




THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: June 24, 2024

TO: Hearing Officer

FROM: Francisco Mendoza 

SUBJECT: 4010 Sorrento Valley Road, PRJ-1062427, Item #1, Hearing Officer Agenda of June 26, 2024

The hearing documents for Project No. PRJ-1062427, Item 1, were updated to revise an environmental action and resolution for the project's environmental determination. The project is determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183. This CEQA exemption requires the Hearing Officer to adopt a Mitigation, Monitoring and Reporting Program (MMRP). Please see the following edits:

1. Staff Report Proposed Actions Item 1 revised language, "Adopt a Mitigation, Monitoring and Reporting Program (MMRP);"
2. Staff Report Alternatives Item 1 revised language, "Adopt a Mitigation Monitoring and Reporting Program and Approve Site Development Permit No. PMT-3159428, Neighborhood Development Permit No. PMT-3159428, and Coastal Development Permit No. PMT-3159426, with modifications."
3. Staff Report Alternatives Item 2 revised language, "Do Not Adopt a Mitigation Monitoring and Reporting Program and Deny Site Development Permit No. PMT-3159428, Neighborhood Development Permit No. PMT-3159428, and Coastal Development Permit No. PMT-3159426, if the findings required to approve the project cannot be affirmed.
4. A revised Staff Report (without attachments) and Environmental Resolution for adopting the MMRP is included as an attachment to this memorandum.

Attachments:
Revised Staff Report
Environmental Resolution



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: June 18, 2024, REPORT NO. HO-24-026
HEARING DATE: June 26, 2024
SUBJECT: 4010 SORRENTO VALLEY BOULEVARD, Process Three Decision
PROJECT NUMBER: [PRJ-1062427](#)
OWNER/APPLICANT: TBPB Owner (DE) LLC / Atlantis Group Land Use Consultants

SUMMARY

Issues: Should the Hearing Officer approve the demolition of existing structures and the construction of two life sciences/research and development buildings totaling 380,000 square feet and a 253,343-square-foot, three-level parking structure located at 3910 - [4010 Sorrento Valley Boulevard](#) and 10801 - 10807 Vista Sorrento Parkway in the IL-3-1 Zone and the Coastal Overlay Zone within the [Torrey Pines Community Plan](#) area?

Proposed Actions:

1. Adopt a Mitigation, Monitoring and Reporting Program (MMRP); and
2. Approve Site Development Permit No. PMT-3159428; and
3. Approve Neighborhood Development Permit No. PMT-3159427; and
4. Approve Coastal Development Permit No. PMT-3159426.

Community Planning Group Recommendation: On November 21, 2023, the Torrey Pines Community Planning Group voted 8-1-1 to recommend approval of the project with a recommendation (Attachment 7).

Environmental Impact: The project site was previously analyzed within the certified Environmental Impact Report (EIR) No. 92-0126 / SCH No. SCH No. 92041021 for the Torrey Pines Community Plan Update. An evaluation was prepared to determine if conditions specified in the California Environmental Quality Act (CEQA) Guidelines section 15183 would require additional CEQA review. The evaluation determined that the project did not result in any project-specific significant effects that are particular to the project or its site beyond that identified in the certified EIR. A Mitigation Monitoring and Reporting Program for Traffic and Circulation and Biology will be implemented

consistent with the EIR Mitigation Framework. Based on the CEQA Guidelines section 15183 evaluation, the project is exempt from further environmental review.

BACKGROUND

The 4010 Sorrento Valley Boulevard (project) site is located in the northwestern portion of the City of San Diego (City), immediately east of the elevated junction of the I-5 and I-805 freeways. Below the junction, the 18.2-acre site is comprised of four contiguous lots northeast of the intersection of Sorrento Valley Boulevard and Vista Sorrento Parkway. Bounding the project site on the north is the Los Peñasquitos Creek within the Los Peñasquitos Canyon Preserve (Attachments 1-3). The preserve is identified within the City's Multi-Species Conservation Plan (MSCP) and contains the Multi-Habitat Planning Area (MHPA) in the form of marshes, wetlands, and riparian biological habitats that the City defines as Environmentally Sensitive Lands (ESL). Lastly, the project is within the IL-3-1 Zone and is designated by the Torrey Pines Community Plan (TCP) for industrial development and the General Plan as Prime Industrial Lands.

ESL Onsite:

- Multiple Habitat Planning Area (MHPA)
- Special Flood Hazard Areas (100-year Floodway, 500- and 100-year Floodplains)
- MSCP Sensitive Vegetation - Maritime Succulent Scrub, and others

Overlay zones that affect this project include:

- Airport Land Use Compatibility Overlay (MCAS Miramar)
- Airport Influence Area (MCAS Miramar - Review Area 1)
- Airport Safety Zone (Accident Potential Zone II - MCAR Miramar)
- Brush Management Zone and Very High Fire Severity Zone
- Coastal Overlay Zones (Non-Appealable and Coastal Appealable)
- Parking Impact Overlay Zone (Coastal)
- Parking Standards Transit Priority Area (PSTPA)
- Transit Priority Area (TPA)

The site was constructed in 1975, prior to the adoption of the MSCP/MHPA in 1995. A boundary line correction will revise where the environmentally sensitive lands are located on the premises and the project has been designed to observe this corrected boundary, in addition to other requirements of the MSCP/MHPA and Special Flood Hazard areas.

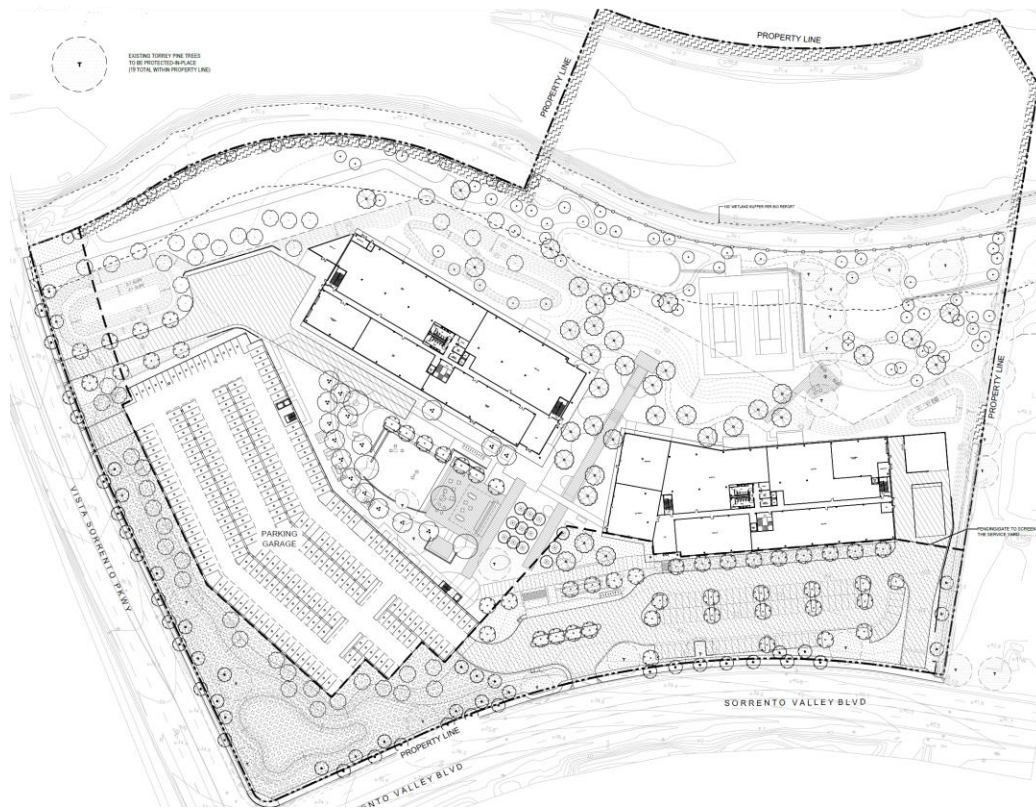
DISCUSSION

Project Description:

The project proposes the demolition of the existing industrial structures totaling 190,506 square feet (sf) and the construction of two life science/research and development buildings (including associated office space, accessory gym and assembly spaces, and eating facilities) totaling approximately 380,000 square feet including a basement, a three-level, 253,343-square-foot parking

structure. Research and development as a use is allowed by-right within the IL-3-1 Zone, however on-site ESLs and Overlays require discretionary approvals (see Permits Required below).

Approximately 99,200 cubic yards (cy) of fill will be imported on site to elevate the two proposed buildings out of the flood plain. This proposal requires revisions to the Federal Emergency Management Agency's (FEMA's) 100-year flood plain/flood way maps. This will require a Conditional Letter of Map Revision (CLOMR) prior to issuance of grading permits and at completion of work. Existing development (parking lots and structures) located within the corrected MHPA boundary and within the floodplains will be removed, and a 100-foot wetlands buffer will be established. Total construction is approximately 675,000 square feet.



Proposed site features include pedestrian observation decks and elevated ramps, landscaping (including the preservation and protection of 19 mature Torrey Pine trees), and pedestrian pathways and trails along the northern portion of the property facing the Los Peñasquitos Creek.

Permits Required:

- A Site Development Permit per SDMC Section [143.0110](#), Process 3, is required for development on a site containing Environmentally Sensitive Lands (Sensitive Biological Resources, Floodplains/Floodways).
- A Neighborhood Development Permit per SDMC Section [126.0402\(l\)](#), Process 2, is required as an alternative compliance method calculation for allowable Gross Floor Area Ratio within MCAS Miramar's Airport Safety Zone II per SDMC Section [132.1515\(d\)](#). This

would allow 50 occupants per acre, or 912 occupants, which can be controlled via 912 parking spaces.

- A Coastal Development Permit per SDMC Section [126.0708](#), Process 3, is required for development within the Coastal Overlay Zone.

These permits are consolidated for a decision by the Hearing Officer per SDMC Section [112.0103](#), with appeal rights to the Planning Commission.

Public improvements:

- The two-foot widening of Sorrento Valley Boulevard along the project frontage and provide a 14-foot parkway, which includes a nine-foot-wide landscape buffer and non-contiguous sidewalk.
- The three-foot widening of Vista Sorrento Parkway along the project frontage from the centerline to add a two-foot-wide buffer for a Class II bike lane, and provide a 14-foot parkway, which includes a nine-foot-wide landscape buffer and non-contiguous sidewalk.
- The project would stripe a buffer for a Class II bike lane on the north side of Sorrento Valley Boulevard and the east side of Vista Sorrento Parkway and install loop detectors and retroreflective borders at all intersection approaches.
- A pressure reducing station on Sorrento Valley Boulevard (approximately 0.5-miles to the east) to remedy the existing deficiency in the water system (see Project-Related Issues below).

Transit Improvements:

- TDM bulletin boards in central locations that encourage alternative transportation options including transit (project design feature).
- A 25-percent subsidy towards Regional or COASTER Adult Monthly transit passes available to employees to promote transit usage (TDM measure per CAP Checklist).
- A parking management plan that includes charging employees market-rate for single-occupancy vehicle parking and providing reserved, discounted, or free carpool priority parking spaces (designated) for employees that self-select to carpool or vanpool with other employees (CAP Checklist).
- Flexible or alternative work hours and a telecommuting program.
- Maintenance of an employer network in the SANDAG iCommute Program and promotion of its service to employees (CAP Checklist).
- Addition of 51 short-term bicycle spaces and 51 long-term bicycle spaces on site.

Vehicular access to the site is proposed via three driveways on Vista Sorrento Parkway; and two driveways on Sorrento Valley Boulevard. The northerly driveway on Vista Sorrento Parkway will be restricted to service maintenance access. This access will include rolled curb with detachable bollards to avoid visitor and employee access. The middle driveway on Vista Sorrento Parkway will be restricted to emergency access and loading and unloading operations serving the western

building. The southerly driveway on Vista Sorrento Parkway will serve as the employee and visitor access entrance. Both driveways on Sorrento Valley Boulevard will serve as the employee and visitor access as well as loading and unloading operations serving the eastern building.

Community Plan Analysis:

The Torrey Pines Community Plan (TPCP) is the guiding document for development in this area and implements the goals of the City's General Plan. The TPCP designates the site for industrial development and the General Plan as Prime Industrial Lands. The City's Multiple Species Conservation Plan (MSCP), Subarea Plan and Multiple Habitat Planning Area (MHPA) also provide guidance on development adjacent to and preservation of environmentally sensitive lands on-site.

Key policies of the TPCP include:

- Policy 1. All development adjacent to open space areas shall be designed to reduce visual and development impacts.
- Policy 2. Provide safe roadways for pedestrians, bicyclists and vehicular traffic, including traffic control measures and pedestrian crossings where necessary.
- Policy 7. New industrial and commercial development proposed adjacent to identified open space corridors shall contribute to the preservation of these areas.
- Policy 9. Emphasize the citywide importance of and encourage the location of scientific research, biotechnology, and clean manufacturing uses in Sorrento Valley because of its proximity to UCSD and the University and Mira Mesa communities' industrial areas. Provide adequate mass transit and/or transportation facilities to the Sorrento Valley Area.
- Policy 11. Within appendix E. Local Coastal Program Policies – Visual Resources, the land use plan recommends the preservation of private and public Torrey Pine trees.

The project has been designed with these key policies in mind. Siting, public improvements, and visual impacts are addressed below, outlining how the project meets the intent of the plan documents while adhering to the Land Development Code and SDMC regulations.

Siting (Policies 1 and 7): Buildings are sited out of the MHPA, and the project creates a 'no-rise' situation within the floodplain, with pathways and pedestrian features that are compatible with the Los Peñasquitos Creek and Canyon Preserve adjacency. Pedestrian ramps leading to overlook decks allow users to observe the MHPA from within the project site, showcasing these ESL into the foreground of the site design and public imagination. Vehicle use areas are located away from ESL, where the proposed office buildings act as a noise and visual barrier.

Public Improvements (Policies 2 and 9): Public improvements include new ADA-compliant sidewalks that traverse driveways, a widened right of way, re-stripped bike lanes with safety improvements like loop detectors and backplates with retroreflective borders, and a landscaped parkway. A new signalized intersection and raised median along Sorrento Valley Boulevard are proposed (see

Project-related Issues below), facilitating the growing nature of the Sorrento Valley and Torrey Pines areas. Transit amenities provide alternatives for the site's users, providing biking, carpooling, or mass transit choices.

Citywide importance (Policy 9): Life sciences buildings are an integral part of the Sorrento Valley and Torrey Pines areas and provide highly skilled jobs. This also adheres to the General Plan's policies to promote a strong workforce in the San Diego region. The proposal is consistent with the goals of Prime Industrial Lands, which promotes the type of development proposed.

Torrey Pines Trees (Policy 11- Appendix E: Local Coastal Program Policies): Torrey Pines trees are integral to the namesake Torrey Pines Community. In conformance with the Visual Resources preservation element of the TPCP, the project preserves 19 mature Torrey Pine trees within the property and multiple trees along the project frontage. Sidewalk improvements have been modified where necessary to preserve these trees, as well.

The MSCP also identifies various ESLs on site, including MHPA wetlands, as part of the Los Peñasquitos Canyon Preserve and Creek. The MSCP/MHPA was not in effect when the project site was constructed. The project was designed to avoid and limit impacts to environmentally sensitive lands, including the MHPA, and sensitive biological resources. A MHPA boundary line correction (BLC) and 100-foot wetland buffer will be required to ensure that the project is consistent with the MSCP. The MHPA BLC will rectify and correct minor mapping inaccuracies related to pre-MHPA grading and clearing of on-site areas in 1975 during the initial property development, approximately 20 years prior to the adoption, mapping and implementation of the MSCP and MHPA.

A consistency determination was made that relies on the TPCP Community Plan Update Environmental Impact Report. Staff analyzed the site for any project-specific significant effects that are peculiar to the project or its site beyond that identified in the TPCPU PEIR or substantially mitigated by uniformly applied development policies or standards, and found the project is consistent with the TPCPU EIR with the implementation of a Mitigation Monitoring and Reporting Program (MMRP).

Based on the above, the proposed project was found in conformance with the applicable land use plans for this site.

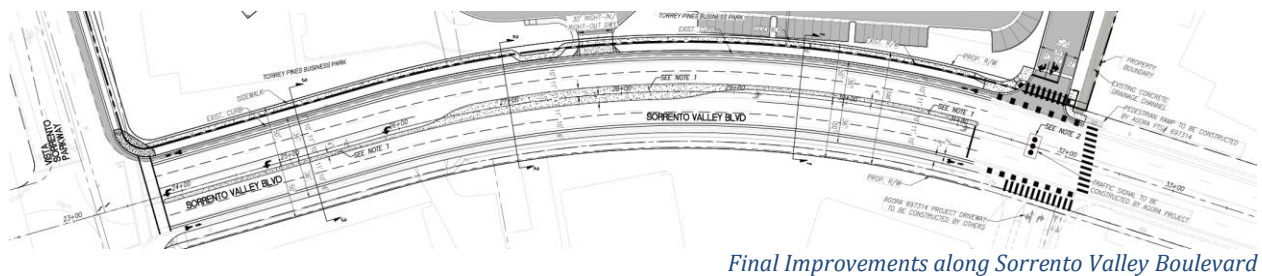
Project-Related Issues:

The project site is entirely within the 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 will import approximately 99,200 cubic yards of fill, raising the grade such that the proposed building's finished floor elevations will be higher than the 100-year water surface elevation (a "no-rise" condition). A Conditional Letter of Map Revision (CLOMR) will be processed ministerially with this project to evaluate the post-project floodplain impacts and conditionally revise the floodplain limits.

The proposed drainage design will mimic existing conditions. Under proposed conditions, all runoff from the proposed buildings and north parking lots will generally flow to individual biofiltration

basins and then discharge to Los Peñasquitos Creek. The south ramps and parking lots will flow through the south basin, discharge to the south outfall, and ultimately discharge through the existing channel and into Los Peñasquitos Creek.

The water service for the project includes new water laterals for domestic and fire protection services to be installed from the existing water line within Sorrento Valley Boulevard and the water line within Vista Sorrento Parkway. These laterals will require public improvements to the City's water infrastructure approximately one-half mile east of the project site, with the installation of a pressure-reducing station and upgrading all isolation valves in the water mains located within Vista Sorrento Parkway and Sorrento Valley Boulevard (these are significant improvements).



Final Improvements along Sorrento Valley Boulevard

Multiple developments are currently being reviewed along Sorrento Valley Boulevard that require interim solutions to public improvements. The raised median along Sorrento Valley Boulevard will remain unbuilt until dedications/public infrastructure for both this project and the one across Sorrento Valley Boulevard are completed. Additionally, the project to the south is constructing a signalized intersection at the eastern portion of the project site. In the interim, this project will construct a minor street stop-controlled intersection at the signalized intersection pending construction by the project to the south. Once completed, this project will have the improvements in place to complete the intersection.

Conclusion:

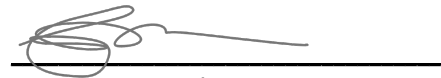
Staff has analyzed the proposed project and has found the proposal consistent with the Land Development Code, including the San Diego Municipal Code regulations, implementing base zone, and overlay regulations. The project as proposed is in conformance with the Torrey Pines Community Plan goals and policies. Staff has provided draft findings and conditions (Attachments 4 and 6) to support approval of the project and recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

1. Adopt a Mitigation Monitoring and Reporting Program and Approve Site Development Permit No. PMT-3159428, Neighborhood Development Permit No. PMT-3159428, and Coastal Development Permit No. PMT-3159426, with modifications.

2. Do not Adopt a Mitigation Monitoring and Reporting Program and Deny Site Development Permit No. PMT-3159428, Neighborhood Development Permit No. PMT-3159428, and Coastal Development Permit No. PMT-3159426, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Francisco Mendoza
Development Project Manager
Development Services Department

Attachments:

1. Project Location Map
2. Community Plan Land Use
3. Aerial Photographs
4. Draft Permit Resolution with Findings
5. Draft Environmental Resolution with MMRP
6. Draft Permit Conditions
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Plans

RESOLUTION NUMBER HO-_____ - 2

ADOPTED ON JUNE 26, 2024

A RESOLUTION OF THE HEARING OFFICER OF THE CITY OF SAN DIEGO DETERMINING THE 4010 SORRENTO VALLEY BOULEVARD PRJ-1062427 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 Resolution Number (No.) R-285182 for a comprehensive plan update to the Torrey Pines Community Plan that 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; and

WHEREAS, on January 10, 1995, the Council adopted Resolution R-285182 certifying Environmental Impact Report No. 92-0126 (SCH No. 92041021), 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 June 13, 2024, Atlantis Group Land Use Consultants submitted an application to the Development Services Department for approval of Site Development Permit, Neighborhood Development Permit, and Coastal Development Permit for the 4010 Sorrento Valley Boulevard Project PRJ-1062427 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 4010 Sorrento Valley Boulevard Project PRJ-1062427; 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 CEQA Guidelines section 15183 evaluation determined the project will have potentially significant impacts to Traffic and Circulation and Biology consistent with the prior EIR; and

WHEREAS, the CEQA Guidelines 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 pursuant to CEQA 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 on the environment, which is attached hereto as Exhibit A.

BE IT RESOLVED that pursuant to CEQA Section 15183(f) to (h), the Hearing Officer, has determined that the 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: Hearing Officer of the City of San Diego

By: _____
Francisco Mendoza
Development Project Manager

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT NO. PMT-3159428, NEIGHBORHOOD DEVELOPMENT PERMIT NO. PMT-3159427, AND COASTAL DEVELOPMENT PERMIT NO. PMT-3159426

PROJECT PRJ-1062427

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 PRJ-1062427 / SCH No. 92041021 shall be made conditions of SITE DEVELOPMENT PERMIT NO. PMT-3159428, NEIGHBORHOOD DEVELOPMENT PERMIT NO. PMT-3159427, AND COASTAL DEVELOPMENT PERMIT NO. PMT-3159426 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 of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, 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 are incorporated into the design.
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/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)

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 Biologist(s)

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, Project Number PRJ-1062427, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD’s Environmental Designee (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 of compliance with all other agency requirements or permits 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 11"x17" 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:

**Table 10-1.
Document Submittal/Inspection Checklist**

Issue Area	Document Submittal	Associated Inspection/ Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Land Use	Land Use Adjacency Issues CSVs	Land Use Adjacency Issue Site Observations
Biology	Biologist Limit of Work Verification Grading Plans	Limit of Work Inspection Grading Permit
Transportation	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction meeting

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

MM-BIO-1 BIOLOGY (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, 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 1st day of monitoring, the 1st 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 a 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 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 the 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 that 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 above 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.

Traffic and Circulation

MM-TRANSP-1: Prior to the issuance of first occupancy, the project shall provide and maintain the following Vehicle Miles Traveled (VMT) Reduction Measures totaling 12.5 points (at least 8 points required) of VMT reduction measures consistent with the Mobility Choices Ordinance, satisfactory to the City Engineer:

- (1) an on-site bicycle repair station (1.5 points);
- (2) five (5) electric bicycle charging stations (2 points);
- (3) fifty-one (51) short-term bicycle parking spaces, at least 10% beyond minimum requirements. The minimum required per the SDMC is 38 spaces and 51 spaces will be provided. (Each multiple of 10% beyond the minimum is = 1.5 points). Project will provide approximately 30% above the minimum bicycle spaces required. (4.5 points);
- and (4) fifty-one (51) long-term bicycle parking spaces, at least 10% beyond minimum requirements. The minimum required per the SDMC is 38 spaces and 51 spaces will be provided. (Each multiple of 10% beyond the minimum = 1.5 points). Project will provide approximately 30% above the minimum bicycle spaces required. (4.5 points)