

(R-93-1506)

RESOLUTION NUMBER R-282406

ADOPTED ON JUL 27 1993

WHEREAS, on November 7, 1988, Pardee Construction Company submitted an application to the Planning Department for a vesting tentative map, resource protection permit, rezone, community plan amendment and annexation to the Otay Mesa Development District for the Otay Corporate Center North project; and

WHEREAS, the permit was set for a public hearing to be conducted by the Council of The City of San Diego; and

WHEREAS, the issue was heard by the Council on JUL 27 1993  
\_\_\_\_\_; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report DEP No. 88-1144; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Environmental Impact Report DEP No. 88-1144, in connection with the vesting tentative map and associated actions for the development of Otay Corporate Center North, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in said report,

together with any comments received during the public review process, has been reviewed and considered by this Council.


BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council hereby adopts the findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a copy of which is attached hereto and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: JOHN W. WITT, City Attorney

By

  
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Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:lc:pev  
04/01/93  
Or.Dept:Plan.  
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November 9, 1992

**CANDIDATE FINDINGS  
FOR THE  
GENERAL PLAN AND COMMUNITY PLAN AMENDMENTS,  
ANNEXATION TO THE OTAY MESA DEVELOPMENT DISTRICT,  
REZONE, VESTING TENTATIVE MAP,  
AND RESOURCE PROTECTION OVERLAY ZONE PERMIT  
FOR OTAY CORPORATE CENTER NORTH**

The following findings are made relative to the conclusions of the final Environmental Impact Report (EIR) for the Community and General Plan Amendments, Annexation to the Otay Mesa Development District (OMDD), Rezone, Vesting Tentative Map (VTM), and Resource Protection Overlay Zone Permit for Otay Corporate Center North in the city of San Diego (DEP No. 88-1141). The 178.9-acre project area is located north of Otay Mesa Road, including portions of Dennery Canyon on the west.

In response to comments received during the EIR public review period, the applicant revised the project design to reduce impacts and implement Alternative C, as described in the draft EIR on pages 95-96. This alternative would reduce biological and landform alteration impacts and provide alternate access points to the Robinhood Ridge subdivision to the north. Thus, the project, as currently proposed, involves the subdivision of the 178.9-acre site into 77 lots for industrial development, one remainder lot, two lots for open space, two lots for fuel management, and one lot for signage.

These findings are made pursuant to Section 21081 of the California Public Resources Code and Sections 15091 and 15093 of the California Administrative Code.

**FINDINGS**

**A. PUBLIC RESOURCES CODE SECTION 21081(a)**

The City Council, having reviewed and considered the information contained in the final EIR for the project and the public record, finds, pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines, that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR with respect to the areas of (1) land use, (2) biological resources, (3) landform alteration/visual quality, (4) geology/soils/erosion, (5) hydrology/water quality, and (6) cultural resources. Specifically:

**1. Land Use**

Impacts. The western edge of the project's proposed industrial uses would represent a potentially significant land use conflict with respect to ongoing park planning efforts within the Otay Valley Regional Park focused planning area. Additionally, the proposed project, as with any development on western Otay Mesa, would preclude future agricultural use

and eliminate open vacant land. This effect, recognized in the adoption of the Otay Mesa Community Plan in 1981, is considered to be a significant cumulative impact.

Finding. The direct impacts associated with the project's edge interface with respect to ongoing park planning efforts has been mitigated to below a level of significance by revision of the Design Guidelines to incorporate more specific and restrictive siting, architectural, and landscaping development criteria applicable to canyon rim Lots 35, 36, and 47 through 57. The goal of these criteria is to provide a harmonious transition from natural canyon to the development and to avoid or screen the visual impact of large buildings or industrial activities from off-site areas. These revisions minimize the impact from development along the canyon and to potential future park uses.

Measures to reduce the cumulatively significant land use effect are considered beyond the scope of the proposed project.

## 2. Biological Resources

Impacts. The project as revised would impact approximately 10.3 acres of disturbed Diegan coastal sage scrub and a single vernal pool located at the proposed cul-de-sac of "E" Street. The impacts to the disturbed coastal sage scrub would also add to the cumulative loss of habitat for potentially occurring sensitive wildlife species such as orange-throated whiptail, San Diego horned lizard, and California gnatcatcher. The loss of approximately 100.5 acres of nonnative grassland, which provides potential habitat and foraging area for raptors, would also be considered a significant cumulative impact.

Finding. The design modifications which have been made to the vesting tentative map have substantially lessened the impacts to the biological resources on the property. Impacts to coastal sage scrub have been reduced from 21.3 acres to 10.3 acres (a 51 percent reduction) and impacts to vernal pools, with the exception of an single vernal pool, would be avoided by the redesign. These map revisions, along with modifications to the brush management zones in the revised Design Guidelines, would allow the dedication of approximately 11 additional acres of coastal sage scrub as natural open space.

In addition, revegetation of disturbed habitat on-site within the vernal pool preserve (approximately 9.5 acres) and off-site on the California Terraces portion of the preserve (approximately 2.5 acres) would provide mitigation for the remaining impacts to coastal sage scrub at locations adjacent to the Dennery Canyon regional open space system. The redesign and revegetation of 12 acres of disturbed habitat would reduce impacts to coastal sage scrub to below a level of significance.

The modifications to the VTM at Lots 11 and 35 would avoid impacts to vernal pools and the associated drainage area. The redesign at Lot 11 would preserve three additional vernal pools which would be incorporated into the vernal pool preserve. These pools and drainage area (approximately 0.5 acre) would be restored and revegetated in a manner consistent with the requirements of the Dennery Canyon Vernal Pool

Preservation and Restoration Plan, which is discussed below. At Lot 35, two pools and the drainage area (approximately 0.8 acre) would be preserved adjacent to the archaeology preserve and the regional open space system (Lot C) associated with Dennery Canyon. These measures, in conjunction with implementing the vernal pool plan which would preserve and restore vernal pool habitat at a 5:1 replacement ratio, would substantially reduce vernal pool impacts. However, because the project would continue to impact a single unmapped vernal pool within the proposed cul-de-sac on "E" Street, the impact would not be considered fully mitigated.

The Dennery Canyon Vernal Pool Preservation and Restoration Plan would include decompaction, rehabilitation of pool basins, transplantation of vegetation into restored habitat, and effective protection from off-road-vehicle (ORV) disturbance. Upland areas of the restoration site will be restored by the hydroseed application of native species. Vehicle barriers and fencing will be erected and maintained which are capable of excluding ORV use from the preserve. The preserve will be inspected on a periodic basis by a qualified biologist to assess the integrity of the barrier and determine whether there is disturbance within the preserve.

Monitoring will be the responsibility of the applicant for a five-year period or until the restoration is deemed successful based on specific criteria developed as part of the restoration goals described above. This shall be assured to the satisfaction of the Directors of the Planning and the Park and Recreation departments. Ownership of the preserve will be retained by the applicant for the initial five years, at which time it will be transferred either to the City of San Diego or to the U.S. Fish and Wildlife Service, but shall first be offered to the City of San Diego.

Avoidance of the direct impacts to biological resources would require adoption of the No Project alternative or a further redesign (Alternative B) to preserve the single vernal pool located within the proposed cul-de-sac for "E" Street.

### 3. Landform Alteration/Visual Quality

Impacts. The originally submitted project proposed grading at the canyon rim which would be set back from areas of 25 percent slopes except for one 200-foot-long slope, which is 50 feet high, at the head of a transverse finger of Dennery Canyon. This slope was proposed for an internal street and would have created a significant direct landform alteration impact. Subsequent to the close of the EIR public review period, the applicant has modified the vesting tentative map to implement Alternative C as described in the draft EIR on pages 95-96. This alternative would shift the westerly internal access to the east and eliminate the need for the 50-foot-high fill slope at the head of the canyon. With this vesting tentative map modification, the direct landform alteration impact would be avoided.

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Additionally, the project will create an urban presence along portions of the mesa, visible from major roadways and other developed portions of the mesa. Structures developed within lots along the canyon rim could also cause significant direct visual quality impacts for potential future residential and regional park viewsheds west and north of the site along the mesa and from within Dennery Canyon. As with any development on western Otay Mesa, the project's contribution to a change in the visual character of the area from rural to urban industrial would be considered a significant cumulative visual quality impact. This impact is not unique to the proposed project.

Finding. As noted above, the direct landform alteration impact associated with the originally proposed project has been mitigated by a project redesign (Alternative C in the draft EIR) which eliminates the proposed 200-foot-long and 50-foot-high manufactured slope at the head of Dennery Canyon.

The direct impacts associated with visual quality have been mitigated to below a level of significance by revision of the Design Guidelines to incorporate more specific and restrictive siting, architectural, and landscaping development criteria applicable to canyon rim Lots 35, 36, and 47 through 57 to minimize the impact from development along the canyon and to potential future park uses. These development criteria include additional building setbacks from the canyon rim (a 30-foot rear yard setback is proposed by the applicant in lieu of the 25-foot setback normally required in the Otay Mesa Development District), a consistent landscape theme transitional to the natural canyon vegetation, and substantial screening of the structural development on-site. These criteria will provide a harmonious transition from natural canyon to the development and to avoid or screen the visual impact of large buildings or industrial activities from off-site areas across and below the site. These stricter criteria will be identified for individual lots and added to the existing Design Guidelines proposed for the development.

Full mitigation of the project's contribution to the cumulative visual quality impacts are considered beyond the scope of the proposed project.

#### 4. Geology/Soils/Erosion

Impact. Some of the soils found on the surface of the site are not considered suitable for the support of fill or structural loads. Weak clays and remolded clay seams may be found in cut slopes which could contribute to potential slope instability. Alluvial or slope wash soils that occur on the site could be susceptible to water seepage under seasonal conditions.

Finding. The potential significant geology/soils/erosion impacts of the proposed project can be mitigated to below a level of significance. Compressible soils should be removed and compacted where settlement-sensitive structures, fill slopes, and roads are planned. Periodic on-site evaluations should be made by the soil engineer or engineering geologist during grading and/or construction to monitor the site for the presence of groundwater and to make recommendations. In areas where cut

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slopes over 10 feet high are planned, drained stability fills and/or earthen buttress fills may be recommended. Foundations built on the project site will require post-tensioned systems or a heavily reinforced conventional system to support the building structure. Alternatively, the top three feet of the proposed pads and paved areas could be replaced with very low expansive material. Techniques for grading and erosion control that are outlined in the Design Guidelines for Otay Corporate Center should be followed.

## 5. Hydrology/Water Quality

Impact. Project-generated direct impacts of increased runoff, sedimentation, and erosion are potentially significant. Short-term impacts of development of the project include increased levels of erosion and siltation resulting from grading and construction activities. Long-term effects include an increased amount of erosion and runoff, a decrease in runoff water quality, and a decreased quantity of groundwater rejuvenation from the site. The increase in impervious surface area and change in landscape would increase the amount of runoff from the site and reduce the ability of water to percolate into the groundwater reservoir. Irrigation and other sources of imported water also increase the amount of runoff. As other proposed developments on Otay Mesa are approved, the cumulative quantity of runoff will increase, thus creating significant cumulative hydrology and water quality impacts.

Finding. Implementation of the proposed project's Design Guidelines which detail a slope erosion control landscape plan would mitigate the potential hydrology/water quality direct impacts to below a level of significance. The plan includes slopes planted with deep-rooting, fast-growing plants and the installation of Best Management Practices storm-water pollution control devices to the satisfaction of the City Engineer. During project construction, temporary erosion control measures (e.g., interceptor ditches, earthen berms or dikes, temporary desilting basins, and sandbagging) would also be required. These measures would reduce erosion and protect downstream drainages during the construction phase. Full mitigation of the proposed project's cumulative hydrology/water quality impacts would require adoption of the No Project alternative or the Alternative Site Location alternative.

## 6. Cultural Resources

Impacts. Development of Otay Corporate Center North has the potential to directly impact a significant cultural resource site (SDi-10,198) and to indirectly impact another site (SDi-6941D). Impacts to site SDi-6941D will be mitigated through investigation of this site as part of the California Terraces project.

Finding. The potential significant impacts to cultural resources can be mitigated to below a level of significance. Site SDi-10,198 will be included in Lot C and dedicated as open space. The open space area will be protected from ground disturbance during construction of adjacent facilities and their subsequent use. The site area will be barricaded to preclude intrusion by motor vehicles. An archaeologist will periodically visit the site to evaluate its condition.

## 7. Traffic Circulation

Impact. Project-generated traffic would cause significant impacts to Otay Mesa Road.

Finding. Mitigation measures incorporated into the project as conditions of the replacement vesting tentative map approval which substantially reduce traffic impacts include (a) conformance of the project to an approved transportation phasing plan to the satisfaction of the City Engineer; (b) construction of traffic signals at intersections located at Otay Mesa Road and Avenue of Industry, and Otay Mesa Road and "A" Street; (c) half-width dedication and improvement of Otay Mesa Road, Avenue of Industry, and "A" Street within the subdivision boundary; and (d) street reservation and full street grading within the project for the extension of Robinhood Ridge Drive.

### B. PUBLIC RESOURCES CODE SECTION 21081(b)

The City Council, having reviewed and considered the information contained in the final EIR for the project and the public record, finds that there are no changes or alterations to the project which avoid or substantially lessen the significant environmental impacts that are within the responsibility and jurisdiction of another public agency.

### C. PUBLIC RESOURCES CODE SECTION 21081(c)

The City Council, having reviewed and considered the information contained in the final EIR for the project and the public record, finds there are specific economic, social, or other considerations which make infeasible the project alternatives identified in the final EIR.

#### 1. Project Alternatives

The alternative identified in the draft EIR to reduce the significant biology and landform alteration impacts to below a level of significance is Alternative B (Alternative Site Design). Similarly, Alternative C (Alternative Access) is also considered environmentally superior to the proposed project and would reduce the significant landform alteration/visual quality impacts to below a level of significance. Alternative C would also provide for alternate access points to the Robinhood Ridge residential project to the north. This alternative would eliminate the need for residential traffic to travel through the industrial park. However, Alternative C would not reduce the identified biological impacts to below a level of significance.

Subsequent to the public review period, the project applicant redesigned the VTM to implement Alternative C. However, the redesign went beyond the concepts presented in the draft EIR for this alternative and incorporated additional modifications which substantially reduced impacts to coastal sage scrub and vernal pools. These modifications, described above in Section A.2 and in the Preface to the final EIR, would reduce impacts to coastal sage scrub to below a level of significance and, with the exception of a single unmapped vernal pool, avoid impacts to vernal pool resources. Thus, to the extent feasible, the project has been redesigned to implement Alternative B. Avoidance



of the remaining vernal pool could be accomplished by the No Project alternative or a further redesign (Alternative B) of the project. These alternatives, along with Alternative D (Alternate Project Sites), are discussed below.

a. No Project Alternative. The No Project alternative would eliminate development from the site, thereby avoiding all project-related impacts. Implementation of this alternative would result in the retention of the property in its present condition. Under the No Project alternative, the proposed project would not be constructed. Implementation of this alternative would not preclude the future development of the site because the project area is within the Planned Urbanizing area of the city of San Diego.

The No Project alternative is economically infeasible. The applicant cannot afford to continue to pay property taxes, insurance fees, carrying costs, and maintenance on the property without the expectancy of a financial return from a reasonable use of the property. These costs, along with the land acquisition cost and the consultant fees, legal fees, and City processing fees in pursuing the project, are in excess of \$5.2 million.

Certain of the adopted goals and objectives of the Otay Mesa Community Plan would not be met with the No Project alternative. These include providing public facilities and services commensurate with development of the planning area, providing necessary public health and safety facilities, alleviating high unemployment, providing areas that are suitable for development of large-scale manufacturing facilities, providing areas for exclusive use of industry, and encouraging the twin plants concept.

It is not feasible, economically and socially, to totally disregard the potential of the applicant's property for industrial use. Otay Mesa contains unique opportunities due to its size, topography, and large parcels to accommodate users requiring numerous acres, large lots, and proximity to the international border for industrial uses. The second international border crossing has been constructed and is operating. Operation of this facility has generated a natural demand for industrial/manufacturing uses in close proximity to the border. The project will meet this demand by providing land for these purposes. Consequently, the adoption of the No Project alternative is found to be infeasible, since the adoption of such an alternative would be inconsistent with the need for industrial and manufacturing uses in close proximity to the second border crossing station.

Retaining the property in its existing use would impact any financing mechanism for providing adequate public facilities. Regardless of the ultimate use of the property and surrounding area, Otay Mesa will require the extension of public services and development of roads. Implementation of the No Project alternative would preclude the construction of the majority of public improvements which are provided through the subdivision process. Absent obtaining the public improvements through the subdivision process, such facilities must be financed through mechanisms such as development impact fees, assessment districts, and Mello-Roos sources. The actual fee imposed on each property utilizing these mechanisms involves determining the extent or degree to which each type of development generates a demand for, or receives a benefit from, the various public facilities involved. The No Project alternative would not generate traffic or the need for, or benefit from, schools, fire stations, libraries, parks, water, or sewer service. Thus, on an equitable basis, the

property would not share in the cost of financing such facilities, resulting in insufficient funds to finance the needed facilities or an undue burden for financing the facilities on property owners who are permitted to develop their land.

b. Alternate Site Design (Alternative B). Additional modification of the VTM to avoid impacts to the single isolated remaining vernal pool located within the proposed cul-de-sac of "E" Street is not considered feasible from a design perspective. To the extent feasible, the project has been redesigned to reduce impacts to vernal pool resources. As noted above and in the Preface to the final EIR, the impacts to vernal pool resources associated with the original project have been substantially lessened by the referenced VTM changes and the preservation and restoration proposed for Lot B (10 acres) within the Dennery Canyon vernal pool preserve. The project redesign as presently proposed by the applicant eliminates impacts to all wetlands except for a single unmapped vernal pool.

In order to avoid impacts to this single pool and drainage area, Lots 65 and 66 would need to be significantly modified and "E" Street would need to be shortened. Such a redesign would result in an impractical vernal pool open space island of approximately 0.2 acre that would be isolated from the project's open space system and have limited long-term biological value. The redesign would also create two "panhandle" lots within the corporate center. This type of lot design is undesirable and is inconsistent with the design objectives contained within the project's Design Guidelines. The lack of a full project frontage off "E" Street would limit the visual accessibility from a corporate user's perspective and could create circulation/access problems for trucks because of the proximity of the driveways. Given these design constraints and the resulting isolated open space, a further redesign of the project to preserve this single vernal pool is infeasible.

## STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council, pursuant to the CEQA Guidelines, after balancing the benefits of the proposed project against the unavoidable environmental effects which remain notwithstanding the mitigation measures and alternatives described above, determines that such remaining environmental effects are acceptable due to the following:

1. The industrial uses proposed for Otay Corporate Center North would be one of the few uses which would be compatible with the existing and possible future uses in the area. The project would be compatible with the future operations and noise contours envisioned for Brown Field in the Brown Field Master Plan update. The proposed change in land uses from residential to industrial has been initiated by the applicant in response to the July 1987 City Manager's Resolution No. 268967 requiring compatible land uses with Brown Field. In addition, the proposed industrial use is consistent with May 1991 City Council Resolution No. R-278003 concerning the "TwinPorts" airport concepts. The current residential land use designation in the community plan would not be permitted under either resolution.
2. The proposed change in land use from residential to industrial eliminates the need for the extension of Palm Avenue across Dennery Canyon. The proposed industrial use removes the need to link residential neighborhoods on both sides of the Dennery Canyon. Such an extension would have required filling of the canyon resulting in the destruction of approximately 13.4 acres of coastal sage scrub habitat. This bisection of the habitat would have been detrimental to the character of the regional open space system associated with the Otay River.
3. The project would also dedicate the Dennery Canyon slopes and vernal pool upland area as natural open space which would be included as part of the regional open space system associated with Otay Valley Regional Park. The open space system as shown on the "proposed project" (approximately 58 acres) would provide the city with open space that was not anticipated by the community plan. This increase in open space represents a valuable addition to the regional system from a biological and visual resource perspective.
4. The development of the 178-acre industrial park in this portion of Otay Mesa would provide employment in close proximity to future residences in the area. The project site is surrounded by several residential projects which are either proposed (California Terraces, South Palm Precise Plan, Hidden Trails, and Dennery Ranch) or approved (Robinhood Ridge). The provision for nearby employment opportunities by the project would help achieve regional air quality goals by reducing the length of vehicle trips to reach the workplace and reducing traffic congestion on major arterial and freeways.
5. The project would also ensure the permanent protection of regionally significant biological and archaeological resources. As described throughout the EIR, a ten-acre vernal pool preserve will be created within open space Lot B and an archaeology site of regional significance which also contains native vegetation will be preserved as part of open

space Lot C. Maintenance of the vernal pool preserve will initially be provided by the applicant. Without project approval requiring the creation and long-term establishment of the preserve, the ongoing deterioration and eventual destruction of the vernal pool habitat by off-road vehicles and other unauthorized activities would occur.

6. The project would provide several regionally significant infrastructure improvements. These improvements include widening of a portion of Otay Mesa Road and participation in the construction of a water distribution system. The project would partially fund the first phase construction of water infrastructure improvements for developing the 680 MSL water pressure zone, which will ultimately serve approximately 60 percent of Otay Mesa west of Heritage Road. This first phase of construction of the 680 zone is necessary for several proposed and approved (Robinhood Ridge) projects in western Otay Mesa. It will also enhance the water distribution system at Brown Field.
7. As shown in Table 1, the project would provide \$1.5 million in developer impact fees through the Otay Mesa Financing Plan program. This financing plan would contribute to the construction of key infrastructure improvements on Otay Mesa (e.g., police station, fire station, numerous roads, and traffic signals).
8. Although the industrial project would not generate students, the project would contribute approximately \$600,000 in school fees (see Table 1).
9. The project at buildout will provide considerable employment opportunities in a region where employment is a recognized need. It is estimated that the project will provide permanent employment for 4,500 persons. Additionally, the construction of the project would provide local employment for approximately 200 individuals annually throughout the anticipated 15-year buildout with as many as 500 people employed at any one time. Employment could well accommodate the "twin plants" concept between Mexico and the United States, given the proximity of the second border crossing and the industrial uses envisioned within the project.
10. The project at buildout will also generate additional public revenues in the form of property tax, sales tax, and state income tax which would total approximately \$8.5 million. Table 1 indicates the breakdown of these annual revenues based on an estimated floor area ratio (FAR) of 0.50.

**TABLE 1  
OTAY CORPORATE CENTER NORTH  
ECONOMIC BENEFITS BASED ON THE PROPOSED PROJECT**

	Estimated FAR = 0.50 <sup>1</sup>
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One-Time Revenues	
Development Impact Fee Contribution	1,513,440
School Fees	<u>595,000</u>
Total	\$2,108,440
Annual Public Revenue <sup>2</sup>	
Property Taxes	\$1,442,100/yr
State Income Tax	4,397,800/yr
Sales Tax	
From Employment	2,198,400/yr
From On-site Retail Uses <sup>3</sup>	<u>457,800/yr</u>
Total	\$8,496,100/yr
Present Value of Annual Public Revenue (25 years @ 7% interest)	\$98,970,000
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TOTAL (present value + one-time revenues)	\$101,078,400

NOTE: The above data depicts anticipated revenues of various forms expected to be collected by State, County, City, and school jurisdictions for the Otay Corporate Center North project. It assumes a built-out development (after all individual lots have been developed and buildings completed and occupied) and all amounts are expressed in 1992 dollars.

<sup>1</sup>The OMDD currently permits a floor area ratio of 2.0.

<sup>2</sup>Estimated annual revenue.

<sup>3</sup>The OMDD permits 5% usage as commercial.

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**MITIGATION MONITORING AND REPORTING PROGRAM  
FOR THE  
OTAY CORPORATE CENTER NORTH PROJECT**

The California Environmental Quality Act (CEQA) requires that a Mitigation Monitoring and Reporting Program be adopted upon certification of an Environmental Impact Report (EIR) in order to ensure that the mitigation measures are carried out. The Mitigation Monitoring and Reporting Program should specify the entity responsible for monitoring the program, what the mitigation is, and when in the process it should be accomplished.

The City of San Diego will be responsible for ensuring that the mitigation is completed for the Otay Corporate Center North Project. The following is a description of the Mitigation Monitoring and Reporting Program to be completed for this project.

**A. LAND USE**

**Mitigation Monitoring and Reporting**

The potential land use compatibility impact would be mitigated with the implementation of the revised Otay Corporate Center Design Guidelines. Subsequent to the close of the public review period, the Design Guidelines have been revised to incorporate more specific and restrictive siting and landscaping development criteria lots adjoining the canyon to minimize the impact from development along the canyon and to potential future park uses. The goal of these criteria is to provide a harmonious transition from natural canyon to the development and to avoid or screen the visual impact of large buildings or industrial activities from off-site areas across and below the site. The landscaping, fencing, and building setback guidelines have been incorporated into the revised Design Guidelines and would reduce the land use compatibility impact to below a level of significance.

Compliance with the Design Guidelines will be a condition of approval for the vesting tentative map. Implementation of the Design Guidelines requirements will be assured during the processing of the building plans and issuing building permits for the individual lots. Review of the building plans by the the Development and Environmental Planning Section of the Planning Department will ensure that the landscaping, fence treatment, and building siting requirements of the Guidelines are implemented. Inspection by City staff during grading and construction will verify that the appropriate requirements have been installed.

**B. BIOLOGY**

**Mitigation Monitoring and Reporting**

Implementation of the following mitigation monitoring program would reduce some project impacts to biological resources to a less than significant level.

- a. Impacts to vernal pool habitat would be partially mitigated by the implementation of the vernal pool preservation and restoration plan. This plan would both preserve and restore vernal pool habitat within

this project and within the California Terraces project area to the west, which is also owned by the applicant. The Dennery Canyon Vernal Pool Restoration and Preservation Plan describes in detail the implementation procedures, monitoring and reporting requirements, performance criteria, and the maintenance and management requirements.

In addition, the vernal pools on-site fall under the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Clean Air Act and under the jurisdiction of the California Department of Fish and Game under Section 1603 of the Fish and Game Code; these agencies must approve the vernal pool restoration plan. Evidence that permits have been obtained from these agencies shall be submitted to the principal planner of the Environmental Analysis Section (EAS) prior to the issuance of a land development permit and/or recordation of the final map.

- b. The restoration described in the Dennery Canyon Vernal Pool Restoration and Preservation Plan of coastal sage scrub habitat within the vernal pool preserve both on-site at Lot B and off-site on the California Terraces project (Lot G) would mitigate the impacts to this resource and would be a condition of approval of the vesting tentative map. This restoration in conjunction with the avoidance of the dedicated coastal sage scrub open space shall be described on the notes for the final grading plans and field inspection of the grading by EAS shall be required.

These measures are conditions of the tentative map and shall be completed as indicated above, prior to issuance of the final map.

### C. VISUAL QUALITY

#### Mitigation Monitoring and Reporting

The potential visual quality impact would be mitigated with the implementation of the revised Otay Corporate Center Design Guidelines. Subsequent to the close of the public review period, the Design Guidelines have been revised to incorporate more specific and restrictive siting and landscaping development criteria lots adjoining the canyon to minimize the visual effect from development along the canyon. The goal of these criteria is to avoid or screen the visual impact of large buildings or industrial activities from off-site areas across and below the site. The landscaping, fencing, and building setback guidelines have been incorporated into the revised Design Guidelines and would reduce the visual quality impact to below a level of significance.

Compliance with the Design Guidelines will be a condition of approval for the vesting tentative map. Implementation of the Design Guidelines requirements will be assured during the processing of the building plans and issuing building permits for the individual lots. Review of the building plans by the the Development and Environmental Planning Section of the Planning Department will ensure that the landscaping, fence treatment, and building siting requirements of the Guidelines are implemented. Inspection by City staff during grading and construction will verify that the appropriate requirements have been installed.



#### **D. GEOLOGY/SOILS/EROSION**

##### **Mitigation Monitoring and Reporting**

Implementation of the mitigation measures recommended in the Geocon report and described in the Final EIR would be a condition of the vesting tentative map approval. These measures include removal and recompaction of compressible soils where settlement-sensitive structures, fill slopes, and roads are planned. Periodic on-site evaluations should be made by the soil engineer or engineering geologist during grading and/or construction to monitor the site for the presence of groundwater and to make recommendations. In areas where cut slopes over 10 feet high are planned, drained stability fills and/or earthen buttress fills may be recommended. Foundations built on the project site will require post-tensioned systems or a heavily reinforced conventional system to support the building structure. These grading requirements and the requirements of any other studies required by the Engineering and Development Department during their review of the grading and improvement plans shall be noted on the final grading and improvement plans. Field inspection by the Engineering and Development Department shall be required to verify that the grading is consistent with the approved plans.

#### **E. HYDROLOGY/WATER QUALITY**

##### **Mitigation Monitoring and Reporting**

Implementation of the proposed project's Design Guidelines which detail a slope erosion control landscape plan would mitigate the potential hydrology/water quality direct impacts to below a level of significance. The plan includes slopes planted with deep-rooting, fast-growing plants and the installation of Best Management Practices storm water pollution control devices to the satisfaction of the City Engineer. During project construction, temporary erosion control measures (e.g., interceptor ditches, earthen berms or dikes, temporary desilting basins, and sandbagging) would also be required. These measures would reduce erosion and protect downstream drainages during the construction phase.

Implementation of the mitigation measures would be a condition of the vesting tentative map approval. These grading, improvement, and landscape requirements and the requirements of any other studies required by the Engineering and Development Department during their review of the grading and improvement plans shall be noted on the final grading and improvement plans. Field inspection by the Engineering and Development Department shall be required to verify that the grading and improvements is consistent with the approved plans.

#### **F. CULTURAL RESOURCES**

##### **Mitigation Monitoring and Reporting**

The potential significant impacts to cultural resources can be mitigated to below a level of significance. Site SDi-10,198 will be included in Lot C and dedicated as open space. The open space area will be protected from ground disturbance during construction of adjacent facilities and their subsequent use. The site area will be barricaded to preclude intrusion by motor vehicles. The

dedication of the archaeology preserve as a portion of Lot C will be a condition of approval of the vesting tentative map. Avoidance of the dedicated open space shall be described on the notes for the final grading plans, and field inspection of the grading by EAS shall be required.

**G. TRAFFIC CIRCULATION**

**Mitigation Monitoring and Reporting**

Approval of the Transportation Improvements Phasing Plan for Otay Corporate Center North and South (Urban Systems Associates 1992) by the Engineering and Development Department would mitigate the significant traffic impacts identified in the draft EIR. The phasing plan would ensure that development thresholds are established and are coordinated with any necessary regional transportation improvements. A condition of the vesting tentative map approval will require the acceptance and approval of a transportation phasing plan by the Engineering and Development Department. Implementation of the appropriate circulation improvements described in the plan for each development phase of the Otay Corporate Center North project will be required prior to the issuance of occupancy permits.

3320

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

JUL 27 1993

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Cepeda* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *1-282406* Adopted *JUL 27 1993*

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