

200-A 9-11-23

(R-2024-66)

RESOLUTION NUMBER R- 315099

DATE OF FINAL PASSAGE SEP 11 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING TIERED MITIGATED NEGATIVE DECLARATION NO. 647676/SCH NO. 2019060003 TO PROGRAM ENVIRONMENTAL IMPACT REPORT SCH NO. 2019060003, AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ALEXANDRIA SCIENCE VILLAGE PROJECT – PROJECT NO. 647676.

WHEREAS, the City of San Diego Planning Department analyzed the amendments to the San Diego Municipal Code and Land Development Manual to adopt two new ordinances and associated discretionary actions, collectively referred to as Complete Communities: Housing Solutions and Mobility Choices (Complete Communities); and

WHEREAS, on November 17, 2020, the Council of the City of San Diego adopted San Diego Resolution R-313279, certifying the Program Environmental Impact Report SCH No. 2019060003, and adopting the Findings and Statement of Overriding Considerations, copies of which are on file in the Office of the City Clerk in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, on November 15, 2019, Alexandria Real Estate Equities (ARE) – ARE-SD Region No. 20, LLC, a Delaware Limited Liability Company submitted an application to the Development Services Department for approval of a General Plan Amendment, Community Plan Amendment, Specific Plan Amendment, Rezone, and a Planned Development Permit for Alexandria Science Village (Project); and

WHEREAS, State CEQA Guidelines Section 15152 allows for a lead agency to prepare a tiered environmental document to a broader Environmental Impact Report and concentrating the later tiered environmental document solely on the issues specific to the later project; and

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

WHEREAS, the issue was heard by the Council on September 11, 2023; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

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

1. That the information contained in the final Program Environmental Impact Report SCH No. 2019060003 along with the Tiered Mitigated Negative Declaration thereto, including any comments received during the public review process, has been reviewed and considered by the Council of the City of San Diego 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 final Program Environmental Impact Report SCH No. 2019060003 for the Project.

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 final Program Environmental Impact Report SCH No. 2019060003 or that any significant effects previously examined will be substantially more severe than shown in the final Program Environmental Impact Report SCH No. 2019060003.

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 Tiered Mitigated Negative Declaration No. 647676/SCH No. 2019060003 has been prepared pursuant to State CEQA Guidelines Section 15168(d), and therefore, the Council of the City of San Diego adopts Tiered Mitigated Negative Declaration No. 647676/SCH. No. 2019060003 to the final Program Environmental Impact Report SCH No. 2019060003, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that pursuant to CEQA Section 21081.6, the Council of the City of San Diego adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Council of the City of San Diego in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the 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: MARA W. ELLIOTT, City Attorney

By 
Lindsey H. Sebastian
Deputy City Attorney

LHS:nja
08/22/2023
Or. Dept: DSD
Doc. No. 339379

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

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

COMMUNITY PLAN AMENDMENT, A REZONE, A GENERAL PLAN AMENDMENT, A SPECIFIC PLAN AMENDMENT, AND A PLANNED DEVELOPMENT PERMIT - PROJECT NO. 647676

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 Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Tiered Mitigated Negative Declaration No. 647676 SCH No. 2019060003 shall be made conditions of the COMMUNITY PLAN AMENDMENT, A REZONE, A GENERAL PLAN AMENDMENT, A SPECIFIC PLAN AMENDMENT, AND A PLANNED DEVELOPMENT PERMIT as may be further described below.

GENERAL

GENERAL REQUIREMENTS – PART I OF II

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:

<https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates>

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.

GENERAL REQUIREMENTS – PART II OF II

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

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

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at **858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) No. 647676 and /or Environmental Document No. 647676, 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:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

NOISE

MM NOI-1 Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Development Services Department Environmental Designee shall verify that the requirements for the following noise control measure have been noted on the applicable construction documents through the plan check process:

To reduce construction noise, a temporary noise barrier or enclosure shall be installed prior to the initiation of demolition and maintained through the end of construction along the eastern and southern property lines to break the line of sight between the construction equipment and the adjacent residences. The MMC or RE shall verify the temporary noise barrier is installed to the specifications below prior to the initiation of demolition activities. The temporary noise barrier shall have a sound transmission class of 20 or greater in accordance with American Society for Testing and Materials Test Method E90, or at least 2 pounds per square foot to ensure adequate transmission loss characteristics. In order to achieve this, the barrier may consist of 3-inch steel tubular framing, welded joints, a layer of 18-ounce tarp, a 2-inch-thick fiberglass blanket, a half-inch-thick weatherwood asphalt sheathing, and 7/16-inch sturdy board siding with a heavy duct seal around the perimeter. The length, height, and location of noise control barrier walls shall be adequate to assure proper acoustical performance. To avoid objectionable noise reflections, the source side of the noise barrier shall be lined with an acoustic absorption material meeting a noise reduction coefficient rating of 0.70 or greater in accordance with American Society for Testing and Materials Test Method C423. All noise control barrier walls shall be designed to preclude structural failure due to such factors as winds, shear, shallow soil failure, earthquakes, and erosion.

TRANSPORTATION/CIRCULATION

MM TR-1 Prior to issuance of occupancy permits for any new on-site buildings, the project shall demonstrate the following Vehicle Miles Traveled (VMT) Reduction Measures have been implemented to achieve a 10.5 point reduction in accordance with Mobility Choices Regulations (San Diego Municipal Code Chapter 14, Article 3, Division 11), Appendix T Mobility Choices Regulations: Implementation Guidelines. Implementation of these measures would minimize VMT impacts to the extent feasible.

- Provide short-term bicycle parking spaces that are available to the public, at least 10% beyond minimum requirement.
- Provide long-term bicycle parking spaces, at least 10% beyond minimum requirement.
- Provide on-site bicycle repair station offering a minimum of an air pump and basic repair and maintenance tools for bicycles.
- Provide on-site multi-modal kiosks (above minimum kiosk requirement to serve a larger site).

Passed by the Council of The City of San Diego on SEP 1 1 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 1 1 2023.

(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: TODD GLORIA
Mayor of The City of San Diego, California.

(Seal) DIANA J. S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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