

RESOLUTION NUMBER R- 295252

ADOPTED ON JUL 31 2001

WHEREAS, on January 14, 1999, the San Dieguito Partnership, L.P., Applicant, submitted an application to the City of San Diego for a coastal development permit, planned industrial development permit, vesting tentative map, open space easement vacation, and rezone; and

WHEREAS, the matter 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 31 2001, and

WHEREAS, the Council of the City of San Diego considered the issues discussed in Environmental Impact Report LDR No. 99-0036 Supplement to EIR 96-0265; NOW,
THEREFORE,

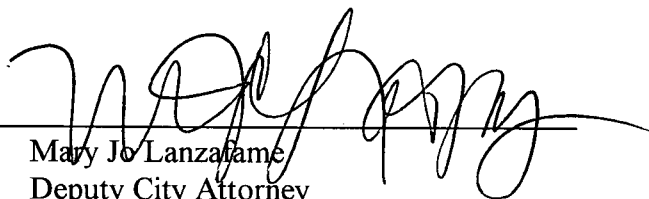
BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Environmental Impact Report No. LDR No. 99-0036 Supplement to EIR 96-0265, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public 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 in connection with the approval of the land use actions for the Headquarters Point Research Park project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council 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 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 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: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

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Candidate Findings and Statement of Overriding Considerations Regarding the Final Supplement to an Environmental Impact Report for Headquarters Point Research Park

The following Findings and Statement of Overriding Considerations are made relative to the conclusions of the Final Supplement to an Environmental Impact Report (Final SEIR) for the Headquarters Point Research Park (LDR No. 99-0036, SCH No. 99041006; Supplement to EIR ~~96-0625~~ 96-0265, SCH No. 99041006).

The discretionary actions proposed by the project include a Vesting Tentative Map, Rezone, Planned Industrial Development Permit, Hillside Review Permit, and Coastal Development Permit (VTM, RZ, PID, HR, CDP) and Open Space Easement Vacation for the development of two lots for manufacturing, industrial, or office use. The project site is located within the Mira Mesa community, east of Interstate 805, between Vista Sorrento Parkway to the west, Mira Mesa Boulevard to the south, and Lusk Boulevard to the north. Proposed grading would affect 8.6 acres for future development of office or industrial buildings, parking areas, an access road, and other hardscape and landscaping on two lots with building pads within the 10.3-acre portion of Lot 10 that comprises the project site. An adjustment to the Multi-Habitat Planning Area (MHPA) boundary is necessary, as project grading would encroach into the existing MHPA. Future development would be considered for approval under the Substantial Conformance Review process and could include up to a maximum 224,334 square feet of building area.

The Final SEIR indicates that implementation of the Headquarters Point Research Park would ultimately result in significant unavoidable direct and/or cumulative impacts to landform alteration and visual character.

The Final SEIR indicates that the project's direct and/or cumulative impacts on the following environmental issues can be reduced to less than significant levels through implementation of the Mitigation Monitoring and Reporting Program: land use, biological resources (California gnatcatcher and other sensitive habitat), hydrology/water quality, traffic circulation, and paleontological resources.

The Final SEIR analyzes the cumulative and growth-inducing impacts of the project, as well as alternatives to the project.

A. Public Resources Code Section 21081(a)(1)

The City Council, having reviewed and considered the information contained in the Final SEIR for the project and the public record, finds (pursuant to CEQA and the CEQA Guidelines) that changes or alterations have been required in or incorporated into the project that avoid or substantially lessen the significant environmental effects as identified in the Final SEIR with respect to the areas of land use (toxics, lighting, and noise); biological resources; geology, soils, and erosion; hydrology/water quality; traffic circulation; and paleontology.

Mitigation measures which would reduce landform alteration impacts, but not to below a level of significance, have also been incorporated into the project.

Implementation of the following mitigation measures would be required as conditions of approval for the project.

1) Landform Alteration

Impact: The project would grade approximately 3,367 cubic yards per graded acre and would alter 1.5 acres of on-site steep slope area. Grading in excess of 2,000 cubic yards per graded acre exceeds the City's significance threshold and therefore results in a significant landform alteration impact.

Finding: Implementation of the proposed project design measures and landscaping concept plan (see Figure 3-5 in the draft SEIR) would lessen the landform alteration impact associated with the proposed project but would not reduce impacts to a level of less than significant. A further reduction of the impact would require implementation of a project alternative. Specifically, the No Project alternative and the Reduced Development alternatives would further lessen this impact. However, only implementation of the No Project alternative would reduce impacts to a less than significant level. Additional discussion is provided in Section C of these findings and in Chapter 6 of the SEIR.

2) Land Use

Impact: The project's impacts to the MHPA (i.e., adjacency guidelines for toxics, construction noise, and lighting) are considered potentially significant impacts.

Finding: Mitigation of the potentially significant impacts to the MHPA would be through conditions of approval on the VTM and as PID requirements. The following specific measures have been identified to reduce impacts to a less than significant level:

Toxics. Within the Headquarters Point project, such measures as detention basins, grass swales, or mechanical trapping devices/filters shall be used, as determined by the City engineer, to reduce potential water quality impacts to below a significant

level. These systems will be inspected yearly and replaced or repaired as needed by the permittee. Routine maintenance would not require any additional permits or permissions.

Lighting. Lighting of parking and outdoor areas shall be at a minimum intensity required for safety, with the light source directed downward and shielded to avoid intrusion into the preserve and adverse effects on wildlife.

Noise (construction). To reduce potential construction noise impacts to the coastal California gnatcatcher, the following shall be made a condition of the Coastal Development Permit:

No California gnatcatcher within the MHPA adjacent to construction activity shall be exposed to construction noise levels above 60 decibels during the breeding season. Prior to the commencement of grading, a qualified biologist shall survey those areas of the MHPA within 800 feet of any construction activity in accordance with U.S. Fish and Wildlife Service protocol for determining the presence or absence of California gnatcatchers:

- If the survey concludes that no gnatcatchers are present, then no additional mitigation shall be required.
- If the survey concludes that gnatcatchers are present, noise wall(s) shall be constructed so as to buffer noise between construction activity and occupied habitat. Construction noise shall be monitored weekly to verify that noise within occupied areas of the MHPA is maintained below 60 decibels. Additional attenuation, including complete cessation of work during the breeding season, shall be required as necessary to maintain noise levels below 60 decibels.
- A report shall be provided to the environmental program manager presenting the results of the presence/absence survey.
- Monthly reports shall be provided to the environmental program manager regarding the results of the noise monitoring if gnatcatchers are present.
- The applicant shall post a \$5,000 bond to ensure performance of this mitigation measure. Upon receiving evidence of performance, the bond shall be released upon issuance of a Certificate of Compliance.

3) Biological Resources

Impact: The direct, indirect, and cumulative loss of 3.84 acres of Diegan coastal sage scrub would be an incremental loss of sensitive natural habitat and contribute to the regional loss of this declining plant community. This is considered a significant impact. The loss of 0.08 acre of native grassland and 5.31 acres of non-native grassland as foraging habitat is also considered a significant direct impact. Direct impacts to identified sensitive plant and animal species are also considered significant. Indirect impacts to the MHPA from public access, lighting, construction noise, and drainage are potentially significant but mitigable.

Finding: The significant direct and indirect impacts to biological resources will be mitigated to below a level of significance through conformance with and implementation of mitigation measures as specified in the City Biology Guidelines for the Environmentally Sensitive Lands Regulation and MSCP. The Headquarters Point Research Park project mitigation measures are shown in Table 4C-5 of the draft SEIR. The identified mitigation ratios are per the adopted MSCP based on the vegetation type (Tier Designation) being impacted. In addition to mitigation required for the project's direct impacts, the project is providing compensation for the loss of 8.76 acres of open space previously dedicated in conjunction with the approved Corporate Research Park Project. The addition of this acreage brings the total mitigation requirement to a minimum of 15.34 acres if within the MHPA and maximum of 19.99 acres if outside the MHPA. The following mitigation measures are included in the draft SEIR Mitigation Monitoring and Reporting Program to reduce biological resources impacts to a less than significant level:

The identified mitigation ratios are per the adopted MSCP based on the vegetation type (tier designation) being impacted as described below:

1. Impacts to native grasslands, a Tier I plant community, occur outside the MHPA. Mitigation ratios for native grasslands located outside the MHPA range from 1:1 to 2:1 depending on whether the mitigation area is inside or outside the MHPA.
2. Impacts to Diegan coastal sage scrub, which is a Tier II plant community, occur outside the MHPA. Mitigation ratios range from 1:1 to 1.5:1.
3. Impacts to non-native grasslands, a Tier IIIB plant community, occur outside the MHPA. Mitigation ratios for this habitat range from 0.5:1 to 1:1.

As noted throughout this SEIR, the previous dedication of open space within Lot 10 of the Corporate Research Park project, which included the current

Headquarters Point project site, served as part of the biological mitigation for the 1996 project. Thus, in addition to the mitigation required above for the project's direct impacts, the project applicant is also providing compensation for the loss of 8.76 acres of open space dedicated in conjunction with the approved Corporate Research Park Project. The addition of this acreage brings the total mitigation requirement to a minimum of 15.34 acres if within the MHPA and maximum of 19.99 acres outside the MHPA.

Other project-specific mitigation requirements identified to deal with direct and indirect impacts would include the following:

1. Prior to construction, surveys shall be conducted for the coastal California gnatcatcher to determine the location of this species on the site.
2. Grubbing, clearing, and grading of coastal sage scrub habitat areas adjacent to the MHPA shall be consistent with the MSCP Subarea Plan. These activities:
 - a) Shall be prohibited during the breeding/nesting season of the coastal California gnatcatcher (March 1 to August 15) *unless* noise walls are installed and a qualified monitor verifies that noise levels do not exceed significance thresholds.
 - b) Grading and similar activities conducted outside the breeding/nesting period (March 1 to August 15) are not restricted.
3. Brush management for Zone 2 shall be implemented by the City's MSCP as follows. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing in Zone 2 when the initial clearing is done. Vegetation clearing shall avoid/minimize impacts to covered species, especially adjacent nesting species.
4. Lighting at perimeter lots adjacent to the open space shall be selectively placed, shielded, and directed away from that habitat.
5. Any fencing along property boundaries facing the surrounding MHPA open space shall be designed and constructed of materials that are compatible with the MSCP open space requirements.
6. Revegetation of the landscape community within the sewer/waterline alignment shall include native species which do not have invasive root systems which may damage the sewer. The revegetation will be in accordance with the City of San Diego Landscape Technical Manual.

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7. Discharge from storm drains into the MHPA shall include BMPs to reduce levels of pollutants in urban runoff.
8. Landscaping in areas adjacent to the MHPA will not contain invasive exotic plant species. Landscaping plans will be reviewed by a qualified biological monitor.

4) Hydrology/Water Quality

Impact: As with the previously approved Corporate Research Park project (LDR No. 96-0265), development of two additional pads on 10.36 gross acres for the Headquarters Point Research Park (LDR No. 99-0033) would not result in significant impacts to water quality. The project is required under the National Pollutant Discharge Elimination System (NPDES) program, to receive approval of a Stormwater Pollution Prevention Plan (SWPPP) prior to final map recordation and implement Best Management Practices (BMPs) that have been incorporated into the project design. Urban pollutants would be filtered out before they leave the site. Implementation of these measures ensures that potential water quality impacts would be reduced to below a level of significance. As discussed in Section 4.D. (Geology) of the SEIR, water quality impacts related to erosion of on-site soils are considered reduced to a less than significant level through project design, thus avoiding significant water quality impacts from erosion.

Finding: Mitigation measures described on page 85 of the SEIR will be incorporated into the project design to mitigate potential hydrology/water quality impacts to a level of less than significant. Measures include plan review of final grading plans that show the interception of water runoff by interceptors designed to trap petroleum and oil runoff from parking areas. In addition, at least one desilting basin per lot is to be shown on the vesting tentative map and constructed for the purpose of trapping sediment carried by runoff prior to entering the storm drain system. These and other mandatory measures required by City, state, and federal regulations (including NPDES permit requirements) reduce potentially significant impacts to below a level of significance.

5) Traffic/Circulation

Impact: The project will add an estimated 68 additional trips to the intersection of Morehouse Drive and Lusk Boulevard, an intersection that experiences level of service F conditions during the evening peak hour commute. Although the intersection is planned for signalization in the near term, the addition of project-generated traffic is considered a significant impact. A fair-share contribution toward the cost of signal installation is warranted to reduce impacts to a less than significant level.

For all other street segments and intersections, the addition of project-related traffic, for both near term and future conditions, is not considered to result in a significant impact

Wateridge Circle Drive between Lusk Boulevard and Wateridge Vista would remain at LOS D with and without the project. This is considered an acceptable level of service and no additional mitigation measures are therefore required. In the Near Term, significant intersection impacts will result from the addition of project traffic at the intersection of Vista Sorrento Parkway and Lusk Boulevard during both the AM and PM peak hours. However, as discussed in the SEIR, the City's CIP project for the extension of Mira Sorrento Place (52-676.0) would alter the traffic patterns in the project area and improve the LOS to acceptable. Given the short-term nature of this effect and the current assurances that the CIP project would be constructed, the impact is not considered significant. All other impacts to intersection operations are considered less than significant. Under future conditions, significant impacts to intersection operations would not occur from the proposed project.

Finding: The project is required to contribute its estimated fair share (15.4 percent) toward the cost of installation of a traffic signal at the intersection of Morehouse Drive and Lusk Boulevard. A fair-share contribution reduces impacts to traffic circulation to a less than significant level.

6) Paleontological Resources

Impact: There is a potential that grading for the proposed project would significantly impact fossils of scientific importance associated with Ardath Shale, Scripps, and Bay Point formations.

Finding: A program for the recovery of paleontological resources during grading and earthwork activities would be required to mitigate potential impacts as conditions of the vesting tentative map. This program would reduce impacts to below a level of significance and would include the following steps:

1. A qualified paleontologist and/or paleontological monitor shall be retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a Ph.D. or master's degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist.
2. The qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. The requirement for paleontological monitoring shall be noted on the grading plans. The paleontologist's duties shall include monitoring, salvaging, preparing materials for deposit at a scientific institution that houses

paleontological collections, and preparing a results report. These duties are defined as follows:

- a. Monitoring. The paleontologist or paleontological monitor shall be on-site during the original cutting of previously undisturbed areas of the sensitive formation to inspect for well-preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.
 - b. Salvaging. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely manner. Recovery is anticipated to take from one hour to a maximum of two days. At the time of discovery, the paleontologist shall contact the Environmental Analysis Section (EAS) of the City of San Diego Development Services Department. EAS must concur with the salvaging methods before construction is allowed to resume.
 - c. Preparation. Fossil remains shall be cleaned, sorted, cataloged, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).
 - d. Monitoring Results Report. A monitoring results report, with appropriate graphics, summarizing the results (even if negative), analysis, and conclusions of the above program shall be prepared and submitted to EAS prior to the issuance of building permits and the termination of the paleontological monitoring program.
3. The project manager shall notify EAS staff of any preconstruction meeting dates and of the start and end of construction.
 4. A report of findings, even if negative, shall be filed with EAS and the San Diego Natural History Museum prior to issuance of building permits.

A note shall be included on the grading plans that the above measures are conditions of approval of grading permits. EAS shall ensure these measures are conditions of the vesting tentative map prior to approval of the vesting tentative map. Prior to issuance of grading permits, the Land Development Review Division shall review the grading plans to ensure that these measures are on the plans.

B. Public Resources Code Section 21081(a)(2)

Pursuant to the Public Resources Code Section 21081(a)(2), the decision-maker, having independently reviewed and considered the information contained in the Final SEIR, the appendixes and the record, finds that there are no changes or alterations to the project that

are within the responsibility and jurisdiction of another public agency, which would avoid or substantially lessen the significant effects of the project.

C. Public Resources Code Section 21081(a)(3)

The previous Final EIR for the Corporate Research Park (DEP No. 96-0265) found that there were no measures available to mitigate the cumulatively significant impacts associated with development of the Corporate Research Park project. The addition of Headquarters Point development would add to the cumulatively significant unavoidable adverse impacts associated with biological resources, hydrology/water quality, landform alteration/visual quality, and paleontological resources. Only adoption of the No Project alternative would avoid or fully mitigate direct impacts and reduce the project's contributions to cumulative impacts to a nominal level. A discussion of the No Project alternative is found in Section C of these findings.

The City Council, having reviewed and considered the information contained in the Final SEIR for the project and the public record, finds there are specific economic, legal, social, and other considerations, which make infeasible additional mitigation measures and project alternatives identified in the SEIR.

1. No Project Alternative

The No Project alternative is equivalent to maintenance of existing conditions throughout the project site, including the retention of 46.9 acres of dedicated open space within Lot 10. The site would remain designated for industrial use as shown in the Mira Mesa Community Plan. The 10.3-acre proposed project area within Lot 10 would not be developed and would remain open space as determined in the approved Corporate Research Park (LDN No. 96-0265). The existing zone of R1-40,000 would also remain. This alternative would mean that no development would occur on the site.

Impact: Advantages of the No Project alternative would include avoidance of the coastal sage scrub vegetation along the western portion of the project and elimination of the grading/visual quality impacts to the existing landform. There would be no increase in regional traffic from development activity and potential paleontological resources and runoff impacts would be avoided by not grading.

Selection of this alternative would *not* allow a boundary adjustment to improve the MHPA by adding a larger increment of higher quality habitat to adjacent expanses of the MHPA preserve. As a result, 1.51 acres of existing MHPA habitat (1.02 acres of coastal sage scrub and 0.49 acre of non-native grassland) would not be exchanged for 4.20 acres of coastal sage scrub.

The No Project alternative would eliminate project and cumulative impacts associated with landform alteration and visual quality, land use (project only), biological resources, hydrology/water quality, traffic and circulation (project only), and paleontological resources.

Findings: This alternative is infeasible for the following reasons:

- a. The No Project alternative would not achieve the stated goals and objectives to provide industrial land for the project while implementing the appropriate land use adjacency requirements described in the MSCP for the adjacent MHPA open space. The area to be adjusted into the MHPA is currently owned by the City of San Diego. The use of City-owned property for the boundary adjustment has been agreed to by City staff.
- b. Selection of the No Project alternative would not be consistent with the goals and policies contained in the Mira Mesa Community Plan, Council Policy Nos. 900-01 (Economic Development) and 900-12 (Business and Industry Incentive Program) or Legislative Policy Guidelines. These plans and policies encourage the efficient use of designated industrial land and promote actions that provide employment opportunities. The No Project alternative would eliminate the potential to provide up to 450 permanent new high technology research and development area jobs and additional construction jobs (assuming a building coverage of 150,000 square feet and an accepted job creation rate of 3 jobs per 1,000 square feet). Selection of this alternative would eliminate the use of a suitable site for industrial use and economic benefits derived from the creation of jobs and tax-based revenues.

2. Reduced Development Alternate

The Reduced Development alternative for Headquarters Point Research Park (see Figure 6-1 of the Final SEIR) has been developed to reduce site coverage on the property. Application of this alternative to the current 10.3-acre project would modify the site design to eliminate development of the northern mesa top (Lot 1). This would accordingly reduce the development pad area by 2.5 acres or approximately 50 percent.

Impact: Under the Reduced Development alternative, grading into HR steep slopes would be reduced by approximately 0.9 acre for a remaining total of 0.6 acre encroachment. Impacts to coastal sage scrub and requirements to adjust the MHPA boundary would also be lessened. Landform alteration impacts would be incrementally reduced but not to a level below significance because grading for development of the southern mesa only would still likely require earthwork quantities in excess of 2,000 cubic yards per graded acre. However, this alternative would include slope undulation to reduce other visual quality/landform alteration impacts associated with the proposed project. The traffic generation under this alternative would be lessened to 520 ADT. As

for the proposed project, significant impacts to the intersection of Morehouse Drive and Lusk Boulevard can be reduced by a fair-share contribution toward the cost of signalization. The percentage required to mitigate impacts would be correspondingly reduced to reflect the reduction in projected ADTs at this intersection.

Assuming implementation of proposed mitigation measures, the significance of environmental impacts associated with the proposed project as compared to the Reduced Development alternative would not be substantially different. However, under this alternative, no development would occur on approximately half of the 10.3-acre proposed project site. Selection of the Reduced Development alternative would reduce the economic benefits to the City that would be realized from increased taxes on property improvements and to the applicant.

This alternative is infeasible for the following reasons:

- a. The Reduced Development design would not meet the current goals and objectives established for the project to provide industrial land while implementing the appropriate land use adjacency requirements described in the MSCP for the adjacent MHPA open space.
- b. Selection of this alternative would eliminate one of the two lots proposed for development under the proposed project but would not eliminate significant unmitigable landform modification impacts that would result from grading in excess of City threshold standards.

**STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE
HEADQUARTERS POINT RESEARCH PARK**

The California Environmental Quality act and the State CEQA Guidelines (Section 15903) provide:

- a) CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) Where the decision of the public agency allows the occurrence of significant effects which are identified in the final SEIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

The City Council, pursuant to State CEQA Guidelines Section 15093, having balanced the benefits of the project against its unavoidable significant direct and/or cumulative impacts of the project on landform alteration, land use, biological resources (coastal sage scrub, native and non-native grasslands), hydrology/water quality, transportation/circulation, and paleontological resources determines that the impacts are acceptable for the following reasons:

1. Approval of the Headquarters Point Research Park project will result in the creation of up to 450 permanent new technology- and research-related jobs. High-tech employment has been shown to generate higher value wages. Development will also increase the availability of high-tech and corporate research facilities in an area already designated for this type of development.
2. The approval of this project will result in an increased generation of real property tax revenue for the city of San Diego. The City would receive real property tax increment revenues attributable to the increased value of improved real property. The project is estimated to have an assessed value of \$12,750,000, based upon a 150,000-square-foot development proposal. At a 1.25 percent tax rate, total property tax for the proposed project would be approximately \$160,000 per year. It should be noted

that the estimated real estate values and the tax rate used to calculate the property tax are subject to change as individual phases of the project are implemented.

3. The project would generate new temporary construction-related jobs that would enhance the economic base of the region.
4. Under the terms of a settlement agreement relating to resolution of a long standing legal dispute between the applicant and the City, title to the Headquarters Point Research Park site was transferred to the applicant in November, 1998. Upon approval of the Headquarters Point Research Park project, the City will be given a credit of \$1,620,000 towards the acquisition of 47 acres presently owned by the applicant in the lower San Dieguito Valley. As a consequence of the above action, a Memorandum of Agreement between the City, the San Dieguito River Valley Joint Powers Authority, and Southern California Edison would enable restoration activities to occur as a part of a larger wetland and upland restoration effort to be undertaken by Southern California Edison upon approval of the restoration plan by the California Coastal Commission.

For these reasons on balance, the City Council finds there are economic, social, and other considerations resulting from the project that serve to override and outweigh the project's unavoidable significant environmental effects, and thus, the adverse unavoidable effects are considered acceptable.


MITIGATION MONITORING AND REPORTING PROGRAM

Coastal Development Permit, Planned Industrial Development Permit,
Vesting Tentative Map, Open Space Easement Vacation, and Rezone

LDR NO. 99-0036

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during 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 Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in Supplement to Environmental Impact Report 99-0036 shall be made conditions of Coastal Development Permit and/or Vesting Tentative Map as may be further described below.

The above mitigation monitoring and reporting program will require a \$3,200.00 deposit to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

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Mitigation Monitoring and Reporting Program for Headquarters Point Research Park (LDR No. 99-0036)

The California Environmental Quality Act (CEQA), Section 21081.6, 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 implemented. The mitigation monitoring and reporting program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The mitigation monitoring and reporting program for Headquarters Point Research Park is under the jurisdiction of the City of San Diego and other agencies as specified below. The following is a description of the mitigation monitoring and reporting program to be completed for the project.

Land Use

Impact: The project's impacts to the MHPA (i.e., toxics, noise, and lighting) are considered potentially significant impacts.

Mitigation: Mitigation of the potentially significant impacts to the MHPA would be assured through conditions of approval on the VTM and as PID requirements.

Toxics

Within the Headquarters Point project, such measures as detention basins, grass swales, or mechanical trapping devices/filters shall be used, as determined by the City engineer, to reduce potential water quality impacts to below a significant level. These systems will be inspected yearly and replaced or repaired as needed by the permittee. Routine maintenance would not require any additional permits or permissions.

Lighting

Lighting of parking and outdoor areas shall be at a minimum intensity required for safety, with the light source directed downward and shielded so as to avoid intrusion into the preserve and adverse effects on wildlife.

Noise

To reduce potential construction noise impacts to the coastal California gnatcatcher, the following shall be made a condition of the Coastal Development Permit:

No California gnatcatchers within the MHPA adjacent to construction activity shall be exposed to construction noise levels above 60 decibels during the breeding season. Prior to the commencement of grading, a qualified biologist shall survey those areas of the MHPA within 800 feet of any construction activity in accordance with U.S. Fish and Wildlife Service protocol for determining the presence or absence of California gnatcatchers.

If the survey concludes that no gnatcatchers are present, then no additional mitigation shall be required.

If the survey concludes that gnatcatchers are present, noise wall(s) shall be constructed so as to buffer noise between construction activity and occupied habitat. Construction noise shall be monitored weekly to verify that noise within occupied areas of the MHPA is maintained below 60 decibels. Additional attenuation, including complete cessation of work during the breeding season, shall be required as necessary to maintain noise levels below 60 decibels.

A report shall be provided to the environmental program manager presenting the results of the presence/absence survey.

Monthly reports shall be provided to the environmental program manager regarding the results of the noise monitoring if gnatcatchers are present.

The applicant shall post a \$5,000 bond to ensure performance of this mitigation measure. Upon receiving evidence of performance, the bond shall be released upon issuance of a Certificate of Compliance.

Landform Alteration

Impact: The project would grade approximately 3,367 cubic yards per graded acre and would alter 1.5 acres of on-site steep slope area. Grading in excess of 2,000 cubic yards per graded acre results in a significant landform alteration impact.

Mitigation: Significant landform alteration impacts would be reduced through project design measures which include implementation of the proposed landscaping concept plans (see Figure 3-5 of the draft SEIR). A further reduction of the landform/visual quality impact would require implementation of a project alternative. Specifically, the No Project alternative and the Reduced Development alternative would lessen this impact. Project alternatives are discussed in Chapter 5 of the draft SEIR.

3) Biological Resources

Impact: The direct, indirect, and cumulative loss of 3.84 acres of Diegan coastal sage scrub would be an incremental loss of sensitive natural habitat and contribute to the regional loss of this declining plant community. This is considered a significant impact. The loss of 0.08 acre of native grassland and 5.31 acres of non-native grassland as foraging habitat is also considered a significant direct impact. Direct impacts to identified sensitive plant and animal species are also considered significant. Indirect impacts to the MHPA from public access, lighting, construction noise, and drainage are potentially significant but mitigable.

Mitigation: The significant direct and indirect impacts to upland biological resources would be mitigated to below a level of significance through conformance and implementation of the MSCP. The Headquarters Point Research Park project mitigation requirements are shown in Table 4C-5 of the draft SEIR. The identified mitigation ratios are per the adopted MSCP based on the vegetation type (tier designation) being impacted as described below:

Impacts to native grasslands, which is a Tier I plant community, occur outside the MHPA.

Mitigation ratios for native grasslands located outside the MHPA range from 1:1 to 2:1 depending on whether the mitigation area is inside or outside the MHPA.

Impacts to Diegan coastal sage scrub, which is a Tier II plant community, occur outside the MHPA. Mitigation ratios range from 1:1 to 1.5:1.

Impacts to non-native grasslands, a Tier IIIB plant community, occur outside the MHPA.

Mitigation ratios for this habitat range from 0.5:1 to 1:1.

As noted throughout this SEIR, the previous dedication of open space within Lot 10 of the Corporate Research Park project, which included the current Headquarters Point project site, served as part of the biological mitigation for the 1996 project. Thus, in addition to the mitigation required above for the project's direct impacts, the project applicant is also providing compensation for the loss of 8.76 acres of open space dedicated in conjunction with the approved Corporate Research Park Project. The addition of this acreage brings the total mitigation requirement to a minimum of 15.34 acres if within the MHPA and maximum of 19.99 acres outside the MHPA.

Other project-specific mitigation requirements identified to deal with direct and indirect

impacts would include the following:

Prior to construction, surveys shall be conducted for the coastal California gnatcatcher to determine the location of this species on the site.

Grubbing, clearing, and grading of coastal sage scrub habitat areas adjacent to the MHPA shall be consistent with the MSCP Subarea Plan. These activities:

Shall be prohibited during the breeding/nesting season of the coastal California gnatcatcher (March 1 to August 15) *unless* noise walls are installed and a qualified monitor verifies that noise levels do not exceed significance thresholds.

Grading and similar activities conducted outside the breeding/nesting period (March 1 to August 15) are not restricted.

Brush management for Zone 2 shall be implemented by the City's MSCP as follows. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing in Zone 2 when the initial clearing is done. Vegetation clearing shall avoid/minimize impacts to covered species, especially adjacent nesting species.

Lighting at perimeter lots adjacent to the open space shall be selectively placed, shielded, and directed away from that habitat.

Any fencing along property boundaries facing the surrounding MHPA open space shall be designed and constructed of materials that are compatible with the MSCP open space requirements.

Revegetation of the landscape community within the sewer/waterline alignment shall include native species which do not have invasive root systems which may damage the sewer. The revegetation will be in accordance with the City of San Diego Landscape Technical Manual.

1. Discharge from storm drains into the MHPA shall include BMPs to reduce levels of pollutants in urban runoff.
2. Landscaping in areas adjacent to the MHPA will not contain invasive exotic plant species. Landscaping plans will be reviewed by a qualified biological monitor.

Landscaping in areas adjacent to the MHPA will not contain invasive exotic plant species. Landscaping plans will be reviewed by a qualified biological monitor.

4) Geology, Soils, and Erosion

Impact: The potential for significant geologic hazards is not considered to represent an unmanageable constraint that would prevent development of the property or a significant impact. Site preparation as summarized in the EIR (LDR No. 96-0625) and SEIR (LDR No.99-0036) and described in detail in the geotechnical reports, along with additional geotechnical studies, would be implemented as a condition of the tentative map approval. These reports would also address soil conditions on the site. Given these measures incorporated into the project, the impacts are not considered significant.

Mitigation: Implementation of appropriate temporary and permanent erosion control measures are incorporated into the grading plans and would reduce potential erosion impacts to below a level of significance. Mitigation measures were recommended in the geotechnical report and incorporated into the vesting tentative map for Corporate Research Park (LDR No. 96-0625). These measures shall be incorporated into grading plans, as appropriate. They include the following:

Temporary erosion control measures are to be implemented during construction. These include planting on disturbed and manufactured slopes within 90 days, grading to facilitate drainage away from slope faces, use of hay bales and swales at the top of slopes, and construction of desilting basins.

Erosion control measures shall be shown on the grading plans to the satisfaction of the City Engineer. Special grading techniques shall be incorporated as appropriate. Any special grading techniques recommended in subsequent geotechnical investigations shall be included.

Permanent erosion control measures, such as complete landscaping with drought-tolerant, slope-stabilizing vegetation, shall be installed. Maintenance of manufactured slopes shall be accomplished through the property owners association.

Specific recommendations identified by Robert Prater Associates for development of Headquarters Point Research Park (LDR No. 99-0036) are included in the geotechnical investigation report included in Appendix C of the SEIR and have been incorporated into the design of the project. These recommendations for earthwork and foundation construction are summarized below:

A qualified engineering geologist shall review the project site grading plans and project specifications prior to final design. If required, additional recommendations and/or field investigations will be made.

Site preparation requires that trash, debris, and vegetation be disposed of off-site prior to any filling operations.

Loose, porous surficial soils, alluvial/colluvial soils, and existing fill soils within the proposed fill areas shall be excavated down to formational material or scarified to a depth of eight inches as required, watered, and then compacted prior to placing any additional fill. All earthwork, including site preparation, selection of satisfactory fill materials, and placement and compaction of fills, should be performed under the supervision and approval of a qualified soil engineer.

Fills constructed on sloping ground having an inclination steeper than six (horizontal) to one (vertical) should be keyed and benched into competent formation material below any loose surface soil and/or weathered/fractured formational material. Fill materials may be from existing on-site soils if they contain less than three percent organic content by volume; imported fill material should have a low-expansion potential (UBC Expansion Index of 30 or less) and include granular soil with a plasticity index of 12 or less. In general, soils for fill should not contain rocks or lumps larger than six inches in dimension. An exception may be made by the supervising geotechnical representative, as indicated in the technical report, for rock fragments up to 18 inches in size generated from excavations of concretions. In this case, the larger size rock can be incorporated in lower portions of the site fills if at least 10 feet outside of proposed building limits. Properly moistened structural fill soils should be compacted to a minimum degree of 90 percent. The upper six inches of subgrade soil beneath pavements should be compacted to a minimum degree of 95 percent just prior to placement of the aggregate base layer.

A civil engineer should be retained to provide survey control to ensure that a positive surface gradient is provided adjacent to buildings and that water is directed away from foundations and slabs toward suitable discharge facilities. Surface water shall not be allowed to pond anywhere on the site.

Cut and fill slopes at the proposed steepness of 2:1 (horizontal to vertical) are acceptable.

Retaining walls shall be designed with sufficient drainage behind the wall and footing foundations to resist lateral earth pressures and additional lateral pressures caused by surcharge loads on the adjoining retained surface.

Depending on the formation present at the subgrade level, asphalt concrete pavement sections for parking stalls, major traffic channels, and pavements subject to heavy trucks shall be constructed at the required thickness and appropriate aggregate base. All work shall be supervised as described in the geotechnical study included as Appendix C of the SEIR.

Additional recommendations with regards to building foundations and floor slabs, surface drainage, and placement of oversize rock fragments are provided in the geotechnical evaluations which are included as Appendix C of the SEIR.

5) Hydrology/Water Quality

Impact: As for the previously approved Corporate Research Park project (LDR No. 96-0625), development of two additional pads on 10.36 gross acres for the Headquarters Point Research Park (LDR No. 99-0033) would not result in significant impacts to water quality. The project is required, however, under the NPDES program, to receive approval of a SWPPP prior to final map recordation and implement BMPs which have been incorporated into the project design. Urban pollutants would be filtered out before they leave the site and to reduce potential water quality impacts to below a level of significance. As discussed in Section 4.D. (Geology) of the SEIR, water quality impacts related to erosion of on-site soils are considered reduced to a less than significant level through project design, thereby reducing water quality impacts from erosion to below a level of significance.

Mitigation: BMPs, which would be required to be implemented during and after construction, would control drainage, erosion, and runoff, and runoff flow rate from the project areas. Drainage patterns on-site would be modified to assure that project drainage complies with the City and NPDES requirements. Under these requirements, there would be no significant erosion impacts.

To ensure that impacts to water quality remain less than significant, final grading plans shall show the interception of water runoff by desilting basins prior to entering the storm drain system. There shall be one desilting basin for each lot as shown on the vesting tentative map.

Prior to the issuance of building permits, plans shall be submitted for approval by the Planning and Development Review Department depicting the location of interceptors to trap petroleum and oil runoff from parking areas. The plans shall indicate the type of filtration system (e.g., grass swales, charcoal filters, etc.) to be used. These facilities shall be located underground, within the graded pads or drainage easements, outside open space areas unless as shown on the site plan.

the project shall develop and receive approval of a SWPPP from the City's Stormwater Administrator prior to final map approval; and

the project shall locate all BMP-required stormwater control facilities underground and outside open space areas if not otherwise shown on the project site plan.

In order to ensure that the increased runoff, potential erosion, and urban pollutants generated from the project would not adversely impact the Los Peñasquitos Lagoon, the proposed project shall be required to provide bond for all erosion, pollutant, and runoff control measures prior to recordation of the final map. The property owners association shall be responsible for the maintenance programs. This will ensure that the proposed measures will function properly and are adequately maintained. Annual inspections of the erosion

Wateridge Vista Drive: Extend into the project's northern developable area to provide project access.

Director's Place: Construct to provide access to the southern developable area.

Recommended mitigation from the Headquarters Point Research Park traffic technical study includes (June 1998) improvements at the Morehouse Drive/Lusk Boulevard intersection. This would encompass the project contribution on a fair-share basis toward the installation of a traffic signal. Based on the project's contribution of 68 trips to the 375 additional trips associated with previously approved projects, the project shall contribute 15.4 percent toward signal installation.

7) Paleontology

Impact: There is a potential that grading for the proposed project would significantly impact fossils of scientific importance associated with Ardath Shale, Scripps, and Bay Point formations.

Mitigation: The mitigation measures identified in the previous Final EIR for Corporate Research Park (LDR No. 96-0625) and repeated below would apply to the current project. The mitigation measures shall be a condition of approval of grading permits for the project site and will mitigate impacts to below a level of significance.

A program for the recovery of paleontological resources during grading and earthwork shall be implemented. This program shall include the following steps:

1. A qualified paleontologist and/or paleontological monitor shall be retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a Ph.D. or master's degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist.
2. The qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. The requirement for paleontological monitoring shall be noted on the grading plans. The paleontologist's duties shall include monitoring, salvaging, preparing materials for deposit at a scientific institution that houses paleontological collections, and preparing a results report. These duties are defined as follows:
 - a. Monitoring. The paleontologist or paleontological monitor shall be on-site during the original cutting of previously undisturbed areas of the sensitive formation to inspect for well-preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure

adequate monitoring of the project.

- b. Salvaging. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely manner. Recovery is anticipated to take from one hour to a maximum of two days. At the time of discovery, the paleontologist shall contact the Environmental Analysis Section (EAS) of the City of San Diego Development Services Department. EAS must concur with the salvaging methods before construction is allowed to resume.
 - c. Preparation. Fossil remains shall be cleaned, sorted, cataloged, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).
 - d. Monitoring Results Report. A monitoring results report, with appropriate graphics, summarizing the results (even if negative), analysis, and conclusions of the above program shall be prepared and submitted to EAS prior to the issuance of building permits and the termination of the paleontological monitoring program.
3. The project manager shall notify EAS staff of any preconstruction meeting dates and of the start and end of construction.

A report of findings, even if negative, shall be filed with EAS and the San Diego Natural History Museum prior to issuance of building permits.

A note shall be included on the grading plans that the above measures are conditions of approval of grading permits. EAS shall ensure these measures are conditions of the vesting tentative map prior to approval of the vesting tentative map. Prior to issuance of grading permits, the Land Development Review Division shall review the grading plans to ensure that these measures are on the plans.