EIR analysis of VMT impacts relating to the program and the effect of improvements resulting from the Mobility Choices Regulations on the reduction of per employee VMT is incorporated herein by this reference.

Consistent with the Mobility Choices regulations and the City of San Diego Transportation Study Manual, a VMT Assessment was completed for the project (Appendix C). The VMT Assessment determined the project would have potentially significant transportation impacts based on the threshold of significance for transportation impacts adopted after certification of the EIR, but those impacts are mitigated by compliance with the uniformly applied Mobility Choices Regulations.

Specifically, as required in Mobility Choices Regulations, the project will provide at least 8 points of VMT reduction measures. Application of these uniformly applied development policies and standards would mitigate the project's transportation VMT impact to the extent feasible. As noted in the Mobility Choices Regulations, "[t]he purpose of the Mobility Choices Regulations is to reduce Citywide VMT to address the environmental impacts of development related to noise, air pollution, and greenhouse gas emissions, and to promote public health and enjoyment, by investing in active transportation infrastructure and amenities that will result in the greatest reductions to Citywide VMT." (San Diego Municipal Code [SDMC] 143.1101.) Table 1, *Mobility Choices VMT Reduction Measures*, below shows the project's VMT reduction measures totaling 8 points, which meets the minimum 8 points required by the Mobility Choices program regulations, thereby mitigating the project's VMT impacts to the extent feasible, but not to below a level of significance since they would not result in reducing the project's VMT impact to less than 85% of the regional average VMT.

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<sup>1</sup> The overriding considerations are described in more detail in Council Resolution 313279 (r-313279.pdf (sandiego.gov)).

**Table 1**  
**MOBILITY CHOICES VMT REDUCTION MEASURES**

Category	Measures	Points
<b>Pedestrian Measures</b>	The Owner/Permittee will install a pedestrian resting area/recreation node on-site, adjacent to the public pedestrian walkway along the northern edge of the project site. The resting area/recreation node will include signage designating the space as publicly available and will be maintained by the property owner.	2.5
<b>Bicycle Supportive Measures</b>	The project will provide short-term bicycle parking spaces that are available to the public, at least 10% beyond minimum requirements. The project is required to provide 36 short-term spaces and the project will provide 40 short-term spaces.	1.5
	The project will provide long-term bicycle parking spaces at least 10% beyond minimum requirements. The project is required to provide 36 long-term spaces and the project will provide 40 long-term spaces.	2
<b>Other Measures</b>	The Owner/Permittee will provide and maintain on-site multi-modal information kiosks.	2
<b>Total</b>		<b>8</b>

Source: LMA (Appendix B)

The LMA evaluates the potential effects of the proposed project on mobility, access, circulation and related safety elements in the study area and ensures that improvements triggered by the project are consistent with those identified in the Community Plan and are implemented when needed. The LMA identifies specific transportation improvements the project will construct, including on- and off-site improvements, active transportation (pedestrian and bicycle) improvements, including safety improvements, and transit improvements as required by the uniformly applied City of San Diego Street Design Manual and the CAP Checklist. Project frontage improvements are described in the project description above.

The project would remove all five existing driveways along Sorrento Valley Boulevard and create two new driveways, east and west, to serve the proposed project site. The location of the western driveway would remain unchanged in comparison to existing conditions, while the location of the eastern driveway would not coincide with any of the existing driveways. Both driveways would be full access, but the west driveway would serve employees and visitors and the east driveway would be restricted to truck and service access only. The east driveway would not provide access to the parking structure and would be signed as "Service Only".

The Torrey Pines CPU EIR identifies a mitigation framework intended to relieve traffic congestion within the community. Consistency with the applicable goals and polices are described in the Land Use Section of Attachment B. The project will also provide at least 8 points of VMT Reduction measures as required by the Mobility Choices Regulations, as required by the Complete Communities; Mobility Choices EIR.

The project would comply with the applicable goals and policies of the Torrey Pines CPU's mitigation framework for transportation impacts. The public transit service to the Torrey Pines Community is a program-level policy applicable to the City, not a project. The project is also not along Carmel Valley Road or the Del Mar Terrace neighborhood street. However, the project design features include

pedestrian paths and bike lanes along its frontage to link the site to surrounding communities. The project is conditioned to provide frontage improvements that will facilitate traffic circulation without negatively impacting adjacent open space areas or residential neighborhoods. Moreover, the project's compliance with the City's Mobility Choices Regulations summarized above implement the Torrey Pines CPU's Transportation Demand Management policies with regards to bike racks. Finally, the project area is served by public transit, complies with parking ratios, and does not rely upon on-street (off-site) parking when calculating its compliance with the parking requirements for the zone.

As noted above, the project is consistent with the allowed development density and intensity under the Community Plan and the requirements of the City of San Diego Land Development Code (LDC), which includes the Mobility Choices Regulation. As assured via the conditions of approval, applying the Mobility Choices regulations and compliance with the above uniformly applied development policies and standards would ensure the project would have no significant project-level or cumulative impacts to transportation more severe than those identified in the Torrey Pines CPU PEIR or the Complete Communities EIR, both of which concluded impacts would remain significant and unmitigated despite the application of feasible mitigation. The project would comply with the applicable goals and policies of the Torrey Pines CPU's mitigation framework for transportation impacts. Therefore, no further environmental analysis is required.

## AIR QUALITY

Issue	Prior EIR Determination	Project Determination			
		Significant and Unavoidable (SU)	Less Than Significant with Mitigation Incorporated (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
Would the Torrey Pines CPU:					
a) Would implementation of the proposed Community Plan reduce the ability of the San Diego Air Basin to meet federal and state clean air standards?	SU	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### EIR Analysis

The Torrey Pines CPU PEIR determined that implementation of the Community Plan would create direct and indirect impacts on the region's ability to attain federal and state air quality standards, primarily through increased motor vehicle emissions. As development occurs over time, the EIR determined emissions would incrementally affect air quality within the San Diego Air Basin (SDAB), resulting in cumulative impacts as well. The Torrey Pines CPU PEIR includes a specific mitigation framework consisting of transportation goals and recommendations to minimize direct and cumulative impacts to the region's air quality, including: provide a transportation system that maximizes the opportunities for public transit use; provide a system of bikeways and pedestrian facilities that encourage bicycling and walking as a means of transportation; provide a transportation system that provides convenient linkages to the community's activity centers and to the rest of the metropolitan region; recommend specific roadway improvements; expand mass transit including light rail transit, commuter rail and bus service; and implement TDM Program strategy studies. Additionally, the Torrey Pines CPU PEIR outlines specific roadway improvements to

lessen significant impacts to traffic/ circulation and air quality. The EIR concludes that implementation of these mitigation measures would partially reduce impacts to air quality but not to a level of below significance. The City adopted a SOC for significant unmitigated impacts.

#### *Torrey Pines CPU EIR Mitigation Measures*

The Torrey Pines Community Plan sets forth the following transportation goals and recommendations as they relate to the San Diego Air Pollution Control District's (SDAPCD) 1992 RAQS (SDAPCD 1992), to minimize direct and cumulative impacts to the region's air quality.

- Provide a transportation system that maximizes the opportunities for public transit use.
- Provide a system of bikeways and pedestrian facilities that will encourage bicycling and walking as means of transportation.
- Provide a transportation system that provides convenient linkages to the community's activity centers and to the rest of the metropolitan region.
- Recommend specific roadway improvements (see Traffic and Circulation section).
- Expand mass transit including the LRT, commuter rail, and bus service.
- Implement Transportation Demand Management Strategy studies.

#### Project Analysis

An Air Quality Technical Report from September 2023 (Appendix D) was prepared for the project to evaluate potential air quality emissions impacts resulting from project implementation. Per the City's thresholds for determining the significance of environmental impacts, a significant impact on air quality would result if the project would conflict with or obstruct implementation of the applicable air quality plan, violate air quality standards or contribute substantially to a violation, result in a cumulatively considerable net increase of any non-attainment criteria pollutant, expose sensitive receptors to substantial pollutant concentration, create objectionable odors affecting a substantial number of people, or release substantial quantities of air contaminants beyond the boundaries of the premises.

As stated in the Air Quality Technical Report, the SDAPCD and San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plans for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) in the SDAB. The current regional air quality plan for San Diego County is SDAPCD's 2020 Plan for Attaining the National Ambient Air Quality Standards for Ozone in San Diego County (Attainment Plan; SDAPCD 2020), which is a proposed revision to the State implementation Plan (SIP) required by the U.S. Environmental Protection Agency (USEPA) to demonstrate how standards will be achieved, maintained, and enforced. Projects which are consistent with the growth assumptions used in the Attainment Plan, and which do not result in criteria pollutant and precursor emissions in excess of the thresholds adopted by the City (described above), would not hinder the goal of the Attainment Plan to bring the SDAB into compliance with the NAAQS and CAAQS for the protection of public health. If a project proposes development that is greater than that anticipated in the General Plan and SANDAG's growth projections upon which the Attainment Plan is based, the project would conflict with the Attainment Plan and might have a potentially significant impact on air quality.

The project site is within the Torrey Pines Community Plan Area with a community plan designation of Industrial and zoning of IL-3-1, which authorizes “a mix of light industrial, office, and commercial uses” via the SDMC. The project does not propose a more intensive land use than what is allowed under the existing zone. The project would not result in an inconsistency or conflict with the Community Plan or the General Plan and would conform to applicable policies and standards of the Community Plan, General Plan and SDMC. Additionally, the project would comply with the applicable rules and regulations of the SDAPCD, CARB, and/or USEPA. As set forth in the Air Quality Technical Report, the project would not exceed the applied thresholds of significance during construction or operation for any criteria air pollutant.

According to the conclusions of the Air Quality Technical Report, emissions during both construction and operations would not exceed regional thresholds and would not violate an air quality standard or contribute to an existing or projected air quality violation. Therefore, emissions would not be cumulatively considerable, and impacts would be less than significant.

There would be no potential for a carbon monoxide hot spot or exposure of sensitive receptors to toxic air contaminants (TACs). The project would result in a less than significant impact regarding the potential to expose sensitive receptors to substantial pollutant concentrations (both criteria air pollutants and TACs).

The project would have less than significant effects related to other emissions (such as those leading to odors). Any odors emitted during construction would be temporary and intermittent, and the project would be required to comply with the SDAPCD Rule 51 which prohibits the discharge of odorous emissions that would create a public nuisance. Additionally, SDMC Section 142.0710 applies to the project and prohibits odors from emanating beyond the boundaries of the project. Impacts would be less than significant.

The project would have less than significant effects related to air contaminants beyond the boundaries of the premises upon which stationary sources are located. Operational emissions would not exceed SDAPCD thresholds. Additionally, SDMC Section 142.0710 applies to the project and prohibits air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located. Impacts would be less than significant.

The project would not result in an inconsistency or conflict with the Community Plan or the General Plan and would conform to applicable policies and standards of the Community Plan, General Plan and SDMC. The project also implements a TDM Program, consistent with the Torrey Pines CPU PEIR, as set forth in the CAP Consistency Checklist. Implementation of the project would be consistent with the allowed development density and intensity under the Community Plan and, as such, would not result in impacts to air quality more severe than those analyzed in the Torrey Pines CPU PEIR.

Much of the Torrey Pines CPU’s mitigation framework for air quality impacts includes program-level goals and policies described above. While the Torrey Pines CPU does not contain project-level mitigation measures necessitating a project level MMRP, the project is consistent with the goals and policies of the Torrey Pines CPU. The public transit service to the Torrey Pines Community and transportation systems to provide linkages to the community’s activity centers / metropolitan region

are program-level policies applicable to the City, not a project. However, the project design features include pedestrian paths and bike lanes along its frontage to link the site to surrounding communities. The project is conditioned to provide frontage improvements and intersection improvements that will facilitate traffic circulation. Moreover, the project's compliance with the City's Mobility Choices Regulations summarized above implement the Torrey Pines CPU's Transportation Demand Management policies.

Furthermore, the project would not result in a significant air quality impact with respect to construction-related emissions of ozone precursors or criteria air pollutants. The project would comply with all existing and new rules and regulations as they are implemented by the SDAPCD, CARB, and/or USEPA related to emissions generated during construction. The project would comply with the applicable goals and policies of the Torrey Pines CPU's mitigation framework for air quality impacts. Therefore, the project would not result in project-level or cumulative impacts from construction or operations emissions more severe than those identified in the Torrey Pines CPU PEIR.

## BIOLOGY

Issue	Prior EIR Determination	Project Determination			
		Significant and Unavoidable (SU)	Less Than Significant with Mitigation Incorporated (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
Would implementation of the proposed Plan:					
a) Result in a reduction of any unique, rare, endangered, sensitive, or fully protected species of plants or animals?	LTSM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in the interference with movement of any resident or migratory fish or wildlife species?	LTSM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in an impact to a sensitive habitat, including streamside vegetation, oak woodland, coastal salt marsh, lagoon, wetland, or coastal sage scrub or chaparral?	LTSM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### EIR Analysis

The Torrey Pines CPU PEIR states that a primary objective of the Community Plan is to focus on the preservation, restoration and enhancement of all open space systems which contain biologically sensitive resources. The EIR acknowledges that, although over 95 percent of the Community Plan area is developed, implementation of the Community Plan would result in development of approximately 60 more acres of industrial use. In order to minimize direct and indirect impacts to biological resources, the Community Plan sets forth a mitigation framework consisting of goals and recommendations including: prohibiting disturbance of biologically sensitive habitats without

approved mitigation plans; limiting public access in areas of environmentally sensitive habitats; requiring new development adjacent to and impacting biologically sensitive areas to be responsible for restoration and enhancement of that area; providing pedestrian linkages to connect open space areas and restricting landscaping of properties adjacent to open space systems to plant species naturally occurring in the area.

The Community Plan states that all new development within the coastal zone shall be designed to be consistent with multi-species and multi-habitat preservation goals and requirements as established in the statewide Natural Communities Conservation Planning Program and shall comply with the City of San Diego MSCP Interim Habitat Loss Permit Process or shall obtain an incidental take permit under Section 4d, Section 7 or Section 10a of the Endangered Species Act. The EIR concludes that, with implementation of the mitigation measures recommended in the Community Plan, together with future mitigation developed for site-specific projects, impacts to biological resources could be reduced to below a level of significance.

#### *Torrey Pines CPU EIR Mitigation Framework*

The Torrey Pines Community Plan sets forth the following goals and recommendations to minimize direct and indirect impacts to biological resources, potentially created through implementation of the proposed Plan.

- No filling, clearing, grubbing, or other disturbance of biologically sensitive habitats shall be permitted without approved mitigation plans.
- Coastal lagoons and estuaries that are designated and zoned open space shall remain undeveloped.
- Public access in areas of environmentally sensitive habitats shall be limited to low intensity recreational, scientific, or educational use. Access shall be controlled or confined to designated trails or paths, and no access shall be approved which results in , disruption of habitat.
- New development adjacent to and impacting biologically sensitive areas shall be responsible for the restoration and enhancement of that area. Construction or improvements of roadways in biologically sensitive areas or open space shall be designed to minimize or reduce encroachment impacts to the maximum extent feasible, especially in wetlands and wetland buffer areas. Protection of sensitive habitats through buffers, realignments and reduced development areas shall also be considered.
- Provide pedestrian linkages so that all open space areas will be connected. Preserve and enhance all open space and wildlife corridors, especially those linking Los Peñasquitos Lagoon with Torrey Pines State Reserve Extension and the Carroll Canyon Wetland/Wildlife Corridor.
- Where feasible, all Torrey Pine trees should be preserved and protected on public land.
- Landscaping of properties adjacent to all open space systems shall utilize plant species naturally occurring in the area, without the use of any invasive plant species.

The Torrey Pines Community Plan Update also outlines specific proposals as they relate to the protection and enhancement of San Dieguito Lagoon and River Valley, Crest Canyon, Torrey Pines State Reserve Extension, Los Peñasquitos Lagoon, and Carroll Canyon Wetland/Wildlife Corridor. These proposals include the following:

- The San Dieguito Lagoon should be enlarged to enhance plant and animal habitats, and to create a sufficient tidal range (prism) to ensure adequate water circulation and to keep the mouth of the river open.
- The existing Del Mar Fairgrounds and parking areas shall be enhanced with landscaping, and the sensitive habitat areas of San Dieguito Lagoon shall be buffered from fairground activity. Activities of the 22nd Agricultural District shall not encroach into open space areas.
- The neighborhood park portion of Crest Canyon shall have passive park uses on the 1.5+ acres of semi-level land adjacent to Del Mar Heights Road and Caseta Drive. The development should be limited to view points, benches, trail heads, information signs and decomposed granite trails except where disabled access is viable. The open space portion of the canyon shall be preserved, with limited public access.
- New development, both public and private, shall not encroach into or negatively impact the Torrey Pines State Reserve Extension. Future development shall provide for adequate buffer areas and adequate setbacks to avoid significant visual, erosion, or sediment impacts from construction. Setbacks also shall be provided to prevent the necessity of fire breaks being constructed on reserve property.
- Development of new public facility and utility projects that traverse or impact Los Peñasquitos Lagoon should either be rerouted out of the lagoon, or be designed to minimize or eliminate impacts. Mitigation for these projects should include restoration and enhancement of the lagoon.
- Any future improvements to the railroad, roads or utilities traversing Los Peñasquitos Lagoon shall be designed to enhance the health and ecological value of the lagoon, as recommended in the Los Peñasquitos Lagoon Enhancement Plan and Program. Plans for future removal or rerouting of the electrical utility lines that transect the lagoon shall be given high priority.
- The Los Peñasquitos Lagoon mouth shall be opened regularly to enhance the lagoon's health and ecological value. Any future changes in the design of the North Torrey Pines Road and bridge shall be designed such that the ecosystem of the lagoon is maintained and enhanced to the maximum extent feasible.
- Applicants for coastal development permits for projects located in the watershed of Los Peñasquitos Lagoon shall enter into an agreement with the City and the State Coastal Conservancy as a condition of development approval to pay a Los Peñasquitos watershed restoration and enhancement fee to the Los Peñasquitos Lagoon Enhancement Fund for the restoration of the lagoon and watershed.
- New development proposed adjacent to the Carroll Canyon Wetland/Wildlife Corridor shall not impair the functional capacity of the wetland, and shall provide added protection for all mature trees and other significant vegetation including the riparian habitat located in the concrete-lined channels.



## Project Analysis

Since certification of the Torrey Pines CPU PEIR, the City Council adopted updates to the Land Development Code (City 2018), including Environmentally Sensitive Lands (ESL) regulations (City 2022), and related Land Development Manual upon certification of final Environmental Impact Report No. 96-0333/ SCH No. 96081056 and Addendum No. 96-7897 by Resolution 289458 on November 18, 1997. The ESL regulations implement the Multiple Species Conservation Program (MSCP) Subarea Plan and replaced the previously existing Resource Protection regulations. The EIR for the LDC update analyzes the potential impacts to existing on-the-ground conditions (ground-to-plan) and not a comparison between existing regulations and effects of implementation of the proposed regulations (plan-to-plan). The EIR for the LDC update sets forth the Common Environmental Goals and Policies contained in almost all community plans, in addition to specific recommendations and goals of several community plans, including the Torrey Pines Community Plan, designed to reflect the unique issues and concerns pertinent to that individual community. The LDC update analyzed in the EIR also includes Biology Guidelines for development in the MHPA requiring avoidance of impact-producing activities within specified distances of nesting sites of certain raptors, consistent with the Land Use Adjacency Guidelines (LUAGs) for properties located adjacent to the MHPA pursuant to the MSCP Subarea Plan. The LDC update analyzed in the EIR states that the ESL regulations and the accompanying Biology Guidelines serve as standards for the determination of impacts and mitigation under CEQA. The Biology Guidelines further require a biological survey report for all proposed development subject to the ESL regulations.

A Biological Technical Report (BTR) dated September 2023 (Appendix E) was prepared for the project in accordance with the Biology Guidelines and concluded the project would not result in any significant direct impacts to biological resources but has potential significant indirect impacts to light-footed Ridgway's rail and least Bell's vireo. A portion of the MHPA intersects with the existing development. The proposed project includes a MHPA Boundary Line Correction to remove the MHPA from the legally permitted developed areas. With the BLC, the project footprint would not encroach into or impact the MHPA.

The BTR sets forth MHPA LUAGs compliance measures to be implemented as conditions of project approval to address the project's potential significant indirect impacts to biological resources. Implementation of uniformly applied development policies under the ESL regulations and Biology Guidelines would substantially mitigate the impact on biological resources. The project specific enhancement and restoration activities provided by the project within the proposed 100-foot wetland buffer area and the mitigation and avoidance measures in the BTR are consistent with the Torrey Pines CPU EIR impact conclusions and mitigation framework. Therefore, with implementation of uniformly applied development policies and proposed mitigation the project would have no significant impacts to biological resources more severe than those identified in the Torrey Pines CPU PEIR. A discussion of potential project impacts and compliance with the LUAGs is provided below.

## Vegetation Communities and Land Cover Types

The proposed project would result in impacts to less than 0.1 acre of non-native vegetation and 5.6 acres of developed area (Table 2, *Impacts to Vegetation Communities*; Figure 4, *Vegetation Communities and Sensitive Resources*). No impacts to sensitive vegetation communities are proposed. Approximately 0.2 acre of impacts to developed lands within MHPA are proposed as a condition of approval for property development. These proposed off-site improvements include the removal of

existing asphalt on City owned lands. While the area is mapped as being within the MHPA, no sensitive upland or wetland vegetation occurs within this off-site asphalt removal area. The off-site improvement area will be revegetated consistent with the City's Landscape Standards and subject to the 120-day plant establishment period and 25-month maintenance and monitoring requirements (City 2016). Revegetation will consist of native, noninvasive species compatible with the adjacent wetland buffer. The remaining 0.4 acre of developed lands and less than 0.1 acre of non-native vegetation within the MHPA will be removed from the MHPA following the MHPA BLC.

**Table 2  
IMPACTS TO VEGETATION COMMUNITIES**

Vegetation Community/ Land Cover Type	Habitat Tier	Existing (acre) <sup>1</sup>		Impacts (acre) <sup>1</sup>		Remaining (acre) <sup>1</sup>
		Outside MHPA	Within MHPA	Outside MHPA	Within MHPA	
<b>Sensitive Wetland/Riparian Habitat</b>						
Southern Riparian Forest (61300)	Wetland	--	1.83	--	--	1.83
<b>Sensitive Wetland/Riparian Habitat Total</b>		<b>--</b>	<b>1.83</b>	<b>--</b>	<b>--</b>	<b>--</b>
<b>Non-sensitive Upland Habitat</b>						
Non-Native Vegetation (11000)	IV	<0.1	<0.1	<0.1	--	<0.1
Developed (12000)	IV	8.6	0.6	5.4	0.2	3.6
<b>Non-Sensitive Upland Habitat Total</b>		<b>8.6</b>	<b>0.6</b>	<b>5.4</b>	<b>0.2</b>	<b>3.6</b>
<b>Total</b>		<b>8.6</b>	<b>2.43</b>	<b>5.4</b>	<b>0.2</b>	<b>5.43</b>

Source: BTR (Appendix E)

<sup>1</sup> Existing acreage represents the study area. Acreages rounded to the nearest 0.1-acre; total reflects rounding.

Implementation of the proposed project would not result in direct permanent or temporary impacts to rare upland or wetland vegetation communities. The proposed project would result in the redevelopment of 5.6 acres of Tier IV non-sensitive upland habitat (see Table 2). Permanent impacts would occur to these areas, which are considered by the SDMC, LDC–Biology Guidelines (City of San Diego 2018) to be Tier IV land covers that do not require mitigation because they do not have significant habitat value.

There are no direct impacts to Los Peñasquitos Creek or Los Peñasquitos Lagoon, and the project would remove existing pavement to implement a 100-foot wetland buffer. Improvements within the buffer would consist of revegetation with native landscaping, fencing along the northern boundary to deter public access into the MHPA, and trails located outside of the MHPA. As a result, the project would improve protection of Los Peñasquitos Creek over existing conditions.

As noted above, the project is consistent with the allowed development density and intensity under the Community Plan and the requirements of the City of San Diego LDC and Land Development Manual, which includes the ESL Regulations, MSCP, Biological Guidelines and MHPA LUAGs. As assured via the conditions of approval and/or City code enforcement, with compliance with the above uniformly applicable development policies and standards, which would substantially mitigate the project's impacts, the project would have no significant impacts to biological resources more severe than those identified in the Torrey Pines CPU EIR.

### Impacts to Jurisdictional Resources

Currently, no wetland buffer exists between the property development and Los Peñasquitos Creek, and untreated stormwater currently drains directly into Los Peñasquitos Creek and associated riparian habitat. The project would remove existing asphalt and development and implement a 100-foot wetland buffer along the northern boundary of the property to ensure the functions and values of the adjacent Los Peñasquitos Creek, a water and wetland resource. The proposed project would also implement several biofiltration basins for stormwater treatment prior to outlet into existing stormwater swales and pipes. Biofiltration basins would conform with current stormwater standards and would greatly improve the water quality of Los Peñasquitos Creek adjacent to and downstream of the project site. The stormwater conveyance and spillway would reduce erosion and sediment transport, also improving the water quality of Los Peñasquitos Creek adjacent to and downstream of the project site. The proposed project would not have any direct or indirect effect on any wetland or jurisdictional aquatic habitat.

### Direct Impacts to Special-Status Plants

No special status plant species were observed during project surveys; however, San Diego marsh elder has a high potential to occur within the study area in Los Peñasquitos Creek. San Diego marsh elder has been documented within the project vicinity in Los Peñasquitos Creek, but the entire project site is developed, and no impacts to Los Peñasquitos Creek or the associated riparian habitat are proposed. Furthermore, San Diego marsh elder was not observed during project surveys. The Torrey Pines CPU EIR has a mitigation measure regarding the protection of Torrey Pines; however, no Torrey Pines exist on the project site, and this mitigation measure would not be feasible regardless because the site is not public land. No impacts to special-status plant species would occur.

### Direct Impacts to Special-Status Wildlife

No special status animal species were detected within the project site during project surveys. However, the six special status animal species with a moderate to high potential to occur immediately north of the project site within Los Peñasquitos Creek are the light-footed Ridgway's rail, least Bell's vireo, San Diego tiger whiptail, Cooper's hawk, northern harrier, and western red bat. Suitable habitat for light-footed Ridgway's rail, least Bell's vireo, San Diego tiger whiptail, and western red bat is not proposed to be directly impacted by the project, and no significant direct impacts to these special status wildlife would occur. Potential indirect impacts to these species are further discussed below.

However, the project has the potential to impact Cooper's hawk and northern harrier if there are active nests within or adjacent to the site. The project would be required to implement standard protection requirements for the species (pre-construction nest surveys and construction setbacks from any active nests) as described in Attachment A.

### Wildlife Corridors and Habitat Linkages

Although the site is developed, most of the project is located within an MSCP Core Linkage Area that was broadly defined in 1997 as part of the MSCP. Wildlife habitat within the corridor/linkage is found north of the project site within Los Peñasquitos Creek. The project does not propose impacts to

native habitat or areas suitable for wildlife movement or breeding. The project would not sever connectivity between any blocks of contiguous habitat and would not impede the movement of any native, resident, or migratory fish or wildlife species; interfere with established native, resident, or migratory wildlife corridors, including linkages identified in the City's MSCP Subarea Plan; and would not impede the use of native wildlife nursery sites. Furthermore, the implementation of barriers (i.e., fences and walls) would not hinder wildlife movement within and adjacent to the site. During construction, noise and disturbance from equipment may temporarily result in wildlife avoiding native habitats directly adjacent to the footprint; however, there is substantial native habitat to the east of the site, and project construction would not interfere with the overall use of the movement corridor. Therefore, project impacts to wildlife movement and nursery sites would be considered less than significant.

### Indirect Impacts

As explained in the BTR, the LUAGs include the following issue areas: (1) drainage; (2) toxins; (3) lighting; (4) noise; (5) barriers to incursion; (6) invasive non-native species; (7) brush management; and (8) grading/land development.

The project includes the creation of several biofiltration basins to capture stormwater runoff from the site and a stormwater conveyance to capture overflow stormwater during rain events for flood control. The stormwater conveyance would act as a transition zone from the upsized 36-inch stormwater pipe to the existing 21-inch stormwater pipe which outfalls into Los Peñasquitos Creek. The proposed project also includes the creation of a 100-foot wetland buffer where none exists today. Appropriate best management practices would be utilized during construction and restoration to avoid impacts to Los Peñasquitos Creek. No materials used in the construction of the project will be toxic, and all fueling, repair, and maintenance of construction equipment will take place outside of aquatic resources and the MHPA.

The proposed project does not include land uses that would utilize chemicals or byproducts potentially toxic or harmful to wildlife, habitat, or water quality.

The proposed project consists of new research buildings with exterior lights for safety. Exterior lighting will be designed to shield the MHPA and sensitive species from night lighting. Project construction is expected to occur during daylight hours. Should construction lighting be necessary, lighting would be directed away from the MHPA and, if necessary, adequately shielded to protect the MHPA and sensitive species from night lighting.

Barriers to incursions, such as fences, will also be utilized along the northern boundary of the project to deter and redirect public access away from the MHPA. The proposed project is a research facility; therefore, indirect impacts from domestic animal incursion and predation are not anticipated within the MHPA.

Portions of the proposed project where habitable premises are located within 100 feet of a structure and contain native or naturalized vegetation are subject to brush management that could result in indirect impacts to wildlife. No brush management is required in locations where habitable premises are located more than 100 feet from native or naturalized vegetation as discussed in the City Brush Management Regulations (SDMC Section 142.0412). Due to the need for a 100-foot wetland buffer, all structures are at least 100 feet south of native or naturalized vegetation, and no brush

management is required; however, the wetland buffer will be maintained consistent with Zone 2 requirements.

All manufactured slopes associated with the project development will be included in the project footprint. The project also includes the removal of asphalt within City-owned lands. No grading or slope manufacturing is proposed or anticipated as a result of the off-site asphalt removal; therefore, the asphalt removal would be consistent with MHPA LUAGs and general management directives that would remove intrusions into the MHPA and avoid indirect impacts associated with project construction and operation.

During construction, the project could result in indirect impacts to light-footed Ridgway's rail, least Bell's vireo, San Diego tiger whiptail, Cooper's hawk, northern harrier, and western red bat. Specifically, wildlife may be indirectly affected in the short-term by construction-related noise, which can disrupt normal activities and subject wildlife to higher predation risks. Adverse edge effects can also cause degradation of habitat quality through the invasion of pest species. Breeding birds can be significantly affected by short-term construction-related noise, which can result in the disruption of foraging, nesting, and reproductive activities.

Significant indirect impacts to breeding birds may also occur if construction activities produce noise or other types of disturbance in proximity to active nests, potentially resulting in abandonment of nests or other breeding failure. The City's Biology Guidelines provide necessary widths for active nest buffers and breeding season dates for covered species, including raptors (City of San Diego 2018). The light-footed Ridgway's rail and least Bell's vireo could be significantly impacted if indirect impacts occur during the nesting season (March 1 through August 15 for light-footed Ridgway's rail; March 15 through September 15 for least Bell's vireo).

However, impacts to these species and other nesting birds would be avoided through standard construction measures such as noise attenuation, noise monitoring, and biological monitoring during construction. Specifically, the LUAGs prohibit construction between March 1 and August 15, the breeding season of the light-footed Ridgway's rail, until a Qualified Biologist surveys those habitat areas within suitable habitat that would be subject to construction noise levels exceeding 60 dB(A). If rails are present, no clearing, grubbing, or grading of occupied rail habitat shall be permitted during breeding season. Additionally, noise monitoring and attenuation shall be conducted to ensure that no construction activities occur that would exceed 60 dB(A) at the edge of occupied rail habitat. If no rails are detected during initial surveys, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary during breeding season. If the evidence suggests that the presence of rails is likely, the project should proceed as if rails were detected and implement the practices stated above. The same requirements apply during the breeding season (March 15 through September 15) for least Bell's vireo.

As an additional requirement for noise attenuation, the project applicant shall demonstrate compliance with the LUAGs by providing evidence to the City that testing of proposed generators would not result in noise levels exceeding 60 dBA  $L_{EQ}$  at the MHPA boundary. It is anticipated that a typical Level 1 sound enclosure installed with the proposed generators would sufficiently attenuate noise levels during generator testing. Other noise attenuating equipment and/or acoustical shielding may be incorporated into the project design to provide compliance with the uniformly applied noise limit and demonstrate such compliance to the City. Other standard noise attenuating features may

include, but not be limited to, noise walls, noise control enclosures, and/or noise absorbing paneling around the generator. Impacts would be less than significant.

With implementation of these measures, including biological monitoring and avoidance, indirect impacts to special status wildlife and nesting and breeding birds would be less than significant. Therefore, with implementation of the measures described in Attachment A, the project would have no impacts to biological resources more severe than those identified in the Torrey Pines CPU. Additionally, the project would not conflict with the Torrey Pines CPU EIR Mitigation Framework. The project's landscape plan follows the City's uniformly applicable development standards in the City's landscape ordinance and MHPA LUAGs and does not introduce invasive plant species adjacent to the open space. The project's design implements pedestrian linkages outside of the MHPA as part of the community trail system connecting City open space areas. The remaining policies have all been fulfilled through the City's adoption of the ESL regulations and the project complies with all the uniformly applicable development standards in the ESL regulations. Regarding specific natural resource areas, the project is not in or adjacent to the San Dieguito Lagoon and River Valley, Crest Canyon, Torrey Pines State Reserve Extension, Los Peñasquitos Lagoon, or Carroll Canyon Wetland/Wildlife Corridor, so these policies are inapplicable to the project.

It is also recommended within the Torrey Pines CPU EIR that for development projects on private land requiring discretionary permits, and which involve the removal of Torrey Pine trees, the project applicant shall be required to replace the pine trees on the project site at a suitable ratio and in accordance with the City's Landscape Technical Manual. Torrey Pine trees which must be removed from public or private land when threatening the health and safety of residents, shall also be replaced at a suitable ratio. The project site does not contain Torrey Pine trees, so this does not apply to the proposed project.

Moreover, it is recommended that as conditions attached to issuance of a Coastal Development Permit (CDP) and Planned Industrial Development Permit (PID) for industrial development in Sorrento Valley, within the Carmel Mountain Road/I-5 wildlife corridor, that sufficient buffer area be provided on-site to remain undeveloped and/or unencumbered to allow the passage of wildlife through this wildlife corridor.

As noted above, the project is consistent with the allowed development density and intensity under the Community Plan and the requirements of the City of San Diego LDC and Land Development Manual, which include the ESL Regulations, MSCP, Biological Guidelines and MHPA LUAGs. The project would comply with the applicable goals and policies of the Torrey Pines CPU's mitigation framework for biological impacts. As assured via the conditions of approval and/or City code enforcement, compliance with these uniformly applied development policies and standards, would ensure the project would have no significant project-level or cumulative impacts to biological resources more severe than those identified in the Torrey Pines CPU PEIR.

## HYDROLOGY AND WATER QUALITY

Issue	Prior EIR Determination	Project Determination			
		Significant and Unavoidable (SU)	Less Than Significant with Mitigation Incorporated (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
Would the proposed Community Plan:					
a) Result in changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	LTSM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in discharge into surface or ground waters significant amounts of pesticides, herbicides, fertilizers, gas, oil, or other noxious chemicals?	LTSM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or the beach of the ocean or any lagoon?	LTSM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### EIR Analysis

The Torrey Pines CPU PEIR determined that development within the Community Plan area could result in direct, indirect, and cumulative impacts to the natural hydrology and water quality in Torrey Pines and in downstream areas. The EIR recommended specific mitigation measures throughout the Community Plan area to minimize or avoid impacts associated with hydrology and water quality within the Community Plan area including a requirement that permit conditions incorporate the findings and recommendations of a site-specific and coastal watershed hydrologic study to ensure that there will be no increase in the peak runoff rate from the fully developed site and no significant increases or contributions to downstream bank erosion and sedimentation, including wetlands, lagoons and other environmentally sensitive habitat areas.

### *Torrey Pines CPU EIR Mitigation Framework*

The following are specific mitigation measures recommended throughout the Community Plan to minimize or avoid impacts associated with the hydrology and water quality within the community planning area:

- Development adjacent to the San Dieguito Lagoon should be designed to avoid sedimentation, erosion or other potential impacts which could degrade the quality of the water resources. All development shall minimize grading during the rainy season, install sediment basins and/or energy dissipating structures, and ensure revegetation and stabilization of slopes before the onset of the rainy season.

- Within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures shall be allowed only if such development does not require the construction of offsite flood protective works.
- As a condition of the Coastal Development Permit (CDP) and/or Planned Industrial Development Permit (PID), development design shall incorporate the findings and recommendations of both a site-specific and coastal watershed hydrologic study to ensure that there will be no increase in the peak runoff rate from the fully developed site and no significant increases or contributions to downstream bank erosion and sedimentation, including wetlands, lagoons, and other environmentally sensitive habitat areas.
- Future development adjacent to the Torrey Pines State Reserve Extension shall provide for adequate buffer areas, setbacks, and appropriate landscape screening to avoid significant erosion or sediment impacts from construction.
- The Los Peñasquitos Lagoon mouth shall be opened regularly (or as recommended in the Los Peñasquitos Lagoon Enhancement Plan and Program) to enhance the health and ecological value of the lagoon.
- Erosion and siltation control measures shall be required for all developments proposed within the total watershed of Los Peñasquitos Lagoon. Any future changes in the design of the North Torrey Pines Road and bridge shall be designed such that the ecosystem of the lagoon is maintained and enhanced.
- Applicants for coastal development permits for projects located in the watershed of Los Peñasquitos Lagoon shall, in addition to meeting all other requirements, enter into an agreement with the City of San Diego and the State Coastal Conservancy as a condition of development approval to pay a Los Peñasquitos watershed restoration and enhancement fee to the Los Peñasquitos Lagoon Enhancement Fund for restoration of the lagoon and watershed.
- New development adjacent to the Carroll Canyon Wetland/Wildlife Corridor shall not contribute to increased sediment loading of the wetland, disturbance of its habitat values or impair the functional capacity of the wetland.
- Within the 100-year floodplain fringe of Sorrento Valley, fill for roads, public improvements, or other permanent structures will only be allowed if it can be shown that: increased erodible flood flow velocities will not occur without appropriate mitigation; areas to be filled do not create unplanned detention/siltation; increases in post construction runoff and sediment above the ten-year storm frequency preconstruction condition will be mitigated; and appropriate upstream national pollution discharge elimination system criteria will be implemented to maintain the water quality of the downstream wetlands.
- In the construction of new single-family residential projects, all required landscaping shall be installed prior to the issuance of an occupancy permit; natural runoff control measures should direct runoff toward the street and not toward open space areas; and shall eliminate erosion and siltation of biologically sensitive areas.
- Runoff and pollution control measures shall be installed and maintained by the property owner in all commercial developments. Increased flood flow velocities shall not occur within commercial development.



According to the Local Coastal Program (LCP) policies portion of the proposed Plan Update, runoff controls shall be accomplished by establishing on-site, or at suitable nearby locations, catchment basins, detention basins, and siltation traps along with energy dissipating measures at the terminus of storm drains, or other similar means of equal or greater effectiveness. It is also stipulated within the LCP that sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operation of a project and maintained through the development process. Areas disturbed but not completed prior to November 15th of each year, including graded pads and stockpiles, shall be suitably prepared to prevent soil loss during the late fall and winter seasons. All graded slopes shall be stabilized prior to November 15th by means of native vegetation, if feasible, or by other suitable means. Temporary erosion control measures shall include the use of berms, interceptor ditches, sandbagging, filtered inlets, debris basins, silt traps, or other means of equal or greater effectiveness. The LCP policies are implemented through compliance with the City's uniformly applicable development standards, including the City of San Diego Stormwater Regulations (City of San Diego 2023).

### Project Analysis

According to the project's SWQMP (Appendix F), the site is currently entirely within a FEMA Zone AE Special Flood Hazard Area due to the existing elevations of the site and the existing conditions of the adjacent Los Peñasquitos Creek channel (Figure 5, *Flood Hazards*). The project redevelopment will include importing fill and raising the grade such that the future building finished flood elevations will be higher than the 100-year water surface elevations. The finalized project footprint would be primarily outside of the effective regulatory floodway in accordance with City and FEMA regulations, except for a strip of proposed landscaping areas along the northern boundary of the project site within the 100-foot wetland buffer. As a result, the proposed project would not result in significant adverse impacts and would actually benefit and improve upon the existing floodplain conditions of the site.

The project is consistent with the development density and intensity allowed in the Community Plan, industrial land use designation and all applicable policies of the Community Plan, and therefore would not result in impacts to hydrology or water quality more severe than those identified in the EIR. Untreated stormwater currently drains directly into Los Peñasquitos Creek and associated riparian habitat. The proposed project would implement stormwater treatment and drainage improvements. These project components would not result in a significant adverse impact to water quality or erosion and would actually be an improvement over existing site conditions. Additionally, in accordance with Local Coastal Program (LCP) policies of the Community Plan, runoff controls shall be accomplished by establishing on-site or at suitable nearby locations, catchment basins, detention basins and siltation traps along with energy dissipating measures at the terminus of storm drains or other similar means of equal or greater effectiveness. Sediment basins shall be installed in conjunction with the initial grading operation of a project and maintained through the development process. Grading and erosion control measures are also required. The project would be consistent with uniformly applied City of San Diego Stormwater Regulations (City of San Diego 2023) as set forth in the project Stormwater Requirements Applicability Checklist, the application of which will substantially mitigate the project's impacts on hydrology and water quality. Additionally, hydrology and water quality mitigation measures from the Torrey Pines CPU EIR either are not applicable to the project or are implemented through the project's compliance with the uniformly applicable City and FEMA development standards, including the City of San Diego Stormwater Regulations. As

assured via the conditions of approval and/or City code enforcement, with consistency with the Community Plan and uniformly applied development policies and standards, the project will have no project-specific or cumulative impacts to hydrology and water quality more severe than those identified in the Torrey Pines CPU PEIR.

## VISUAL QUALITY

Issue	Prior EIR Determination	Project Determination			
		Significant and Unavoidable (SU)	Less Than Significant with Mitigation Incorporated (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
Would implementation of the proposed Community Plan:					
a) Result in the obstruction of any vista or scenic view from a public viewing area?	LTSM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in building bulk, scale, materials, or style which will be incompatible with the surrounding development?	LTSM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impact upon the neighborhood character of the Torrey Pines Community?	LTSM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### EIR Analysis

The Torrey Pines CPU PEIR determined implementation of the Community Plan, particularly industrial development, could result in direct and indirect impacts to the visual quality of Torrey Pines and industrial development could visually intrude upon the Carroll Canyon Wetland/ Wildlife Corridor open space system. The Community Plan outlined a mitigation framework consisting of a comprehensive set of design guidelines to mitigate potential impacts to visual quality. The EIR concluded that implementation of the mitigation measures recommended within the Community Plan, together with those to be developed specifically for future site-specific projects, would lower impacts to visual quality below a level of significance.

#### *Torrey Pines CPU EIR Mitigation Framework*

A comprehensive set of design guidelines to mitigate potential impacts to visual quality within Torrey Pines were incorporated as policies in the Community Plan Update. These guidelines/mitigation measures include:

- Development adjacent to the San Dieguito Lagoon and River Valley shall be low-profile and screened from view by landscaped buffers.
- The design of dwelling units adjacent to the Torrey Pines State Reserve Extension and Crest Canyon shall provide adequate buffer areas and stress a blending of architecture with the natural terrain. Architectural shapes, bulk, materials, and landscaping should be carefully chosen to respect the physical constraints of the land.

- Landscaping of properties adjacent to natural areas shall use plant species naturally occurring in those areas, without the use of invasive species. New residential development within the Torrey Pines Community should continue to incorporate a wide variety of architectural styles, colors and building materials. All new single-family development shall be considered compatible with the Plan in terms of bulk and scale if they are consistent with development regulations (height, setbacks, FAR) of the underlying zone. Variances for height, setbacks or FAR shall not be permitted.
- New industrial development adjacent to the Carroll Canyon Wetland/Wildlife Corridor shall submit a pedestrian/bicycle pathway plan consistent with the community-wide pathway system. The pathway should be identified through special, natural-appearing design materials. These developments should provide outdoor seating/eating areas for employees, as well as bicycle lockers/racks.
- Power distribution lines along Sorrento Valley Road shall be relocated underground where feasible and rerouted out of Los Peñasquitos Lagoon.
- The rear portions of commercial development that face residential areas should be designed (use of heavy landscaping, design elements, etc.) to mimic the continuation of a residential neighborhood. Only low pressure exterior lighting shall be permitted in commercial areas with shielded (downward directed) sharp-cutoff fixtures.
- As conditions attached to issuance of the Coastal Development Permit (CDP) and/or Planned Industrial Development Permit (PID) for industrial development, the project's mechanical equipment, outdoor storage and appurtenances shall be screened and designed as integral parts of the overall building design. Fences, walls, grillwork, etc. should be of similar material and color as the main building.
- All building projects adjacent to the Carroll Canyon Wetland/Wildlife Corridor shall implement a revegetation/enhancement plan to enhance the habitat and aesthetic values of the creek area.
- Where feasible, provided additional landscaped islands within Sorrento Valley Road and Sorrento Valley Boulevard. A landscaped center median should be provided along Del Mar Heights Road. Torrey Pine trees should be planted in roadways and other landscaped areas.
- Significant scenic resource areas including San Dieguito River Regional Open Space Park, Crest Canyon, Torrey Pines State Reserve Extension, Los Peñasquitos Lagoon, and the Carroll Canyon Wetland/Wildlife Corridor have been designated and rezoned to open space.
- Three road segments possessing dramatic vistas are recommended for a Scenic Route designation including North Torrey Pines Road, Carmel Valley Road, and Sorrento Valley Road.

The guidelines listed above incorporate the recommendations and development criteria of the North City Local Coastal Program Land Use Plan (LCP), which was adopted by the San Diego City Council in March 1981. The LCP was adopted to comply with the California Coastal Act of 1976, which established a coastal zone boundary within which certain planning and development requirements must be met in order to protect and enhance California's coastal resources. More specific and detailed supplemental coastal development policies not contained within the main body of the Torrey Pines CPU can be found in Appendix E of the Torrey Pines CPU; these policies apply to

all development within the coastal zone and take precedence over any policies contained elsewhere in the Torrey Pines CPU that may conflict with the coastal development policies.

### Project Analysis

The proposed project would replace seven existing and antiquated industrial buildings through the redevelopment of the site with a single life science building (approximately 300,000 square-feet), a parking structure, and a series of campus amenities, while also reducing the footprint of the impervious surfaces at the site from 88 percent to 44 percent. The project would include modern architecture and building treatments that complement the surrounding visual environment. In addition, the project does not request or propose any deviations to height or setbacks requirements set forth in the underlying IL-3-1 zoning regulations that could result in a potential bulk and scale issue with the surrounding character. Although the Torrey Pines Community Plan and Local Coastal Program (as well as the adjacent Mira Mesa Community Plan and Local Coastal Program) include specific policies that recommend preservation and enhancement of views and viewsheds of environmentally sensitive habitat areas, neither plan identify or designate any visual corridors, viewsheds or view points across the project site.

As recommended by the Torrey Pines Community Planning Group, visual simulations of the project were prepared as viewed from the public trail on the north side of Los Peñasquitos Creek (Figure 6, *Visual Renderings*). The visual simulations illustrate the project would be consistent with the Light Industrial zoning regulations and the Industrial Development Design Guidelines in the Torrey Pines Community Plan Industrial Element. Specifically, the project would preserve and enhance the environmental quality and health of the corridor by providing a publicly accessible pathway in a newly created 100-foot wetland buffer; creating a park-like setting between the structures and Los Peñasquitos Creek for employees and visitors; landscaping to screen structures and blend with adjacent native riparian habitat; and providing right-of-way improvements to implement the community roadway classifications and bike lanes.

The site is also adjacent to the Multiple Species Conservation Program (MSCP) Subarea Plan Multi-Habitat Planning Area (MHPA). The project would be consistent with applicable land use policies and regulations that address development adjacent to the Los Peñasquitos Creek, Los Peñasquitos Canyon Preserve and the slopes north of the creek; as well as complies with and implements the MHPA LUAGs. Additionally, development of the project would be consistent with San Diego Landscape Regulations set forth in Chapter 14, Article 2, Division 4 of the Municipal Code and Landscape Standards set forth in the City of San Diego Land Development Manual.

To specifically address consistency with the design guidelines/mitigation measures identified in the Torrey Pines Community Plan and Torrey Pines CPU EIR Mitigation Framework, the project is not in or adjacent to the San Dieguito Lagoon, Crest Canyon, Torrey Pines State Reserve Extension, Los Peñasquitos Lagoon, or Carroll Canyon Wetland/Wildlife Corridor; therefore, the Torrey Pines CPU policies related to these resources are not applicable to the project. Furthermore, the project's landscape plan follows the City's uniformly applicable development standards in the City's landscape ordinance and MHPA LUAGs prohibit the introduction of invasive plant species adjacent to the open space. The project site contains no above ground power distribution lines along Sorrento Valley Road. The site plan shows the project's mechanical equipment, outdoor storage and appurtenances are screened and designed as integral parts of the overall building design. Fences, walls, grillwork, etc. are of similar material and color as the main building. Additional landscaped islands within

Sorrento Valley Boulevard are included in the median fronting the project. As shown in Figure 6, the project would be a noticeable feature in the landscape, but would implement measures to reduce the visual impact of the project, such as the addition of native vegetation adjacent to Los Peñasquitos Creek. Additionally, the project would remove existing pavement to implement a 100-foot wetland buffer. The buffered area would be revegetated with native vegetation to provide a seamless transition between Los Peñasquitos Creek and the project's native landscaping.

The project's design implements pedestrian linkages as part of the community trail system connecting City open space areas. In accordance with the Torrey Pines CPU EIR goals regarding traffic and circulation, the project would provide improvements to the road network that will facilitate traffic circulation without negatively impacting adjacent open space areas and residential neighborhoods. The remaining policies have all been fulfilled through the City's adoption of the ESL regulations and the project complies with all the uniformly applicable development standards of the project's zoning and in the ESL regulations.

Moreover, the project avoids significant impacts from light and glare because it is required to comply with Chapter 12, Article 2, Division 7 of the Municipal Code regarding Off-Site Development Impact Regulations. Per SDMC Section 142.0701, the purpose of these regulations is to provide standards for air contaminants, noise, electrical/radioactivity disturbance, glare, and lighting to minimize negative impacts from development to surrounding property. Per SDMC Section 142.0705, these regulations apply to all development that produces air contaminants, noise, electrical/radioactivity disturbance, glare, or lighting in any zone, whether or not a permit or other approval is required for the use. Specifically, the project is required to comply with the glare regulations of SDMC Section 142.0730 and the outdoor lighting regulations of Section 142.0740. Exterior lighting would be designed to shield the MHPA and sensitive species from night lighting, and project construction is anticipated to occur during daylight hours. Should nighttime construction lighting be necessary, lighting would be directed away from the MHPA and shielded if needed.

The project would be consistent with the project site's Light Industrial zoning regulations and the visual quality guidelines of the Torrey Pines CPU. As assured via the conditions of approval and/or City code enforcement, with consistency with the Community Plan and these uniformly applied development policies and standards, the project will have no project-specific or cumulative impacts to visual quality more severe than those identified in the Torrey Pines CPU PEIR, and no further review is required. For additional information related to the project's consistency with the CPU, please refer to Attachment B.

## CULTURAL RESOURCES

Issue	Prior EIR Determination	Project Determination			
		Significant and Unavoidable (SU)	Less Than Significant with Mitigation Incorporated (LTSM)	Less Than Significant Impact (LTS)	No Impact (NI)
Would development as a result of the proposed Community Plan:					
a) Result in alteration or the destruction any prehistoric or historical archaeological sites?	LTSM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in adverse physical or aesthetic effects on an architecturally significant building, structure, or object?	LTSM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Cause any impacts to existing religious or sacred uses within the potential impact area?	LTSM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### EIR Analysis

The Torrey Pines CPU PEIR determined that future development allowed by the Community Plan could potentially impact known and unknown cultural resources within the Community Plan area. A 1990 cultural resources survey and assessment indicated a total of 105 archeological sites recorded within a one-mile radius of the northern portion of the Community Plan area, primarily relating to the Los Peñasquitos Lagoon and marine resources. The EIR mitigation framework states that the Community Plan sets forth a policy recommending identification and preservation of unique archeological, Native American and historic resources of the Community Plan area and recommends new development, both private and public, should incorporate site planning and design features which avoid or mitigate impacts to cultural resources. When sufficient plan flexibility does not permit avoiding construction on cultural resource sites, mitigation shall be designed in accordance with guidelines of the State Office of Historic Preservation and the State Native American Heritage Commission.

The Torrey Pines CPU PEIR mitigation framework states that, in compliance with City cultural resource requirements, future development may require additional archival research, intensive surveys, excavations, resource evaluations of discovered remains or archeological monitoring. The EIR mitigation framework states the project applicant shall retain a qualified archeologist to carry out these activities. Identified significant archeological resources shall be avoided during grading or construction at a project site or preserved through capping or placement within an open space area. The EIR mitigation framework also requires recovery where a significant resource would be disturbed by development.

With respect to historic structures, the EIR mitigation framework states that the City shall review all future projects which may alter a designated, or potentially eligible, historic site (typically a structure of 45 years or older) and any project that substantially alters such a site shall be reviewed by the

City's Historical Site Board and follow specific guidelines for site restoration. All cultural surveys, assessments, resource evaluations and report preparations shall be carried out in accordance with City of San Diego guidelines and CEQA guidelines. The EIR concludes that implementation of the mitigation measures recommended within the Community Plan, together with those to be developed for future site-specific projects, could lower impacts to cultural resources to below a level of significance.

#### *Torrey Pines CPU EIR Mitigation Framework*

The Community Plan Update sets forth a policy recommending the identification and preservation of the unique archaeological, Native American, and historic resources of Torrey Pines for their educational, cultural, and scientific values. It also recommends that new development, both private and public, should incorporate site planning and design features which avoid or mitigate impacts to cultural resources. When sufficient plan flexibility does not permit avoiding construction on cultural resource sites, mitigation shall be designed in accordance with guidelines of the State Office of Historic Preservation and the State Native American Heritage Commission.

In compliance with cultural resource requirements of the City of San Diego, such mitigation would include future development projects may require additional archival research, intensive surveys, excavations, resource evaluations of discovered remains, or archaeological monitoring. The project applicant shall retain a qualified archaeologist to carry out these activities.

Identified significant archaeological resources shall be avoided during grading or construction at a project site, or preserved through capping or placement within an open space easement. When a significant resource would be disturbed by development, a research design and data recovery program, discussing in detail how the resource would be recovered, shall be prepared by the qualified archaeologist and approved by the City prior to issuance of any discretionary permit.

The City Planning Department shall review all future projects which may alter a designated, or potentially eligible, historic site (typically a structure of 45 years or older). Any project proposal that substantially alters such a site, shall be reviewed by the City's Historical Site Board. Site restoration shall follow specific guidelines set forth by the Board and the project's environmental review. Furthermore, when federal funds are involved with such projects, project review shall be conducted by the State Office of Historic Preservation, to determine their possible eligibility for inclusion in the National Register of Historic Places. All cultural resource surveys, assessments, resource evaluations and report preparations shall be carried out in accordance with City of San Diego guidelines and CEQA guidelines. It would be determined, however, which of these activities would be required, during the environmental review of site-specific projects.

#### Project Analysis

The project is consistent with the allowed development density and intensity within the industrial land use designation in the Community Plan and will not have an impact on any known cultural resources as defined. An Archaeological Resources Report Form dated August 2022 was prepared for the project (Appendix H). The report determined that no resources were identified within the project area of potential effect, and the Sacred Lands File review was negative. The project site has been previously developed, and any cultural resources would likely have been discovered when the site was graded for construction of the current business park. Nevertheless, the project site includes

alluvial soils that have the potential to contain undiscovered cultural resources. The project would be required to implement standard archaeological monitoring, as described in Attachment A.

Regarding compliance with the Torrey Pines CPU policies, the project site structures were evaluated for historical resource designation and found not to be historic. However, the Archaeological Resources Report Form indicated the project site does have the potential to contain cultural resources, and while there is no evidence to suggest the presence of human remains, the report recommended implementation of the monitoring program detailed in Attachment A.

Through implementation of the monitoring program described above, the project would have no project-specific or cumulative impacts to cultural resources more severe than those identified in the Torrey Pines CPU PEIR, and no further review is required.

**ENVIRONMENTAL IMPACT AREAS FOUND TO BE LESS THAN SIGNIFICANT IN THE TORREY PINES CPU EIR.**

The impact areas in Attachment B were found to be less than significant as part of the Torrey Pines CPU EIR through the Initial Study Checklist dated 3/19/92 (DEP No. 92-0126). The analysis in Attachment B was prepared to demonstrate that none of the 15183(c) criteria for preparing an EIR are triggered as there are no impacts peculiar to the project notwithstanding the less than significant impact conclusion in the Torrey Pines CPU EIR. Refer to Attachment B for a summary of those effects not found significant as part of the CPU EIR.



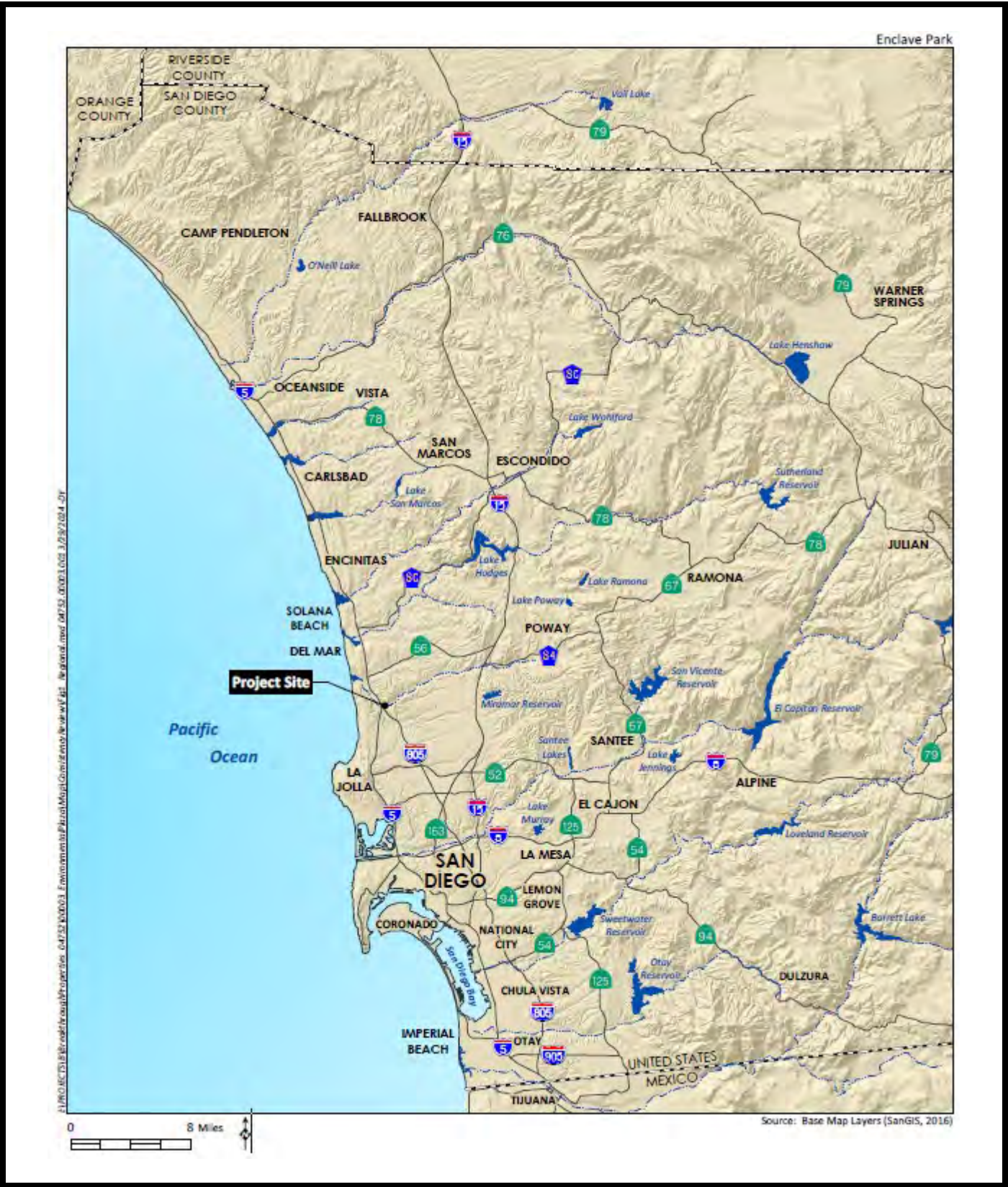
**APPENDICES**  
(Under separate cover)

- Appendix A: CAP Checklist
- Appendix B: Local Mobility Analysis
- Appendix C: VMT Assessment
- Appendix D: Air Quality Technical Report
- Appendix E: Biological Technical Report
- Appendix F: Storm Water Quality Management Plan (SWQMP)
- Appendix G: Archaeological Resources Report Form
- Appendix H: Preliminary Geotechnical Investigation
- Appendix I: Noise Technical Report
- Appendix J: Sewer Study
- Appendix K: Waste Management Plan

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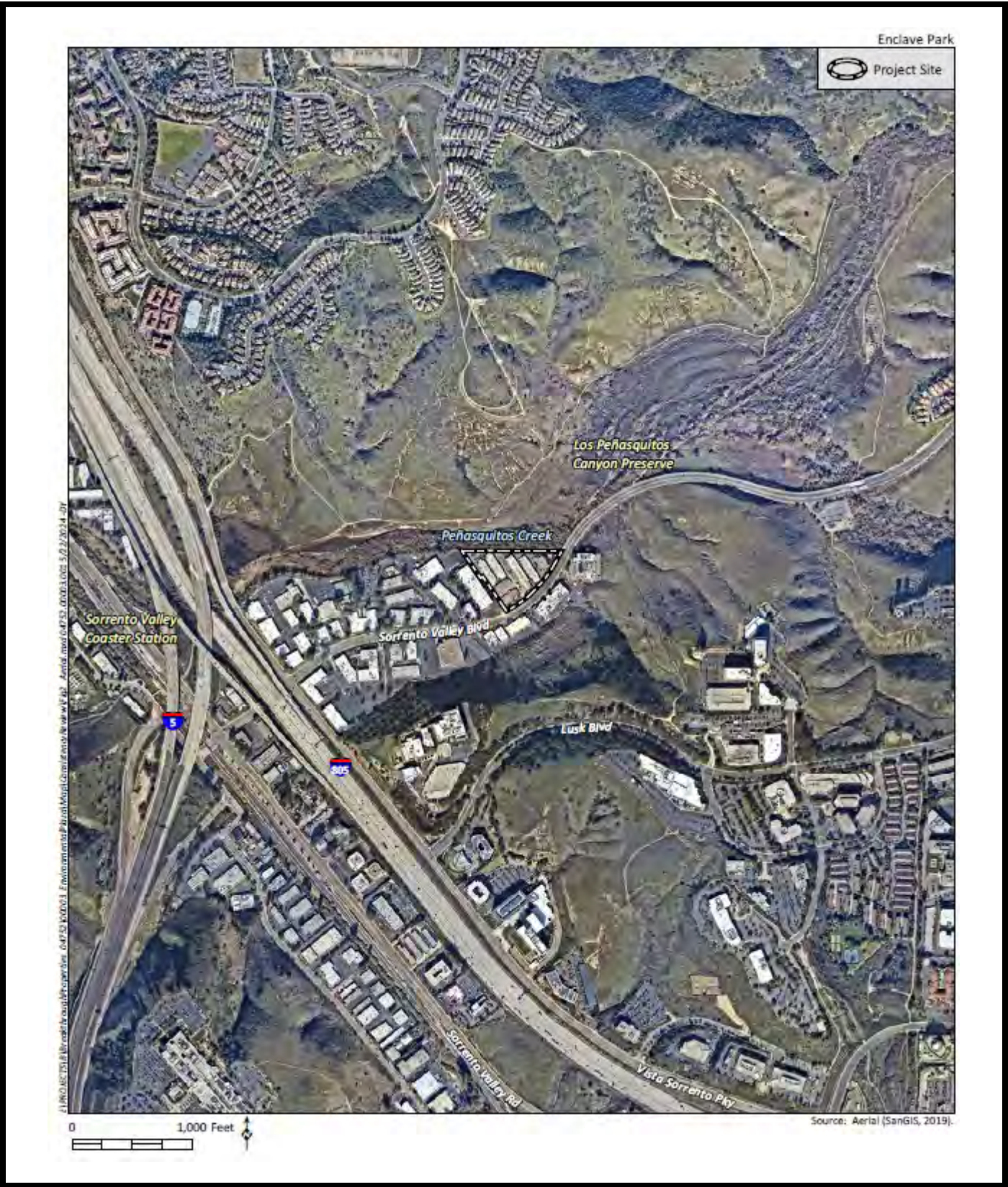
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**Regional Location**  
 Enclave Park / PRJ-1070661  
 Development Services Department

**FIGURE**  
**No. 1**



**Aerial Photograph**  
 Enclave Park / PRJ-1070661  
 Development Services Department

**FIGURE  
 No. 2**



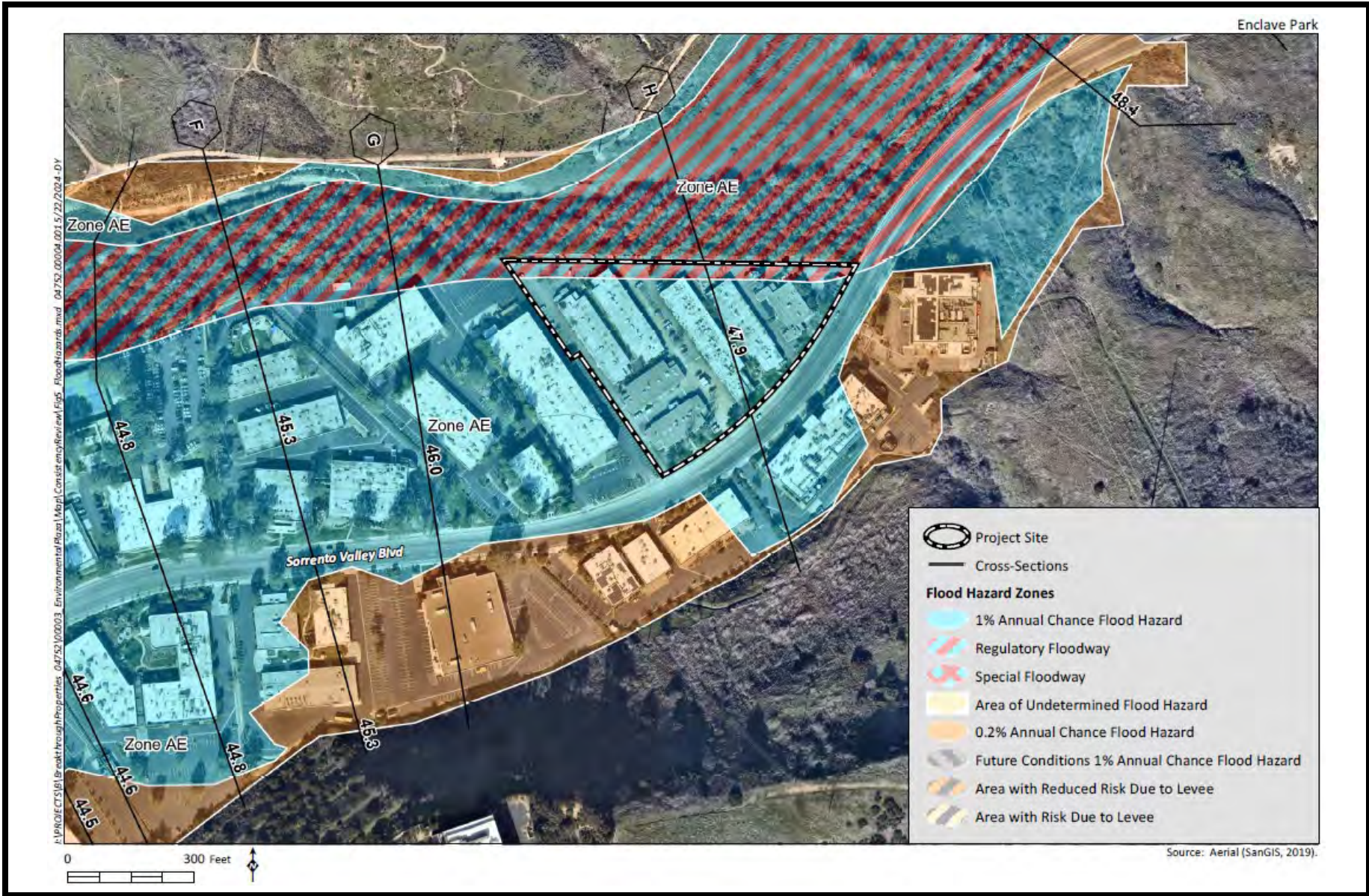


## Vegetation Communities and Sensitive Resources

Enclave Park / PRJ-1070661

Development Services Department

**FIGURE  
No. 4**







**ATTACHMENT A**  
**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**  
**Enclave Park PRJ-1070661/SCH NO. 1992041021**

The project shall be required to comply with the applicable mitigation measures outlined within the Mitigation Monitoring and Reporting Program (MMRP) of the previously certified PEIR (No. 92-0126/SCH No. 1992041021). The following MMRP identifies measures that specifically apply to this project.

**A. GENERAL REQUIREMENTS – PART I**

**Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance Bid Opening/Bid Award or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements have been incorporated.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:  
  
<http://www.sandiego.gov/development-services/industry/information/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** - The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS – PART II**

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

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

***Qualified Archaeological Monitor  
Native American Monitor  
Qualified Biological Monitor  
Qualified Acoustician/Noise Monitor***

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

CONTACT INFORMATION:

- a. The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division - 858-627-3200**
  - b. For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Enclave Park, PRJ-1070661, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED, MMC and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.)

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

3. **OTHER AGENCY REQUIREMENTS:** Evidence that any other agency requirements or permits have been obtained or are in process shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: ***Not Applicable for this project.***
4. **MONITORING EXHIBITS:** All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

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

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

<b>Document Submittal/Inspection Checklist</b>		
<b>Issue Area</b>	<b>Document Submittal</b>	<b>Associated Inspection/Approvals/Notes</b>
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Construction CSVs	Construction Biological Monitoring
Cultural Resources	Archaeology Reports	Archaeology/Historic Site Observation
Traffic and Circulation	Verification VMT reduction measures constructed/installed	Prior to Building Permit
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

**C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS – PART III**

**BIOLOGY**

***MM-BIO-1 (RESOURCE PROTECTIONS DURING CONSTRUCTION)***

- I. Prior to Construction
  - A. **Biologist Verification:** The owner/permittee shall provide a letter to the City’s Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego’s Biological Guidelines (2018), has been retained to implement the project’s biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
  - B. **Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project’s biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
  - C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.

- D. **BCME:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- F. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).
- II. During Construction
- A. **Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

**MM-BIO-2 (LEAST BELL'S VIREO (State Endangered/Federally Endangered))**

1. Prior to the issuance of any grading permit (FOR PUBLIC UTILITY PROJECTS: prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IF THE LEAST BELL'S VIREO IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
- I. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
  - II. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED LEAST BELL'S VIREO OR HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF ANY OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE

STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST;  
OR

- III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE LEAST BELL'S VIREO. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING\* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB (A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 16).

\* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF LEAST BELL'S VIREO ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 15 AND SEPTEMBER 15 AS FOLLOWS:
- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

**CULTURAL RESOURCES*****MM-CR-1 (Archaeological Resources)*****I. Prior to Permit Issuance****A. Entitlements Plan Check**

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

**B. Letters of Qualification have been submitted to ADD**

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) 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. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC 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 MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ 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, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor 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 MMC, 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 an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC 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).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC 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(s) Shall be Present During Grading/Excavation/Trenching
  1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.
  2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
  3. The PI may submit a detailed letter to MMC 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 that may reduce or increase the potential for resources to be present.
  4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed or emailed 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 MMC.

- B. Discovery Notification Process
  1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
  2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
  4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
  1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
    - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in Guidelines Section, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
    - c. If the resource is not significant, the PI shall submit a letter to MMC 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 no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification
  1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
  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 provenance of the remains.
  2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
  3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains ARE determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
  2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
  3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Guidelines Section 15064.5(e), the California Public Resources and Health & Safety Codes.
  4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
  5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
    - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, 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, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
    - c. To protect these sites, the landowner shall do one or more of the following:
      - (1) Record the site with the NAHC;
      - (2) Record an open space or conservation easement; or
      - (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

**V. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract
  1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  2. The following procedures shall be followed.
    - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.

- b. Discoveries
    - All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
  - c. Potentially Significant Discoveries
    - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
  - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend 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 MMC immediately.
  - C. All other procedures described above shall apply, as appropriate.

## **VI. Post Construction**

- A. Preparation and Submittal of Draft Monitoring Report
  - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.
    - 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. MMC 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 MMC for approval.
  - 4. MMC shall provide written verification to the PI of the approved report.

5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
  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 cost for curation is the responsibility of the property owner.
- 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 MMC 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 MMC.
  3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- 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 MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

## **TRAFFIC AND CIRCULATION**

### ***MM-TRA-1 (Vehicles Miles Travelled)***

1. Prior to the issuance of first occupancy, the project shall implement the following Vehicle Miles Traveled (VMT) Reduction Measures totaling at least eight points required by the Mobility Choices Ordinance, satisfactory to the City Engineer:
  - A. The Owner/Permittee shall install a pedestrian resting area/recreation node on-site, adjacent to the public pedestrian walkway along the northern edge of the Project site. The resting area/recreation node shall include signage designating the space as publicly available and shall be maintained by the property owner.
  - B. The Owner/Permittee shall provide short-term and long-term bicycle parking spaces that are available to the public, at least 10% beyond minimum requirements.
    1. The Project is required to provide 36 short-term spaces and the Project shall provide 40 short-term spaces.

2. The Project is required to provide 36 long-term spaces and the Project shall provide 40 long-term spaces.
  - A. The Owner/Permittee shall provide and maintain on-site multi-modal information kiosks.

**ATTACHMENT B**  
**SUMMARY OF EFFECTS FOUND NOT TO BE SIGNIFICANT**  
**CEQA SECTION 15183 CONSISTENCY REVIEW**  
**Enclave Park PRJ-1070661/SCH NO. 1992041021**

GEOLOGY/SOILS

The Enclave Park Project (project) is consistent with the development density and intensity allowed under the Community Plan. According to the project's Preliminary Geotechnical Investigation (Appendix H), the project may be subject to geologic hazards, including moderate to strong seismic shaking, liquefaction, seismically induced settlement, lateral spread, and consolidation settlement. The project is located within a seismically active region, as is most of the Southern California region. However, the potential for ground rupture is very low due to the absence of active faults at the project site. Compliance with the recommendations in the Preliminary Geotechnical Investigation, such as compacted fill and deep foundations, would minimize the risk of geologic hazards. Additionally, compliance with the uniformly applicable development standards and policies in the 2022 California Building Code (CBC) adopted by the City would reduce the potential risk to both people and structures. As assured via the conditions of approval and/or City code enforcement, with consistency with these uniformly applicable development policies and standards, which substantially mitigate the project impacts, the project will have no impacts to geology and soils more severe than those identified in the Torrey Pines CPU EIR, and no further review is required. The Torrey Pines Community Plan Update (CPU) EIR determined the CPU would not have impacts to Geology or Soils with appropriate engineering design incorporated into buildings and roadways per City requirements.

NOISE

The project is consistent with the allowed development density and intensity of the Community Plan industrial use designation and will not have noise impacts more severe than those identified in the EIR. The project's noise-related impacts would be consistent with uniformly applied development standards and policies in the City of San Diego's Noise Ordinance and the General Plan Noise Element, which assure that the project's construction and operational noise levels do not rise to a level of significance (City of San Diego 2015c). Moreover, the uniformly applied development standards and policies in the Biology Guidelines of the Land Development Manual require noise mitigation for significant noise impacts to certain avian species during their breeding season if construction or operational noise levels would exceed 60db(A) or the existing ambient noise level, whichever is higher. In addition, the uniformly applied development standards and policies in the Adjacency Guidelines under the Multiple Species Conservation Program (MSCP) Subarea Plan and Environmentally Sensitive Lands (ESL) Regulations also apply to require excessively noisy uses or activities adjacent to breeding areas in the Multiple Habitat Planning Area (MHPA) to incorporate noise reduction measures and be curtailed during the breeding season of sensitive species.

A noise technical report was conducted to predict construction and operational noise and vibration levels attributed to the proposed project (Appendix I). The results indicated that potential impacts during construction grading activities and operation, including ground borne vibration relating to construction and noise impacts relating to traffic, would be less than significant with compliance with the MSCP Land Use Adjacency Guidelines (LUAGs), which require pre-construction surveys and

avoidance measures to reduce noise-generating activities during the applicable breeding season of potentially affected sensitive avian species. Prior to issuance of a building permit, the project applicant shall demonstrate compliance with the LUAGs by providing evidence to the City that testing of proposed generators would not result in noise levels exceeding 60 dBA  $L_{EQ}$  at the MHPA boundary. It is anticipated that a typical Level 1 sound enclosure installed with the proposed generators would sufficiently attenuate noise levels during generator testing. Other noise attenuating equipment and/or acoustical shielding may be incorporated into the project design to provide compliance with the uniformly applied noise limit and demonstrate such compliance to the City. Other standard noise attenuating features may include, but not be limited to, noise walls, noise control enclosures, and/or noise absorbing paneling around the generator.

Once specific building plan information is available, an exterior-to-interior analysis shall be performed for all office spaces with facades with a line of sight to Sorrento Valley Boulevard. Prior to the issuance of a building permit, an exterior-to-interior analysis shall demonstrate that interior noise levels do not exceed 50 dBA CNEL, consistent with the City's Noise Ordinance. The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels for the planned office spaces. If predicted noise levels are found to exceed 50 dBA CNEL, the analysis shall identify architectural materials or techniques that could be included to reduce noise levels to 50 dBA CNEL in office spaces. Standard measures such as glazing with appropriate Sound Transmission Class (STC) ratings, as well as walls with appropriate STC ratings, should be considered. Final plans shall demonstrate that interior noise levels do not exceed 50 dBA CNEL for office facades with a line of sight to Sorrento Valley Boulevard.

As assured via the conditions of approval and/or City code enforcement, with consistency with all the above uniformly applicable development policies and standards, which substantially mitigate the project impacts area, the project will have no impacts to noise more severe than those identified in the Torrey Pines CPU EIR, and no further review is required. The Torrey Pines CPU EIR identified potential noise impacts of development within the plan including the potential to expose people to noise levels that exceed the City's adopted noise ordinance, during construction stages only, and exposure to transportation noise levels that exceed standards established in the Transportation Element of the General Plan with roadways over-capacity and intersections below LOS C. However, the EIR concluded the Community Plan would not result in a significant increase in ambient noise levels because the community was over 95% developed.

#### LIGHT, GLARE AND SHADING

The project would be consistent with the Industrial Development Design Guidelines in the Torrey Pines Community Plan Industrial Element. Moreover, the project avoids significant impacts from light and glare because it is required to comply with Chapter 12, Article 2, Division 7 of the Municipal Code regarding Off-Site Development Impact Regulations. Per SDMC Section 142.0701, the purpose of these regulations is to provide standards for air contaminants, noise, electrical/radioactivity disturbance, glare, and lighting to minimize negative impacts from development to surrounding property. Per SDMC Section 142.0705, these regulations apply to all development that produces air contaminants, noise, electrical/radioactivity disturbance, glare, or lighting in any zone, whether or not a permit or other approval is required for the use. Specifically, the project is required to comply



with the glare regulations of SDMC Section 142.0730 and the outdoor lighting regulations of Section 142.0740. In addition, the proposed project will replace a number of existing buildings through the redevelopment of low-rise buildings to a multiple story campus. The project would not result in shading of other properties greater than what currently exists. The project would direct nighttime exterior lighting away from the MHPA, and construction is anticipated to occur during daytime hours. Should construction be conducted at night, lighting would be directed away from the MHPA and shielded as necessary.

As assured via the conditions of approval and/or City code enforcement, with consistency with all the above uniformly applicable development policies and standards, which substantially mitigate the project impacts, the project will have no impacts to light, glare and shading more severe than those identified in the Torrey Pines CPU EIR, and no further review is required.

#### LAND USE

The project's components are located within the Community Plan area on lands designated as Industrial, which allows for business and technology park land uses, within the City's General Plan Land Use Element. The project site has an IL-3-1 zoning designation, which authorizes "a mix of light industrial, office, and commercial uses" via the San Diego Municipal Code. Overall, the Torrey Pines Community Plan designated 380 acres as industrial, including the project site and the Community Plan Update redesignated approximately 300 of the industrial acres to open space. The project site was not redesignated to open space. The project is consistent with applicable height limits, setback and floor area ratio (FAR) for the IL-3-1 zone.

The City of San Diego General Plan identifies the project site as Prime Industrial Land. Areas identified as Prime Industrial Land are areas that support export-oriented base sector activities such as warehouse distribution, heavy or light manufacturing, research and development uses (City of San Diego 2015b). The project would be consistent with this designation by converting an existing business park to a research and development use.

The project, which proposes redevelopment of an existing office and light industrial park with a life-science/research building and 7-story parking garage, has an intensity level that generates only 80 ADT per acre per the City's Trip Generation Manual (City 2003). Accordingly, the project does not propose a more intensive land use than what is allowed under the existing zone and is not more intensive than the 200 Average Daily Trips (ADT) per acre intensity analyzed in the Torrey Pines CPU EIR.

The project is consistent with applicable Torrey Pines Community Plan policies, as discussed below in Table 1.

**Table 1.**  
**Torrey Pines Community Plan Consistency Analysis**

Goal/Policy	Analysis
<i>Resource Management &amp; Open Space Element</i>	
<p><b>Goal 1</b> Ensure long term sustainability of the unique ecosystems in the Torrey Pines community, including all soil, water, air, and biological components that interact to form healthy functioning ecosystems.</p>	<p><b>Consistent.</b> The project is a redevelopment project of an existing urban/developed area. Impacts to geology and soils, hydrology and water quality, air quality, and biological resources have been analyzed in the Torrey Pines CPU EIR. The project would not have more severe impacts than those identified in the EIR.</p>
<p><b>Goal 2</b> Conserve, restore, and enhance plant communities and wildlife habitat, especially habitat for rare, threatened, and endangered species.</p>	<p><b>Consistent.</b> The project is a redevelopment project of an existing urban/developed area. A Biological Technical Report (BTR) dated September 2023 (Appendix E) was prepared for the project in accordance with the Biology Guidelines and concluded the project would not result in any significant direct impacts to biological resources. Therefore, there are no rare, threatened, or endangered species on the project site that would be directly impacted. The project would be required, however, to implement the necessary best management practices (BMPs) and comply with the City's MSCP Subarea Plan MHPA LUAGs to reduce potential indirect impacts to the adjacent sensitive biological resources and Los Peñasquitos Canyon Preserve. The project would also enhance a developed portion of the site by providing a 100-foot wetland buffer area and restore native vegetation.</p>
<p><b>Goal 3</b> Retain viable, connected systems of wildlife habitat, and maintain these areas in their natural state</p>	<p><b>Consistent.</b> The project is a redevelopment project of an existing urban/developed area. The site is south of a wildlife corridor but would not directly impact connected systems of wildlife habitat. Project construction would additionally not interfere with the overall use of the movement corridor.</p>
<p><b>Goal 4</b> Identify, inventory and preserve the unique paleontological, archaeological, Native American, and historic resources of Torrey Pines for their educational, cultural, and scientific values.</p>	<p><b>Consistent.</b> An Archaeological Resources Report Form (Appendix G) was conducted for the project and determined that the project site consists of alluvial soils, which are conducive to encountering buried cultural resources that may not be evident on the surface. The report recommends cultural resource monitoring consisting of a City-qualified archaeological monitor and Native American monitor during all initial ground disturbing activities below the fill and within Los Peñasquitos Creek. With incorporation of these requirements the project would not have a more severe impact than those identified in the Torrey Pines CPU EIR.</p>

**Table 1.  
Torrey Pines Community Plan Consistency Analysis**

Goal/Policy	Analysis
<p><b>Goal 5</b> Preserve, enhance and restore all natural open space and sensitive resource areas, including Los Peñasquitos Lagoon and associated uplands, Torrey Pines State Park and Reserve Extension areas with its distinctive sandstone bluffs and red rock, Crest Canyon, San Dieguito Lagoon and River Valley, the Carroll Canyon Wetland/Wildlife Corridor through Sorrento Valley, and all selected corridors providing linkage between these areas.</p>	<p><b>Consistent.</b> The project is not located in or adjacent to the Los Peñasquitos Lagoon and associated uplands, Torrey Pines State Park and Reserve Extension areas with its distinctive sandstone bluffs and red rock, Crest Canyon, San Dieguito Lagoon and River Valley, or the Carroll Canyon Wetland/Wildlife Corridor through Sorrento Valley. However, the site is located adjacent to Los Peñasquitos Creek and the Los Peñasquitos Canyon Preserve which is a natural open space and sensitive resource area. To protect these resources, the project includes a 100-foot wetland buffer from the creek that would include native vegetation and plantings. In conjunction with the City’s Park and Recreation Department, the project would also restore a developed area within and directly adjacent to the creek to remove the existing asphalt parking lot and revegetate with riparian habitat. A wildlife crossing/linkage is located to the north of the project site; however, the project would not impact the crossing/linkage.</p>
<p><b>Goal 6</b> Establish a pedestrian/bicycle pathway system that links all open space areas, from Carroll Canyon in the south to the San Dieguito River Valley in the north. This pathway system shall be provided concurrent with adjacent development, and shall be designed consistent with the design guidelines provided within this Plan.</p>	<p><b>N/A.</b> This is a Community wide planning measure and not project-related.</p>
<p><b>Policy 1</b> Land uses adjacent to environmentally sensitive habitats shall not negatively impact those areas.</p>	<p><b>Consistent.</b> The project is located adjacent to Los Peñasquitos Creek and Los Peñasquitos Canyon Preserve. The project includes a 100-foot wetland buffer and project improvements within the buffer will consist of native landscaping, MHPA fencing, and trails. The project would also be required to implement the necessary best management practices (BMPs) and comply with the City’s MSCP Subarea Plan MHPA LUAGs to reduce potential indirect impacts to the adjacent sensitive biological resources and Los Peñasquitos Canyon Preserve.</p>
<p><b>Policy 2</b> Development impacts to rare, threatened, endangered, or candidate species shall be minimized or eliminated.</p>	<p><b>Consistent.</b> See response to Resource Management &amp; Open Space Element Goal 2.</p>

**Table 1.**  
**Torrey Pines Community Plan Consistency Analysis**

Goal/Policy	Analysis
<p><b>Policy 3</b> No filling, clearing, grubbing, or other disturbance of biologically sensitive habitats shall be permitted without approved mitigation plans.</p>	<p><b>Consistent.</b> The project is a redevelopment project of an existing urban/developed area and does not contain biologically sensitive habitats. The BTR (Appendix E) was prepared for the project in accordance with the Biology Guidelines and concluded the project would not result in any significant direct impacts to biological resources. The project footprint that would be disturbed is currently paved and the project includes a 100-foot buffer from identified wetlands and would be required to comply with the City's MSCP Subarea Plan MHPA LUAGs.</p>
<p><b>Policy 4</b> Coastal lagoons and estuaries that are designated and zoned open space shall remain undeveloped.</p>	<p><b>N/A.</b> This is a Community wide planning measure and not project-related.</p>
<p><b>Policy 5</b> Public access in areas of environmentally sensitive habitats shall be limited to low-intensity recreational, scientific, or educational use. Access shall be controlled or confined to designated trails or paths, and no access shall be approved which results in disruption of habitat.</p>	<p><b>Consistent.</b> The project is adjacent to Los Peñasquitos Creek and Los Peñasquitos Canyon Preserve, which is an environmentally sensitive area. The project would implement a 100-foot wetland buffer to protect the adjacent riparian corridor associated with Los Peñasquitos Creek. Current development within the buffer would largely be removed and replaced with brush management, landscaping, MHPA fencing and the creation of recreational trails, resulting in a functional buffer where one does not currently exist.</p>
<p><b>Policy 6</b> New development adjacent to and impacting biologically sensitive areas shall be responsible for the restoration and enhancement of that area. In particular, when mitigation areas are needed for public projects, the disturbed areas in Crest Canyon should be revegetated with Coastal Mixed Chaparral and Torrey Pines.</p>	<p><b>Consistent.</b> The proposed project would provide a 100-foot wetland buffer from identified open space (Los Peñasquitos Creek/Canyon Preserve) that would be landscaped with riparian vegetation. The BTR (Appendix E) concluded the project would not result in any significant direct impacts to biological resources that would require compensatory mitigation in the form of restoration or enhancement to either upland or wetland habitats. However, mitigation measures consistent with the analysis in the Torrey Pines CPU EIR would avoid, minimize and mitigate for potential indirect impacts to sensitive bird species. The project would also be conditioned to comply with the City's MSCP Subarea Plan MHPA LUAGs; as well as potential indirect impacts to the federally listed Light-footed clapper rail to avoid and minimize impacts to species and biological sensitive areas adjacent to the project site. The applicant would also coordinate with the City's Parks and Recreation Department, the Land Manger for the Los Peñasquitos Canyon Preserve, to remove the adjacent portion of the existing asphalt parking lot and revegetate this area with native, noninvasive species compatible with the adjacent wetland buffer, consistent with the City's Landscape Standards and MHPA LUAGs. Replacement of non-native, invasive vegetation near Los Peñasquitos Creek would reduce the potential for invasive plant species to degrade adjacent and downstream wetlands and biological resources.</p>

**Table 1.  
Torrey Pines Community Plan Consistency Analysis**

Goal/Policy	Analysis
<p><b>Policy 7</b> Riparian vegetation in channels through the Sorrento Valley industrial area shall be preserved in its natural state in order to maintain its vital wildlife habitat value. When vegetation removal is necessary for flood control, the required state and federal permits shall be obtained.</p>	<p><b>Consistent.</b> The project is a redevelopment project of an existing urban/developed area. The project would incorporate methods to control runoff, including site design, source control, and treatment control BMPs to ensure indirect impacts to riparian vegetation would not occur.</p>
<p><b>Policy 8</b> Preserve and enhance all open space and wildlife corridors, especially those linking Los Peñasquitos Lagoon with Torrey Pines State Reserve Extension and the Carroll Canyon Creek Corridor.</p>	<p><b>N/A.</b> This is a Community wide planning measure and not project-related.</p>
<p><b>Policy 9</b> Crest Canyon shall be left in its natural state in order to preserve those biologically sensitive habitats identified within this park. A small portion of the parkland located adjacent to Del Mar Heights Road and Durango Drive should accommodate some limited passive park development.</p>	<p><b>N/A.</b> The project is not adjacent to or within these areas.</p>
<p><b>Policy 10</b> Construction or improvements of roadways adjacent to biologically sensitive areas or open space shall be designed to avoid impacts, especially in wetlands and wetland buffer areas. Protection of sensitive habitats through buffers, realignments and reduced development areas shall also be considered.</p>	<p><b>Consistent.</b> See response to Resource Management &amp; Open Space Element Policy 6.</p>

**Table 1.  
Torrey Pines Community Plan Consistency Analysis**

Goal/Policy	Analysis
<p><b>Policy 11</b> New development, both public and private, should incorporate site planning and design features that avoid or mitigate impacts to cultural resources. When sufficient plan flexibility does not permit avoiding construction on cultural resource sites, mitigation shall be designed in accordance with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.</p>	<p><b>Consistent.</b> The project's Archaeological Resources Report Form recommends cultural resource monitoring consisting of a City-qualified archaeological monitor and Native American monitor during all initial ground disturbing activities. This monitoring determination is consistent with mitigation identified in the Torrey Pines CPU EIR. The monitoring required is also consistent with the City's Land Development Code Historic Resources Guidelines Section III.E.</p>
<p><b>Policy 12</b> Maintain regulations that prohibit contaminated runoff from reaching any of the sensitive open space areas designated in this Plan.</p>	<p><b>Consistent.</b> See response to Resource Management &amp; Open Space Element Policy 7.</p>
<p><b>Policy 13</b> Conditions of approval for all development that impacts adjacent open space areas should include restoration and enhancement measures for that particular area.</p>	<p><b>Consistent.</b> The project includes a new 100-foot wetland buffer consisting of native landscaping, MHPA fencing, and trails.</p>
<p><b>Policy 14</b> All Torrey Pine trees on public property should be preserved and protected.</p>	<p><b>Consistent.</b> The project does not entail removal of Torrey Pine trees from public property.</p>
<p><b>Policy 15</b> Provide pedestrian/bicycle linkages so that all open space areas will be connected.</p>	<p><b>Consistent.</b> The project provides pedestrian and bicycle features that respect the adjacent open space resources.</p>
<i>Transportation Element</i>	
<p><b>Goal 1</b> Provide an efficient, safe, and environmentally sensitive transportation system.</p>	<p><b>Consistent.</b> The project's transportation system improvements meet the City Engineering standards and requirements for safe, efficient access, with pedestrian, bicycle, and median improvements that respect the natural environment around the site.</p>
<p><b>Goal 2</b> Ensure that transportation improvements do not negatively impact the numerous open space systems located throughout the Torrey Pines community.</p>	<p><b>Consistent.</b> See response to Transportation Element Goal 1 above.</p>

**Table 1.**  
**Torrey Pines Community Plan Consistency Analysis**

Goal/Policy	Analysis
<p><b>Goal 3</b> Provide a transportation system that maximizes the opportunities for public transit use, especially in Sorrento Valley.</p>	<p><b>Consistent.</b> The project is consistent with the land uses identified in the CPU and includes TDM features to encourage public transit use.</p>
<p><b>Goal 4</b> Provide a system of bikeways and pedestrian facilities that will encourage bicycling and walking as means of transportation.</p>	<p><b>Consistent.</b> The project implements VMT reduction measures including pedestrian features and bicycle supportive measures.</p>
<p><b>Goal 5</b> Provide a transportation system that provides convenient linkages to the community's activity centers and to the rest of the metropolitan region.</p>	<p><b>N/A.</b> This is a Community wide planning measure and not project-related.</p>
<p><b>Goal 6</b> Provide a safe and environmentally sensitive improvement of the Del Mar Terrace neighborhood streets.</p>	<p><b>N/A.</b> The project is not adjacent to or within these areas.</p>
<p><b>Goal 7</b> Provide a transportation system that encourages the use of mass transit, rather than building and/or widening roads and freeway.</p>	<p><b>Consistent.</b> The project's proposed transportation system improvements are consistent with the Community Plan and City Engineer standards and VMT reduction measures include kiosks and information regarding transit use.</p>
<p><b>Goal 8</b> Investigate the feasibility of providing seasonal shuttle service.</p>	<p><b>N/A.</b> This is a Community wide planning measure and not project-related.</p>
<p><b>Policy 1</b> The construction of new roads or improvements to existing roads adjacent to open space areas shall mitigate impacts through the restoration and enhancement of that open space system to the maximum extent feasible.</p>	<p><b>N/A.</b> This is not applicable to the project as no new roadways or major improvements are proposed through or adjacent to open space areas. However, the project's transportation system improvements meet the City Engineering standards and requirements for safe, efficient access, with pedestrian, bicycle, and median improvements that respect the natural environment around the site.</p>
<p><b>Policy 2</b> When road improvements are proposed, those portions that traverse sensitive areas (water courses, wildlife corridors, sensitive biological areas, etc.) shall be designed to reduce or eliminate impacts to those areas.</p>	<p><b>N/A.</b> See response Transportation Element Policy 1 above.</p>

**Table 1.**  
**Torrey Pines Community Plan Consistency Analysis**

Goal/Policy	Analysis
<p><b>Policy 3</b> Improved public transit service should be provided to the Torrey Pines community, especially to the employment area of Sorrento Valley and the North Torrey Pines mesa area. Regular bus service, light rail transit and commuter rail should link the Torrey Pines community with the regional transportation network.</p>	<p><b>Consistent.</b> The project is located approximately 0.5 mile east of the Sorrento Valley Coaster Station and bus stop. Additionally, Mid-coast trolley stops are located approximately 2 miles to the south of the project. The project's VMT reduction measures include kiosks and information regarding transit use. The project would not conflict with the existing public transit service in the area.</p>
<p><b>Policy 4</b> Provide bikeway and pedestrian paths that link all areas within the community, as well as linking Torrey Pines with surrounding communities and jurisdictions.</p>	<p><b>Consistent.</b> As described in Section I, Traffic and Circulation, a Vehicle Miles Traveled Assessment and Local Mobility Analysis (VMT/LMA) was prepared for the project. The LMA study identifies specific transportation improvements the project will construct, including on- and off-site improvements. No off-site pedestrian improvements are required for the project, but the project would do the following to promote pedestrian mobility:</p> <ul style="list-style-type: none"> <li>• Installation of a pedestrian resting area/recreation node on-site, adjacent to the pedestrian walkway along the northern edge of the project site. The resting area/recreation node will include signage designating the space as publicly available and will be maintained by the property owner.</li> <li>• Access to services, specifically an on-site gym and café, that shall reduce the need for employees to drive and encourage walking trips</li> </ul> <p>No off-site bicycle improvements are required for the project, but the project would do the following to promote bicycle mobility:</p> <ul style="list-style-type: none"> <li>• Meeting or exceeding the City of San Diego Climate Action (CAP) requirements and Municipal Code requirements for short-term and long-term bicycle parking spaces. The project is required to provide 36 short-term and 36 long-term bicycle parking spaces and shall provide 40 short-term and 40 long-term bicycle parking spaces.</li> </ul>
<p><b>Policy 5</b> Provide improvements to the road network that will facilitate traffic circulation without negatively impacting adjacent open space areas and residential neighborhoods.</p>	<p><b>Consistent.</b> The project is a redevelopment project of an existing urban/developed area and its improvements will meet all City Engineer standards for circulation and access. The project does not propose a more intensive trip generation than what was analyzed in the Torrey Pines CPU EIR and would not have more severe impacts to the adjacent open space areas and residential neighborhoods than those identified in the EIR.</p>



**Table 1.  
Torrey Pines Community Plan Consistency Analysis**

Goal/Policy	Analysis
<p><b>Policy 6</b> Require that Transportation Demand Management strategies are implemented within the Sorrento Valley industrial area. Provide bicycle racks/lockers, showers, and locker room facilities for employees who bike or walk to work.</p>	<p><b>Consistent.</b> The project will provide at least 8 points of Transportation Demand Management measures as required by the Mobility Choices Regulations. Application of these uniformly applicable development policies and standards would substantially mitigate the project's impacts on transportation.</p>
<p><b>Policy 7</b> All available traffic measures that improve pedestrian safety on Del Mar Heights Road should be investigated, and where feasible, implemented</p>	<p><b>N/A.</b> This is not applicable to the proposed project.</p>
<i>Industrial Element</i>	
<p><b>Goal 1</b> Emphasize the citywide importance of and encourage the location of scientific research, biotechnology, and light manufacturing uses in Sorrento Valley because of its proximity to UCSD and the University and Mira Mesa communities' industrial areas. Ensure adequate transit/transportation facilities are provided.</p>	<p><b>Consistent.</b> The project proposes a life science/research and development building and 7-story parking garage in Sorrento Valley. The project is located approximately 0.5 miles to the east of the Sorrento Valley Coaster Station and bus stop. The project's VMT reduction measures include kiosks and information regarding transit use.</p>
<p><b>Goal 2</b> Ensure that industrial land needs as required for a balanced economy and balanced land use are met consistent with environmental considerations.</p>	<p><b>Consistent.</b> The project proposes a life science/research and development complex consistent with the Torrey Pines Community Plan industrial land use designation. Environmental considerations are adequately analyzed in the Torrey Pines CPU EIR. The proposed project would not have a more severe impact than those identified in the EIR.</p>
<p><b>Goal 3</b> Contain industrial development within areas specifically designated for industrial usage.</p>	<p><b>Consistent.</b> The project zoned Light Industrial and is consistent with the allowed development density and intensity in the industrial land use designation of the Community Plan.</p>
<p><b>Goal 4</b> Restore and enhance the Carroll Canyon Creek Wildlife Corridor and the Los Peñasquitos Lagoon.</p>	<p><b>N/A/Consistent.</b> The project is not adjacent to the Lagoon. However, the project pulls development back from the Creek corridor and provides a new 100-foot wetland buffer between proposed uses and the MHPA. The project further complies with all MHPA land use adjacency guidelines.</p>

**Table 1.**  
**Torrey Pines Community Plan Consistency Analysis**

Goal/Policy	Analysis
<p><b>Goal 5</b> Encourage new industrial development to be well designed and aesthetically pleasing.</p>	<p><b>Consistent.</b> The project would include modern buildings to complement the surrounding area and would be consistent with the Industrial Development Design Guidelines in the Torrey Pines Community Plan Industrial Element. Development of the project would be consistent with San Diego Landscape Regulations set forth in Chapter 14, Article 2, Division 4 of the Municipal Code and Landscape Standards set forth in the City of San Diego Land Development Manual.</p>
<p><b>Goal 6</b> Provide easy access to the Sorrento Valley employment area through bicycling, mass transit, and transit-oriented development such as providing safe and direct pedestrian connections and a convenient mix of uses.</p>	<p><b>Consistent.</b> The project site is located 0.4 mile to the east of I-5 and I-805. Additionally, the project is located approximately 0.5 miles to the east of the Sorrento Valley Coaster Station and bus stop. The project meets the City Engineering standards and requirements for safe, efficient access, with pedestrian, bicycle, and median improvements that respect the natural environment around the site. The project's VMT reduction measures include kiosks and information regarding transit use.</p>
<p><b>Goal 7</b> Minimize traffic impacts from new industrial development through the implementation of Transportation Demand Management Programs. New industrial development should provide opportunities for staggered shifts, four-day work weeks, and other similar alternatives, and should incorporate services such as locker rooms, child care centers, restaurants, post offices, dry cleaners and gift shops to minimize the need for auto trips and to make carpooling a more attractive option.</p>	<p><b>Consistent.</b> As described in Section I, Traffic and Circulation, a VMT/LMA was prepared for the project, which demonstrates the project is consistent with the Torrey Pines CPU EIR Transportation Plan mitigation measures. The project includes a parking structure, and accessory uses (non-trip generating), such as an outdoor amenity court.</p>
<p><b>Goal 8</b> Restrict industrial development on steep slopes, wetlands, riparian habitats, and on archaeological sites, and further encroachment into Los Peñasquitos Lagoon and the Carroll Canyon Creek Corridor, and design industrial projects to blend into adjacent open space areas.</p>	<p><b>Consistent.</b> The project would replace an existing business park. The site is currently developed and does not contain steep slopes, wetlands, or riparian habitats. The project's Archaeological Resources Report Form recommends cultural resource monitoring consisting of a City-qualified archaeological monitor and Native American monitor during all initial ground disturbing activities. With implementation of monitoring, potential impacts to archaeological resources would be less than significant. The project is within the footprint of the existing business park and would not result in further encroachment of Los Peñasquitos Creek or the MHPA, especially as it proposes a new 100-foot wetland buffer area that effectively pulls existing development away from the Creek and MHPA. Additionally, the project would include modern buildings and native landscaping to complement the surrounding area consistent with the Industrial Development Design Guidelines in the Torrey Pines Community Plan Industrial Element.</p>

**Table 1.**  
**Torrey Pines Community Plan Consistency Analysis**

Goal/Policy	Analysis
<p><b>Policy 1</b> Development of freestanding retail commercial uses in industrially designated areas shall be restricted to those uses that serve only the immediate Sorrento Valley industrial area.</p>	<p><b>N/A.</b> The project does not propose free standing retail or commercial uses.</p>
<p><b>Policy 2</b> As required by the Airport Land Use Compatibility Overlay Zone, development within the Airport Influence Area shall be consistent with the Airport Land Use Compatibility Plan for MCAS Miramar (formerly Naval Air Station Miramar) (see the Airport Influence Area Appendix).</p>	<p><b>Consistent.</b> The project is within the MCAS Miramar Airport Land Use Compatibility Plan, Airport Influence Area (AIA) and is consistent with development regulations applicable in the AIA to avoid safety hazards or excessive noise relating to airport uses.</p>
<p><b>Policy 3</b> Development proposed adjacent to environmentally sensitive resources shall not adversely impact those resources, and shall, where feasible, contribute to the enhancement of the resource.</p>	<p><b>Consistent.</b> As described in Section III, Biology, the BTR (Appendix E) was prepared for the project in accordance with the Biology Guidelines and concluded the project would not result in any significant direct impacts to biological resources. The project would have no impacts more severe than those identified in the Torrey Pines CPU EIR.</p>
<p><b>Policy 4</b> Redevelopment of industrial areas shall require a Planned Industrial Development permit, until such time as the Zoning Code Update is complete, in order to implement the policies and design guidelines in this element.</p>	<p><b>N/A.</b> The project requires a CDP and SDP.</p>
<p><b>Policy 5</b> Continue to maintain the existing, and where feasible, provide additional landscaped islands within Sorrento Valley Road and Sorrento Valley Boulevard.</p>	<p><b>Consistent.</b> Additional landscaped islands within Sorrento Valley Boulevard are included in the median fronting the project.</p>
<p><b>Policy 6</b> Provide an open space area and pathway system along the Carroll Canyon Creek corridor area.</p>	<p><b>N/A. Consistent.</b> The project includes installation of a pedestrian resting area/recreation node on-site, adjacent to the pedestrian walkway along the northern edge of the project site. The resting area/recreation node will include signage designating the space as publicly available and will be maintained by the property owner.</p>

**Table 1.**  
**Torrey Pines Community Plan Consistency Analysis**

Goal/Policy	Analysis
<p><b>Policy 7</b> Where feasible, power distribution lines along Sorrento valley Road shall be relocated underground, and those through Los Peñasquitos lagoon shall be relocated outside the floodplain area.</p>	<p><b>Consistent.</b> The project site contains no above ground power distribution lines along Sorrento Valley Boulevard.</p>
<p><b>Policy 8</b> New industrial development projects should provide outdoor seating/eating areas for employees, as well as bicycle lockers/racks, and shower and locker room facilities.</p>	<p><b>Consistent.</b> The project design will incorporate these required elements.</p>

As such, the project would not result in land use impacts more severe than those identified in the Torrey Pines CPU EIR.

#### NATURAL RESOURCES

The project proposes to redevelop an already developed industrial site within the existing development footprint. Therefore, it will have no impacts peculiar to the parcel with regards to mineral resources and no impacts are more severe than those identified in the Torrey Pines CPU EIR.

#### AGRICULTURAL RESOURCES

The project is located on developed Industrial zoned land that does not contain Farmland, agricultural or forest uses. The project would have no impact to agriculture or forestry.

#### RECREATIONAL RESOURCES

The project is consistent with the allowed development density and intensity in the industrial land use designation of the Community Plan. The project's industrial use does not affect the demand for neighborhood or regional active parks. The project is located adjacent to Los Peñasquitos Creek and follows the Community Plan's design guidelines for providing a passive recreation trail and adequate buffers from Los Peñasquitos Creek to avoid deterioration of this recreational resource. Additionally, as discussed in the biology section, the project is required to comply with the MSCP Adjacency Guidelines.

The project redevelops an existing industrial use, including its own on-site, private recreational facilities that do not impact public recreational facilities. The impacts of construction of the private facilities are part of the project description and are accounted for in the technical studies analyzing impacts from construction of the entire project. For all these reasons, the project would not result in any impacts to public recreational facilities more severe than identified in the Torrey Pines CPU EIR.

The Torrey Pines CPU EIR found that the Community Plan Update would have no impact on Public Services because the Community Plan area was 95% built-out and services and existing facilities were adequate to support full buildout of the Community Plan.

### POPULATION

The project redevelops an existing industrial use within the intensity contemplated by the Community Plan and is not unplanned growth. Construction of the project would result in a temporary direct increase in construction jobs in the area. The demand for construction employment would likely be met within the existing and future labor market in the City and in the greater San Diego County area. Operationally, the project does not contain land uses that typically result in direct population growth.

Additionally, as discussed in the Land Use analysis, the project is consistent with underlying land use and zoning designations. Therefore, the project would not directly result in unplanned population growth in the area. No impact would occur.

### HOUSING

The site is already developed with industrial uses and the project proposes continuation of industrial uses in accordance with the Community Plan land use designation. The project would not displace existing people or housing necessitating construction of replacement housing elsewhere. Because the project site is designated as Prime Industrial Lands, no conversion to residential uses is permitted. No impact would occur.

### PUBLIC SERVICES

As discussed in above in the Population Section, the project would not induce unplanned population growth in the area. As such, construction, operation, and maintenance of the project would not require new or physically altered facilities associated with fire protection, police protection, schools, or other public facilities. The project is consistent with the allowed development density and intensity in the industrial land use designation of the Community Plan. The project redevelops an existing industrial use and contains its own on-site, private recreational facilities.

With regards to cumulative impacts, in accordance with the City regulations requiring new development to pay development impact fees, any incremental increase in square footage of development at the project site will be paid prior to issuance of a building permit.

For these reasons, the project would not result in any impacts to public services more severe than identified in the Torrey Pines CPU EIR. The Torrey Pines CPU EIR found that the Community Plan Update would have no impact on Public Services because the Community Plan area was 95% built-out and services and existing facilities were adequate to support full buildout of the Community Plan.

## UTILITIES

The project is consistent with the allowed development density and intensity within the industrial land use designation of the Torrey Pines CPU. Additionally, the project conducted a Sewer Study to assess the project's potential impacts on sewer utilities (Appendix J). The project would connect to an existing 8-inch sewer main in Sorrento Valley Boulevard, which has adequate capacity to handle the proposed development's sewage flow. The project will have no impacts beyond those identified in the Torrey Pines CPU EIR.

In addition, the project would not generate solid waste beyond that of typical industrial uses and those that currently exist on site. A Waste Management Plan was prepared for the project (Appendix K). The project would have no impacts beyond those identified in the Torrey Pines CPU EIR. The Torrey Pines CPU EIR considered the Community Facilities Element of the Community Plan, which includes planning for replacement of utility transmission lines and relocation and replacement of water and sewer facilities within the Community Plan area. However, because the Community Plan Area was 95% built out, the EIR determined that the addition of approximately 60 acres of industrial development would not be significant enough to require added public utilities. Accordingly, the EIR found that existing utilities were adequate for the Community Plan.

## ENERGY

The project is consistent with the development density and intensity anticipated within the industrial land use designation of the Community Plan and would not have energy impacts more severe than those identified in the EIR.

Additionally, since certification of the Torrey Pines CPU EIR, the City adopted uniformly applied development standards and policies in the Climate Action Plan (CAP), Project No. 416604, upon certification a Final Program Environmental Impact Report, SCH No. 2015021053. The CAP consists of five primary strategies including Strategy 1, Water & Energy Efficient Buildings, which includes the goal of reducing energy consumption in buildings. The project is consistent with the CAP as demonstrated through the CAP Checklist (Appendix A). Specifically, consistent with CAP Strategy 1: Energy & Water Efficient Buildings (City of San Diego 2015a), the project includes a roof which will meet or exceed the minimum 3-year aged solar reflection and thermal emittance or solar reflection index included under voluntary measures under California Green Building Standards Code (CGBC). With implementation of CAP Strategy 1, the project will not result in the use of excessive amounts of fuel or energy. Moreover, the project is required to comply with all uniformly applied development standards and policies found in the Title 24 energy efficiency requirements in the CGBC, adopted by the City.

As assured via the conditions of approval and/or City code enforcement, with consistency with all the above uniformly applicable development policies and standards, which substantially mitigate the project impacts, the project will have no impacts from excessive energy use more severe than those identified in the Torrey Pines CPU EIR, and no further review is required.

### WATER CONSERVATION

The site is already developed with industrial uses. The project is consistent with the land use designation identified in the Torrey Pines CPU, and would not increase the water demand for the site beyond that assumed in the Torrey Pines CPU. Additionally, the project would also incorporate plumbing fixtures that do not exceed the maximum flow rate specified in the California Green Building Standards Code. Therefore, the project would not result in the use of an excessive amount of water compared to the existing uses. The project will have no impacts more severe than those identified in the Torrey Pines CPU EIR.

The site is already developed with industrial uses. The project includes improvements to a 100-foot wetland buffer consisting of landscaping, MHPA fencing, and trails. Development of the project would be consistent with San Diego Landscape Regulations set forth in Chapter 14, Article 2, Division 4 of the Municipal Code and Landscape Standards set forth in the City of San Diego Land Development Manual. The project will have no impacts more severe than those identified in the Torrey Pines CPU EIR.

### PALEONTOLOGICAL RESOURCES

The project proposes redevelopment of a previously graded and developed site, but may entail excavation into native, undisturbed material. An Archaeological Resources Report Form (Appendix G) was conducted for the project and determined that the project site consists of alluvial soils, which are conducive to encountering buried cultural resources that may not be evident on the surface. While no known paleontological resources are present on the site, paleontological monitoring in these high-sensitivity areas is required by uniformly applied development standards and regulations in the City's CEQA Significance Determination Thresholds and would be implemented on the project. As assured via the conditions of approval and/or City code enforcement, with consistency with all the above uniformly applicable development policies and standards, which substantially mitigate the project impacts, the project will have no significant impacts to Paleontological Resources more severe than those identified in the Torrey Pines CPU EIR, and no further review is required.

### HUMAN HEALTH/PUBLIC SAFETY

The project is subject to the City of San Diego Hazardous Materials Management Plan requirements and uniformly applicable fire and life safety protection systems requirements of the City of San Diego (City of San Diego 2017b). Brush management requirements apply pursuant to the Fire Code and the City's Landscape Manual, and additional requirements apply within the Community Plan area to protect existing and proposed structures from fire hazards. The application of these uniform development policies and standards would substantially mitigate the project's impacts on hazards and hazardous materials.

Because the project is an existing business park and the project involves redevelopment in a manner consistent with the allowed development density and intensity under the Community Plan industrial land use designation and the above uniformly applicable development policies and standards of the City of San Diego, the application of which will substantially mitigate its impacts, it will have no impacts relating to hazards and hazardous materials more severe than those identified in the Torrey Pines CPU EIR, and no further environmental review is required.



**City of San Diego  
Development Services**  
1222 First Ave., MS 302  
San Diego, CA 92101  
(619) 446-5000

# Ownership Disclosure Statement

**FORM  
DS-318**

**October 2017**

**Approval Type:** Check appropriate box for type of approval(s) requested:  Neighborhood Use Permit  Coastal Development Permit  
 Neighborhood Development Permit  Site Development Permit  Planned Development Permit  Conditional Use Permit  Variance  
 Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment •  Other \_\_\_\_\_

**Project Title:** Enclave Park **Project No. For City Use Only:** \_\_\_\_\_

**Project Address:** 4174, 4202 Sorrento Valley Boulevard San Diego CA 92121

APNs: 341-120-10-00, 341-120-09-00

**Specify Form of Ownership/Legal Status (please check):**

Corporation  Limited Liability -or-  General - What State? Delaware Corporate Identification No. 6534013

Partnership  Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Property Owner**

Name of Individual: 4174 Sorrento Valley Owner, L.L.C.  Owner  Tenant/Lessee  Successor Agency

Street Address: 2029 Century Park East, Suite 1370

City: Los Angeles State: CA Zip: 90067

Phone No.: 619-316-5499 Fax No.: \_\_\_\_\_ Email: jparot@btprop.com

Signature: *Janis Bell* Date: September 1, 2022

Additional pages Attached:  Yes  No

**Applicant**

Name of Individual: 4174 Sorrento Valley Owner, L.L.C.  Owner  Tenant/Lessee  Successor Agency

Street Address: 2029 Century Park East, Suite 1370

City: Los Angeles State: CA Zip: 90067

Phone No.: 619-316-5499 Fax No.: \_\_\_\_\_ Email: jparot@btprop.com

Signature: *Janis Bell* Date: September 1, 2022

Additional pages Attached:  Yes  No

**Other Financially Interested Persons**

Name of Individual: \_\_\_\_\_  Owner  Tenant/Lessee  Successor Agency

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Additional pages Attached:  Yes  No





August 31, 2022

City of San Diego  
Development Services Department  
1222 First Avenue  
San Diego, CA 92101

RE: 4122, 4174, 4202 Sorrento Valley Boulevard, San Diego, California  
APNs: 341-120-10-00, 341-120-09-00, 341-120-08-00

To Whom It May Concern,

This letter is to confirm that Daniel Belldegrun is an Authorized Signatory and can sign on behalf of 4174 Sorrento Valley Owner L.L.C.

This letter also acknowledges that there are no individual parties owning more than 10% of 4174 Sorrento Valley Owner L.L.C.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Belldegrun", with a long, sweeping flourish extending to the right.

Daniel Belldegrun  
Chief Executive Officer

CC: Jonathan Parot, Breakthrough Properties  
Ted Shaw, Atlantis Group