

RESOLUTION NUMBER R- 310726

DATE OF FINAL PASSAGE OCT 18 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING ADDENDUM NO. 443731 TO THE ENVIRONMENTAL IMPACT REPORT NO. 180357 AND 92-0466 AND ADOPTING MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE WATERMARK - PROJECT NO. 443731.

WHEREAS, on October 15, 2015, Scripps Highlands Partners, LLC., submitted an application to Development Services Department for amendments to the General Plan, the Miramar Ranch North Community Plan and a Rezone for the development of a commercial project for the Watermark (Project); and

WHEREAS, on December 16, 2013, the City Council of the City of San Diego adopted Resolution No. 308658, certifying Environmental Impact Report No. 180357 and on September 29, 1998, the City Council of the City of San Diego adopted Resolution No. 290776, certifying Environmental Impact Report No. 92-0466, copies of which are on file in the Office of the City Clerk in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

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

WHEREAS, the issue was heard by the City Council on October 18, 2016; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the

decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a Final Environmental Impact Report, if such Addendum meets the requirements of CEQA; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the information contained in the final Environmental Impact Report No. 180357 and 92-0466 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project.

2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the Environmental Impact Report for the Project due to significant environmental effects or a substantial increase in the severity of previously identified environmental effects.

3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Environmental Impact Report or that any significant effects previously examined will be substantially more severe than shown in the Environmental Impact Report.

4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not

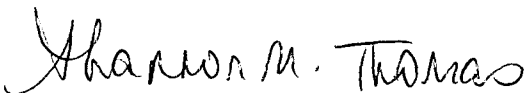
previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.

5. That pursuant to State CEQA Guidelines Section 15164, none of the conditions of described in State CEQA Guidelines section 15162 have occurred or only minor technical changes or additions are necessary, and therefore, the City Council adopts Addendum No. 443731 to Environmental Impact Report No. 180357 and 92-0466 with respect to the Project, a copy of which is on file in the office of the Development Services Department.

6. That pursuant to CEQA 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 City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

7. That City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
09/21/2016  
Or.Dept:DSD  
Doc. No.: 1352151

Attachment: Exhibit A, Mitigation, Monitoring, and Reporting Program

## EXHIBIT A

### MITIGATION, MONITORING, AND REPORTING PROGRAM

#### AMENDMENTS TO GENERAL PLAN AND THE MIRAMAR RANCH NORTH COMMUNITY PLAN

##### THE WATERMARK - PROJECT NO. 443731

The project shall be required to comply with applicable mitigation measures outlined within the Mitigation Monitoring and Reporting Program of the previously certified EIR(s) (if applicable) and the project-specific subsequent technical studies. The following MMRP identifies measures that specifically apply to this project.

**A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)**

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

**B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)**

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: **Not applicable.**

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

**CONTACT INFORMATION:**

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
  - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 443731 and/or Environmental Document Number 443731, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

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

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

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

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

<b>DOCUMENT SUBMITTAL/INSPECTION CHECKLIST</b>		
<b>Issue Area</b>	<b>Document Submittal</b>	<b>Associated Inspection/Approvals/Notes</b>
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Traffic	Traffic Reports	Traffic Features Site Observation
Air Quality	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

**C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS:**

**TRANSPORTATION/TRAFFIC CIRCULATION**

Prior to issuance of the first construction permit, owner/permittee shall assure by permit and bond the reconfiguration to shift the westbound through lanes on Scripps Poway Parkway to the north and provide additional queuing length for westbound traffic on Scripps Poway Parkway to the interchange. The “back-to-back” left turn lanes will be eliminated and additional queuing for traffic turning left from Scripps Poway Parkway to southbound I-15 will be provided. Reduction in the width of raised median on Scripps Poway Parkway east of the interchange will be required. All work to be done to the satisfaction of the City Engineer.

Prior to issuance of the first construction permit, owner/permittee shall assure by permit and bond the provision of a triple left-turn at Scripps Poway Parkway and Scripps Highlands Drive intersection by re-striping the northbound leg to take a thru-lane and make a shared left-thru lane. The pedestrian crossing on the west leg of the intersection will be removed. Additionally, a northbound right-turn overlap will be provided. All work to be done to the satisfaction of the City Engineer.

## AIR QUALITY

Standard dust control measures would be employed during construction. These standard dust control measures include the following:

- Watering active grading sites a minimum of three times daily
- Apply soil stabilizers to inactive construction sites
- Replace ground cover in disturbed areas as soon as possible
- Control dust during equipment loading/unloading (load moist material, ensure at least 12 inches of freeboard in haul trucks)
- Reduce speeds on unpaved roads to 15 mph or less
- Water unpaved roads a minimum of three times daily

The above Mitigation Monitoring and Reporting Program shall require additional fees and/or deposits to be collected prior a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, but not limited to, to ensure the successful completion of the monitoring program.

Passed by the Council of The City of San Diego on OCT 18 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 18 2016.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By *Linda Gruen*, Deputy

Office of the City Clerk, San Diego, California

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