



THE CITY OF SAN DIEGO

ADDENDUM TO MITIGATED NEGATIVE DECLARATION

Project No. 566056
Addendum to MND No. 422478
SCH No. 2016061047

SUBJECT: SPECTRUM III & IV AMENDMENT: A request for a SITE DEVELOPMENT PERMIT (SDP) to amend SDP No. 1580368, and SDP No. 1390733 (Transfer site No 2); a COASTAL DEVELOPMENT PERMIT (CDP) to amend CDP No. 1580366, and CDP No. 1390732 (Transfer site No. 2); a Tentative Map (TM) to amend TM No. 1580380 and a PLANNED DEVELOPMENT PERMIT (PDP) to increase the size of previously approved research and development (R&D) building located at 3115 Merryfield Row (Building A/Spectrum III site). Building size would increase from 57,372 to 118,931 square feet (sf) (55,043 sf to 116,602 sf of trip generating area). The additional 61,559-square foot increase would be obtained through a Transfer of Development Rights (TDR) as discussed in the University Community Plan (UCP). Of the 61,559-square-feet, 49,290 square feet would be transferred from the undeveloped 3050 Callan Road (Transfer Site No.1) reducing the site to 0 square feet of available development intensity. Approximately 12,269 square feet would be transferred from 3013-3033 Science Park Road (Transfer Site No.2) reducing the site to 50,484 square feet of development intensity (Figure 4). Additionally, the project would include the construction of associated site improvements, including grading, site utilities, drainage system, landscaping, irrigation, and hardscape. The project would conform to Council Policy 900-14 criteria by meeting the Leadership in Energy Environmental Design (LEED) Silver Certification requirements. The 13.77-acre project site is designated Industrial (Scientific Research) pursuant to the UCP and is zoned IP-1-1 (Industrial Park). In addition, the project site is located within the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Non-Appealable and Appealable areas), the Community Plan Implementation Overlay Zone (CPIOZ-B), the First Public Roadway, the Parking Impact Overlay Zone (Coastal and Campus Impact Area), Prime Industrial Lands, Airport Land Use Compatibility Overlay Zone, and Airport Influence Area (Accident Potential Zone [APZ] for Marine Corps Air Station [MCAS] Miramar), Very High Fire Hazard Severity Zone, and Transit Priority Area. (LEGAL DESCRIPTION: Lot 9 [also referenced as B of Parcel Map 17873, 20] 10, 11, and 12 of the La Jolla Spectrum,

Map No. 12990). Applicant: Alexandria Real Estate Equities (ARE-SD REGION 23, LLC).
APPLICANT: ARE-SD Region #23, LLC.

I. SUMMARY OF PROPOSED PROJECT

The project consists of a SDP/CDP/PDP/TM amendment and a PDP to increase the size of a previously approved research and development building located at 3115 Merryfield Row (Building A/Spectrum III site). The project modifications would increase the size of the project to a 118,931-sf, 30-foot-tall (up to 40-foot on slope side), three-story R&D building with three levels of subterranean parking (295 subterranean parking spaces) and 40 surface parking stalls. The proposed 61,559-sf increase would occur through Transfer of Development Rights from 3050 Callan Road (Transfer Site #1 - 49,290 sf), and 3013-3033 Science Park Road (Transfer Site #2 - 12,269 sf) properties, as discussed in the University Community Plan. Other site improvements would include grading, site utilities, drainage improvements, landscaping, irrigation, and hardscape.

Site grading operations would entail approximately 1,286 cubic yards of cut at a vertical depth of 9.67 feet and 6,332 cubic yards of fill at a vertical depth of 13.33 feet over 3.76 acres. Building excavation would entail approximately 50,974 cubic yards of cut at a vertical depth of 37.88 feet. Drainage would be directed into appropriate storm drain systems designed to carry surface runoff.

Project landscaping utilized throughout the site would feature native and non-native, non-invasive, drought tolerant plants. Project landscaping would comply with all applicable City of San Diego Landscape ordinances and standards. A Brush Management Plan would also be implemented. Primary vehicular access would occur from an existing driveway located on Science Park Road. In addition, the project would achieve a Leadership in Energy and Environmental Design (LEED) Silver Certification.

The proposed development would occur within previously disturbed and developed portions of the site and there would be no encroachment into, or impacts on, any steep slopes or other environmentally sensitive lands located on the site.

II. ENVIRONMENTAL SETTING

General Setting

The project site is located at 3115 Merryfield Row, just east of North Torrey Pines Road, west of Interstate 5, and approximately 0.9-mile east of the Pacific Ocean, in the Torrey Pines area and within the UCP Area of the City of San Diego, California (Refer to Figures 1 and 2.)

The project site is bordered to the north by Merryfield Row, to the west by R&D facilities, to the south by urban canyon/open space, and to the east by the Building B/Spectrum IV site. Merryfield Row is a private driveway that takes access from Science Park Road. The site is

located in a developed area currently served by existing public services and facilities as well as utilities. Properties in the vicinity include R&D facilities to the west, north, and east, as well as a golf course to the west of North Torrey Pines Road. The slopes on the east side of Torrey Pines Mesa are undeveloped.

The project site is a trapezoid-shaped lot that follows the curvature of the adjacent canyon edge. The developed portion of the site is flat or gently sloped. Elevations on the project site range from 230 to 366 feet above mean sea level (MSL). The buildable footprint area is approximately 358 feet above MSL at the east end of the lot. The project site is designated Industrial (Scientific Research) pursuant to the UCP and is zoned Industrial Park (IP-1-1) which allows for R&D uses with some limited manufacturing. The project site contains Environmental Sensitive Lands (ESL) in the form of steep hillsides and sensitive biological resources. In addition, the project site is located within the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Non-Appealable and Appealable areas), the Community Plan Implementation Overlay Zone (CPIOZ-B), the First Public Roadway, the Parking Impact Overlay Zone (Coastal and Campus Impact Area), Prime Industrial Lands, Airport Land Use Compatibility Overlay Zone, and Airport Influence Area (APZ for MCAS Miramar).

Physical Changes to the Environmental Setting Since 2016

Since the MND was adopted in October 2016, the physical environmental setting has changed as follows:

1. The two R&D buildings previously developed on the project site (79,759-sf building located at 3115 Merryfield Row and the 76,894-sf building located at 3215 Merryfield Row) have been demolished; and
2. a 145,828-sf R&D building with two stories of subterranean parking (290 subterranean parking spaces) and 122 surface parking (Building B/Spectrum IV site) has been constructed within the southeastern portion of the project site as originally proposed.

III. SUMMARY OF ORIGINAL PROJECT

On June 27th, 1991, City Council certified the La Jolla Spectrum Final Environmental Impact Report (EIR) 89-0269 / SCH No. 91071013. On July 1, 1998, the existing development was approved under CDP/Hillside Review Permit (HRP) No. 96-7939, which relied on the previously certified La Jolla Spectrum EIR. The project site was originally graded and developed with two R&D buildings constructed in 1996-1997 (a 79,759-sf building located at 3115 Merryfield Row and a 76,894-sf building located at 3215 Merryfield Row). That same year, a Substantial Conformance Review (SCR) was approved to allow a greenhouse, cooling tower and emergency generator at 3115 Merryfield Row. On June 10, 2015, CDP No. 1447486/SDP No. 1447488 was approved to allow for a lot line adjustment to transfer 12,796 sf to the adjacent property. Both of these actions were exempted from CEQA.

On October 16, 2016, the Spectrum III & IV Mitigated Negative Declaration No. 422478 was approved for a CDP, a SDP to amend CDP/HRP No. 96-7939 for development on a site that contains ESL and for development within the CPIOZ-B, and a TM to reconfigure the existing four lots into two lots, including an Easement Vacation (EV) to vacate four easements on the site. The project included the demolition of the two existing buildings (a 79,759-square-foot building located at 3115 Merryfield Row and a 76,894-square-foot building located at 3215 Merryfield Row). Additionally, the project included the construction of a two-story 57,372-sf R&D building with two levels of subterranean parking at 3115 Merryfield Row (Building A/Spectrum III site), and a three-story 145,828-sf R&D building with two levels of subterranean parking at 3215 Merryfield Row (Building B/Spectrum IV site). Associated improvements included a central plant for each building comprised of chilling towers, boiler and chiller rooms, and loading docks. Associated site improvements were also approved (i.e., hardscape, site utilities, drainage improvements, landscaping). The project also included a Multi-Habitat Planning Area Boundary (MHPA) Line Correction to correct the MHPA boundary where legal grading and construction of surface parking occurred prior to the implementation of the City's Multiple Species Conservation Plan (MSCP).

IV. ENVIRONMENTAL DETERMINATION

The City previously prepared and adopted Mitigated Negative Declaration (MND) No. 422478/ SCH No. 2016061047 for the Spectrum III & IV project. Based on all available information in light of the entire record, the analysis in this Addendum, and pursuant to Section 15162 of the State CEQA Guidelines, the City has determined the following:

- There are no substantial changes proposed in the project which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was certified as complete or was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous environmental document;

- b. Significant effects previously examined will be substantially more severe than shown in the previous environmental document;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based upon a review of the current project, none of the situations described in Sections 15162 and 15164 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts as a result of the project. Therefore, this Addendum has been prepared in accordance with Section 15164 of the CEQA State Guidelines. Public review of this Addendum is not required per CEQA.

V. IMPACT ANALYSIS

The following includes the project-specific environmental review pursuant to the CEQA. The analysis in this document evaluates the adequacy of the MND relative to the project.

MND Impact Analysis Summary

The 2016 MND found that the following issue areas would have significant but mitigable impacts: Biological Resources, Circulation/Transportation, and Paleontological Resources. A summary of project impacts in relation to the 2016 MND is provided below.

Aesthetics

2016 MND

The 2016 MND found that the Spectrum III & IV project would have less than significant impacts on aesthetics. The project would replace existing structures on developed land and would not significantly change the existing public views or vistas. No scenic views and/or scenic corridors exist on the site or surrounding area. The project would be consistent with existing site conditions, surrounding land uses, the community plan, zone designations, and light/glare, and setback/height requirements.

Project

The project would redesign and enlarge Building A/Spectrum III and shift it slightly north within the parcel; however, this would place the building footprint farther from the open

space and sensitive biological resources to the south. Further, the building would be consistent with existing surrounding land uses, the community plan, and zone designations. Additionally, the project would still comply with light/glare and setback/height requirements per the City's Coastal Height Limitation Overlay Zone (30-foot coastal height and 40-foot sloped site limits). Therefore, based on the foregoing analysis and information, there is no evidence that the proposed project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Agricultural and Forest Resources

2016 MND

The previously certified MND identified no impact to agricultural and forest resources. Additionally, the project site does not contain prime farmland, unique farmland, or farmland of statewide importance, Williamson Contract lands, timberland or timberland zoned Timberland Production. The project site is zoned IP-1-1 (Industrial Park) and designated for Industrial Use in the University Community Plan. As stated in the 2016 MND, the project site consists of currently developed areas surrounded by development and open space canyons.

Project

The project would not introduce any new additional impacts to agricultural and forest resources as it is construction of similar structures within the previously developed site. Therefore, based on the foregoing analysis and information, there is no evidence that the proposed project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Air Quality

2016 MND

The 2016 MND determined that the Spectrum III & IV project would have a less than significant impact on air quality. The previously certified MND identified less than significant impacts to air quality. The project would comply with San Diego Air Pollution Control District's limit of 150 grams of volatile organic compounds per liter for paints and sealants. Criteria pollutant emissions were calculated as part of the Greenhouse Gas Technical Report prepared by RECON (November 2015). As calculated, construction and operational emissions are projected to be less than the significance thresholds for all criteria pollutants.

Project

Construction-related activities are temporary, short-term sources of air emissions resulting from dust raised during demolition and grading, emissions from construction vehicles, and chemicals used during construction would occur. Long-term operational emissions would result from mobile and stationary sources. Impacts would remain less than significant. Therefore, based on the foregoing analysis and information, there is no evidence that the proposed project modifications require a major change to the MND. The

project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Biological Resources

2016 MND

A field survey and biological report were prepared by RECON (June 3, 2016) to assess the project site. It was determined that 0.69 acres of the project site overlaps the existing Multi-Habitat Planning Area (MHPA) and a Boundary Line Correction (BLC) would be required. Due to the MHPA, "edge effects" could result. Indirect impacts to the MHPA would be considered significant but would be avoided through compliance with the MHPA Land Use Adjacency Guidelines (LUAG).

Biological Resources were originally analyzed and mitigated through dedication of an open space easement for direct impacts to coastal sage scrub in the La Jolla Spectrum Final Environmental Impact Report 89-0269/ SCH No. 91071013. An area of Tier II habitat has since re-established within the previously entitled development footprint and 0.19 of this Tier II habitat would be impacted, but would not require mitigation because it had previously been mitigated. Additionally, 9.0 acres of Tier IV (disturbed land) would be impacted, which are not considered sensitive and do not require mitigation.

A total of 0.46 acres of Tier I and Tier II habitats would be affected by the implementation of Brush Management Zone Two, which is considered impact neutral and therefore mitigation is not required.

Outside the development footprint, a small area located within the MHPA but outside the pre-existing open space easement would be conserved in a covenant of easement per Section 143.0152 of the City of San Diego Land Development Code. The 2016 MND found that the Spectrum III & IV project would have less than significant impacts with mitigation incorporated.

Project

To identify any change in existing conditions, a Biological Letter Report was prepared by Chambers Group in July 2017. The MHPA boundary line correction has already occurred, but the project would still be required to comply with the MHPA LUAG to the extent that they are applicable. As the project's grading footprint is not changing from what was previously approved in the 2016 MND, the project would continue to impact only the 9.0 acres of Tier IV (disturbed land) habitat. In addition, the project would continue to affect a total of 0.46 acres of Tier I and Tier II habitats due to Brush Management Zone Two implementation which is impact neutral. In summary, the evaluation prepared by the Chambers Group found that the project is consistent with the conclusions of the 2016 MND. Since the entire site envelope has been previously developed, the proposed project would not cause any new significant impacts or increase the severity of impacts so long as the requirement to implement the same pre-construction surveys and biological resources monitoring requirements during grading and construction activities is followed.

A Mitigation Monitoring Reporting Program (MMRP), as detailed within Section V of the MND would be implemented to reduce the indirect impacts related to the biological resources to below a level of significance. With implementation of the MMRP, potential biological resources impacts would be reduced to below a level of significance. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Cultural Resources

2016 MND

(Archaeological Resources)

An Archaeological Resources Report was completed by RECON (October 2, 2015) which identified two previously recorded cultural resources, one previously destroyed and the other was excavated and classified as "La Jollan" and the site has been bladed away. In addition, a single isolated unifacial core was found, but cultural isolates are not considered significant historical resources under CEQA guidelines. Since the isolate is not a significant historical resource, and the two previously recorded sites have been destroyed, there would be no impacts on archaeological resources. Therefore, no further monitoring would be required and no impact would result.

(Paleontological Resources)

The 2016 MND identified a less than significant impact with mitigation incorporated to Paleontological Resources. The Geotechnical Investigation prepared by RECON (April 30, 2015) identified the project site is underlain by Very Old Paralic Deposits also known as Lindavista Formation (moderate sensitivity for paleontological resources), and Scripps Formation (high sensitivity for paleontological resources), and previously placed fill. Additionally, the project proposed 71,829 cubic yards of cut to a depth of 9.5 feet and 18,250 cubic yards of fill to a depth of 11.8 feet. Therefore, mitigation in the form of paleontological resources monitoring would be required to prevent impacts to potential unknown paleontological resources that could be encountered during grading and excavation activities.

Project

(Archaeological Resources)

The project has been disturbed with the previously approved development and no significant archaeological resources were identified. In order to evaluate potential changes in impacts to cultural resources as a result of the proposed project, a memorandum was prepared by Chambers Group in July 2017. The evaluation found that the project is consistent with the 2016 MND and the site would not result in impacts to archaeological resources. No further monitoring would be required. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact, nor

would a substantial increase in the severity of impacts from that described in the MND result.

(Paleontological Resources)

The project has been disturbed with the previously approved development and no significant archaeological resources were identified. The project proposes approximately 1,286 cubic yards of cut to a depth of approximately 13.3 feet. A Mitigation Monitoring Reporting Program (MMRP), as detailed within Section V of the MND would be implemented to reduce the indirect impacts related to the biological resources to below a level of significance. With implementation of the MMRP, potential biological resources impacts would be reduced to below a level of significance. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Geology and Soils

2016 MND

Pursuant to the 2016 MND, there are no significant or unusual geological conditions present on the project site (e.g., landslide areas) and the site does not pose any major threat to safety with the implementation of the recommendations provided by the project's geotechnical consultant, as outlined in the Spectrum III & IV Project Geotechnical Investigation Reports (Geocon Incorporated, April 2015; revised February 2016, and July 2017). Additionally, the project would be required to comply with the requirements of the California Building Code. Implementation of proper engineering design and utilization of standard construction practices, verified at the building permit stage would ensure that the potential for impacts from regional geologic hazards would be less than significant.

Project

Under the proposed project modifications, the Building A/Spectrum III site would be constructed on the same parcel with the same baseline geologic conditions present. No significant new impacts or more severe impacts would occur. The project modifications would be required to implement the same geotechnical considerations as previously required in the MND. Additionally, the project would be required to comply with seismic requirements of the California Building Code, which would reduce the potential impacts to an acceptable level of risk. Implementation of proper engineering design and utilization of standard construction practices, verified at the building permit stage would ensure that the potential for impacts from regional geologic hazards would be less than significant. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Greenhouse Gas Emissions (GHG)

2016 MND

The previously certified MND identified less than significant impacts to greenhouse gas emissions. A GHG emissions analysis was prepared by RECON (February 23, 2016). It was determined that the existing baseline conditions would generate a total of approximately 1,483 metric tons of CO₂e annually and the proposed project would generate approximately 2,023 metric tons of CO₂e annually, resulting in a net increase to baseline conditions of 540 metric tons of CO₂e, which is below the screening criteria.

Project

In December 2015, the City adopted a Climate Action Plan (CAP) that outlines the actions that the City will undertake to achieve its proportional share of state greenhouse gas (GHG) emissions reductions. A CAP Consistency Checklist was adopted on July 12, 2016 and subsequently revised on June 2017. The purpose of the CAP Consistency Checklist is to, in conjunction with the CAP, provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA.

Analysis of GHG emissions and potential climate change impacts from new development is required under CEQA. The CAP is a plan for the reduction of GHG emissions in accordance with CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Sections 15064(h)(3) and 15130(b), a project's incremental contribution to GHG emissions may be determined not to be cumulatively considerable if it complies with the requirements of the CAP.

The CAP Consistency Checklist is part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emissions targets identified in the CAP are achieved. Implementation of these measures would ensure that new development is consistent with the CAP's assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Projects that are consistent with the CAP as determined through the use of the CAP Consistency Checklist may rely on the CAP for the cumulative impacts analysis of GHG emissions. Cumulative GHG impacts would be significant for any project that is not consistent with the CAP.

As detailed in the project-specific CAP Consistency Checklist Step 1 (Land Use Consistency), the project is consistent with the allowed uses per the General Plan and Community Plan land use designations, as well as the zoning designation for the project site, which allows for Industrial Scientific Research and Development land use. Thus, the project would be consistent with the land use assumptions used in the development of the CAP.

Furthermore, completion of Step 2 of the CAP Consistency Checklist demonstrates that the project would be consistent with applicable strategies and actions for reducing GHG emissions. This includes project features consistent with the energy and water efficient buildings strategy, as well as bicycling, walking, transit, and land use strategy. Thus, the project is consistent with the CAP.

Based on the project's consistency with the City's CAP Consistency Checklist, the project's contribution of GHGs to cumulative statewide emissions would be less than cumulatively considerable. The project's direct, indirect, and cumulative GHG emissions would have a less than significant impact on the environment.

Therefore, based on the foregoing analysis and information, there is no evidence that the proposed project modifications require a major change to the MND. The modified project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Hazards and Hazardous Materials

2016 MND

The 2016 MND concluded that impacts associated with the Spectrum III & IV project would be less than significant with respect to hazards and hazardous materials and no mitigation was required. The project did not propose a use that would involve the routine transport, use or disposal of significant hazardous materials and the project site is not located within 0.25 miles of a school site. Additionally, a hazardous waste site records search was conducted in May 2015 using Geotracker and the site is not included on a list of hazardous locations. There are sites within a 0.5-mile radius, however, no impact is expected to occur due to distance from the project site.

The project site is approximately six miles northwest of MCAS Miramar and is within the Airport Land Use Compatibility Overlay Zone (ALUCPOZ), Airport Influence Area (Review Area 1), and the Accident Potential Zone (APZ-II). The project was considered an existing land use; and as a result, the Safety Compatibility Criteria in SDMC Table 132-15F did not apply. Additionally, the project's Floor Area Ratio (FAR) was consistent with the City's Safety Compatibility Criteria.

The project would not interfere with the implementation or physically interfere with any adopted emergency response plans or evacuation plans.

The project was required to implement brush management due to its adjacency to highly flammable areas of native or naturalized vegetation. A modified brush management program was developed, which was reviewed by City's Landscape and Fire Review sections and determined to adequately address the fire safety potentially affecting the project site.

Project

The project does not propose a use that would involve the routine transport, use or disposal of significant hazardous materials and the project site is not located within 0.25 miles of a school site. Additionally, a hazardous waste site records search was conducted using Geotracker and the site is not included on a list of hazardous locations. There are sites within a 0.5-mile radius, however, no impact is expected to occur due to distance from the project site.

The project site is approximately six miles northwest of MCAS Miramar and is within the Airport Land Use Compatibility Overlay Zone (ALUCPOZ), Airport Influence Area (Review Area 1), and the Accident Potential Zone (APZ-II). The project is considered an existing land use; and as a result, the Safety Compatibility Criteria in SDMC Table 132-15F did not apply. Additionally, the project's Floor Area Ratio (FAR) was consistent with the City's Safety Compatibility Criteria.

The project would not interfere with the implementation or physically interfere with any adopted emergency response plans or evacuation plans.

The project modifications place the Building A/Spectrum III building closer to Merryfield Row and more than 100-feet from the vegetation at the canyon edge. As a result, the potential wildfire hazards were reduced such that the requirements for brush management zones 1 and 2 around Spectrum 3 were removed. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Hydrology and Water Quality

2016 MND

The 2016 MND concluded that the Spectrum III & IV project would have a less than significant impact on hydrology and water quality. The project was considered a "priority project" in accordance with the City's Storm Water Requirements Applicability Checklist. As such, the project was required to implement Best Management Practices (BMPs) during demolition, construction, and post-construction activities. Additionally, the project would comply with the City's Stormwater Management and Discharge Control Ordinance (Municipal Code Chapter 4, Article 3, Division 3), Storm Water Runoff and Drainage Regulations (LDC Section 142.02 et al.), and other applicable storm water quality standards during and after construction. The project was also required to implement Pollutant Control BMPs, Hydromodification Management Requirements, Operations and Maintenance Plan, as well as mandated federal, state and local standard storm water pollution regulations.

Project

The project modifications would add 61,559-square feet to Building A/Spectrum III footprint (increase from 30,219 to 49,786 square feet) but would implement storm water infrastructure and Best Management Practices (BMPs) required by the project specific Storm Water Quality Management Plan (SWQMP). Additionally, the project would comply with the City's Stormwater Management and Discharge Control Ordinance (Municipal Code Chapter 4, Article 3, Division 3), Storm Water Runoff and Drainage Regulations (LDC Section 142.02 et al.), and other applicable storm water quality standards during and after construction. No new significant impacts or substantial increase in the severity of impacts from that described in the MND would occur. Similar to the original Spectrum III & IV project, the project would consist of the replacement of an existing structure with

additional landscaping, and drainage patterns would remain similar to pre-project conditions. The project would have a less than significant impact on hydrology and water quality. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Land Use and Planning

2016 MND

The 2016 MND stated that the Spectrum III & IV project was consistent with surrounding office and commercial land uses and would not conflict with any policies or regulations of any agency with jurisdiction over the project site. It was determined that 0.69 acres of the project site overlaps the existing Multi-Habitat Planning Area (MHPA) and a Boundary Line Correction (BLC) would be required. Due to the presence of the MHPA, "edge effects" could result because of the potential introduction of drainage, toxics, lighting, noise, invasives, grading, barriers and brush management that can indirectly affect adjacent habitat and wildlife species. Indirect impacts to the MHPA would be considered significant but would be avoided through implementation of the MHPA Land Use Adjacency Guidelines (LUAG) as outlined in the City's MSCP Subarea Plan (Section 1.4.3). A Mitigation Monitoring Reporting Program (MMRP), as detailed within Section V of the MND would be implemented to reduce the indirect impacts related to the biological resources to below a level of significance. With implementation of the MMRP, potential biological resources impacts would be reduced to below a level of significance. With implementation of LUAG, indirect impacts would not result.

Project

The proposed project modifications do not propose any change in land use and do not require any new approvals from any jurisdiction with the exception of the SDP/CDP/TM amendment and the PDP for the Transfer of Development Rights (TDR), as provided in the UCP. The TDR from 3050 Callan Road (Transfer Site #1 - 49,290 sf) and 3013-3033 Science Park Road (Transfer Site #2 - 12,269 sf) would result in a total increase of 61,559 sf to address evolving tenant and space needs on the project site. The MHPA boundary line correction has subsequently occurred and has been recorded. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Noise

2016 MND

The 2016 MND concluded that the Spectrum III & IV impacts would be less than significant and that the incremental impacts associated with increased traffic trips would also result in a less than significant noise increase. The analysis concluded that noise

levels due to normal operations would range from 33 to 63 dB(A) L_{eq} at the project boundaries which would comply with applicable noise level limits (75 dB(A) L_{eq}). Project traffic would contribute to less than 1 dB(A) increase in the noise of adjacent roadways, which would be less than City's CEQA guidelines, therefore resulting in noise levels between 40 and 54 CNEL, which would be compatible with ambient noise levels providing noise levels do not exceed interior noise standards of 50 CNEL. The project would be constructed using standard commercial construction techniques typical of the area, which would result in an exterior-to-interior noise reduction of 35 CNEL. Therefore, interior noise levels would not exceed 50 CNEL. Construction noise levels at the nearest property line of a residentially zones area would reach up to 48 dB(A) L_{eq} , which is less than the maximum of 75 dB. Therefore, construction noise impacts at residential receivers would be less than significant.

Project

In order to evaluate potential changes in noise impacts as a result of project modifications, an acoustical analysis was prepared by Haley & Aldrich in September 2017. The analysis concluded that incremental increase in traffic trips, while potentially creating minor changes would not significantly increase noise impacts. Construction noise levels at the nearest property line of a residentially zones area would reach up to 48 dB(A) L_{eq} , which is less than the maximum of 75 dB. Therefore, construction noise impacts at residential receivers would be less than significant. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Population and Housing

2016 MND

The 2016 MND found that the Spectrum III & IV project would have no impacts on population and housing. The project site is located in an urban area developed with non-residential uses; and is surrounded by similar development. The site currently receives water and sewer service from the City, and no extension of infrastructure to new areas would be required. There are no residential uses; therefore, no replacement housing would be necessary. Additionally, the project site is designated Industrial (Scientific Research) pursuant to the UCP and is zoned IP-1-1 (Industrial Park).

Project

The project would not induce population growth as the site is located in an urban area developed with non-residential uses with existing infrastructure. Furthermore, the project would not displace housing as there are no existing residential uses. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact,

nor would a substantial increase in the severity of impacts from that described in the MND result.

Public Services

2016 MND

The 2016 MND found that the Spectrum III & IV project would have less than significant impacts on public services. The project would replace existing structures on developed land with similar uses and would not significantly increase demand on the City's existing ability to provide fire, police, or other government services. In addition, no impacts to schools or recreational facilities would occur.

Project

The project modifications would include an increase in the square footage; however, land use would remain the same and demand for public services and new facilities would remain less than significant. Similar to the 2016 MND, there are no impacts to public services, and no impacts to schools or recreational facilities would occur. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Recreation

2016 MND

The 2016 MND found that the Spectrum III & IV project would have no impacts on recreation as there is no need for additional park facilities and no impacts related to recreational facilities would occur. The project would replace existing structures on developed land with similar uses and would not significantly increase demand on the City's existing recreational facilities.

Project

The project modifications would include a larger Building A/Spectrum III building; however, land use would remain the same and there would be no increased demand for recreational facilities. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Transportation and Traffic

2016 MND

A Transportation Access Analysis was completed for the Spectrum III & IV project (Urban Systems Associates, May 2016), that determined the project would not significantly impact any roadway segments in the study area. However, the project would be considered to

have significant impacts to intersections, specifically the intersection of Genesee Avenue and the I-5 SB ramps, during the PM peak hour. This occurred because the Caltrans improvements to this intersection were not yet complete at the time of project approval. The project was conditioned such that the second phase of the project (i.e., Spectrum III) would not be issued a Certificate of Occupancy until the I-5/Genesee Avenue Interchange Project is complete, which in-turn would mitigate impacts to less than significant.

Project

A Focused Transportation Study was prepared by Urban Systems Associates, Inc. in February 2018 to determine potential transportation impacts and appropriate mitigation measures associated with the proposed Building A/Spectrum III project modifications. The study found that the modified project would result in a total increase of 61,559 sf of trip generating space compared to the originally approved Spectrum III & IV project, and would be expected to generate a total of 492 additional average daily trips (ADT) with 79 additional AM (71 in / 8 out) peak hour trips and 69 additional PM (7 in / 62 out) peak hour trips.

The traffic analysis identified restriping improvements on Science Park Road which were required as Condition Number 26 in the original permit (CDP/HRP/PID 89-0269). This condition would be carried over to this project. Therefore, the requirement to restripe Science Park Road to four lanes is neither a new impact nor a new mitigation. As such, none of the situations described in Sections 15162 and 15164 of the State CEQA Guidelines apply. There are no substantial changes to the project, no changes in circumstances have occurred, and no new information of substantial importance has manifested which would result in new significant or substantially increased adverse impacts as a result of the project. Therefore, based on the foregoing analysis and information, there is no evidence that the proposed project modifications would require a major change to the MND. The project would not result in any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

Utilities and Service Systems

2016 MND

The 2016 MND found that the Spectrum III & IV project would have less than significant impacts on utilities and service systems with implementation of a project-specific Waste Management Plan. The project would replace existing structures on developed land with similar uses and would not significantly increase demand on water, wastewater, or storm watersystems. According to a Drainage Study Report by RICK Engineering (October 2, 2015) storm drains were adequately sized to accommodate runoff. Additionally, the project did not meet the CEQA Significance Thresholds required to prepare a Water Supply Assessment.

Project

The project modifications would include a larger Building A/Spectrum III footprint (increase from 30,219 to 49,786 sf) but implementation of the required project-specific Waste Management Plan to address any potential cumulative solid waste impacts. Similar to the

original Spectrum III & IV project, land use would remain the same and demand on utilities and service systems would remain less than significant. A Drainage Study was prepared by RICK Engineering (July 27, 2017, Revised September 26, 2017) that determined the post project runoff would be treated by three biofiltration BMP's designed pursuant to the guidelines of the 2016 City of San Diego Storm Water Standards which decreases the peak flow from the site. Therefore, based on the foregoing analysis and information, there is no evidence that the project modifications require a major change to the MND. The project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the MND result.

VI. MITIGATION, MONITORING, AND REPORTING PROGRAM (MMRP) INCORPORATED INTO THE PROJECT

The project shall be required to comply with applicable mitigation measures outlined within the MMRP of the previously certified MND (No. 422478 / SCH No. 2016061047) 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/information/standtemp.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: **Qualified Biologist and Paleontological Monitor**

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 ~~566056~~ and/or Environmental Document Number 566056, 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 would be performed. When necessary for clarification, a detailed methodology of how the work would 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
Land Use	Land Use Adjacency Issues CVSRs	Land Use Adjacency Issue Site Observations
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Reports	Biology/Habitat Restoration Inspection
Paleontology	Paleontology Reports	Paleontology Site Observation
Traffic	Traffic Reports	Traffic Features Site Observation
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES (RESOURCE PROTECTION DURING CONSTRUCTION)

I. Prior to Construction

- A. **Biologist Verification** – The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012),

has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.

- B. **Pre-construction Meeting** – The Qualified Biologist shall attend the pre-construction meeting, discuss the project's biological monitoring program, and arrange to perform any follow-up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents** – The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), environmentally sensitive land (ESL) Ordinance, project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state, or federal requirements.
- D. **BCME** – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and U.S. Fish and Wildlife Service [USFWS] protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director (ADD)/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements** – To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e., appropriate follow-up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section or Resident Engineer, and Biologist shall verify and approve that all measures

identified in the report or mitigation plan are in place prior to and/or during construction.

- F. **Resource Delineation** – Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education** – Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

- A. **Monitoring** – All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. **Subsequent Resource Identification** – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on-site (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, CEQA, and other applicable local, state, and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

BIOLOGICAL RESOURCES (RAPTOR NESTING)

To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City DSD for review and approval prior to initiating any construction activities.

If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. If Cooper Hawk is present, a 300-foot avoidance buffer shall be established around an active nest within the MHPA consistent with the City MSCP Subarea Plan and the Biology Guidelines (2012). The report or mitigation plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the pre-construction survey, no further mitigation is required.

Land Use (MSCP)

Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multi-Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CD's of the following:

- A. **Grading/Land Development/MHPA Boundaries** - MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- B. **Drainage** - All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant

materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

- C. **Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly-owned property when applications for renewal occur. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
- D. **Lighting** - Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.
- E. **Barriers** - New development within or adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- F. **Invasives** - No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- G. **Brush Management** - New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside of the MHPA. Zone 2 may be located within the MHPA provided the Zone 2 management will be the responsibility of an HOA or other private entity except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones will not be greater in size than currently required by the City's regulations, the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1-August 15 except where the City ADD/MMC has documented the thinning would be consistent with the City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 142.0412.
- H. **Noise** - Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: coastal California Gnatcatcher (March 1 through August 15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring. When applicable (i.e., habitat is occupied or if presence of the covered

species is assumed), adequate noise reduction measures shall be incorporated as follows:

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

1. Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:

- A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(a)] hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife service within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:
 - I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(a) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(a) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
 - III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(a) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the

occupied habitat area to ensure that noise levels do not exceed 60 dB(a) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
 - I. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
 - II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

- 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans, but prior to the first precon meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for paleontological monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

- 1. The applicant shall submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City Paleontology Guidelines.
- 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
- 3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a precon meeting that shall include the PI, CM, and/or Grading Contractor, RE, BI, if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related precon meetings to make comments and/or suggestions concerning the paleontological monitoring program with the CM and/or Grading Contractor.
 - a. If the PI is unable to attend the precon meeting, the Applicant shall schedule a focused precon meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored - Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11 x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full time during grading/excavation/ trenching

activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.

2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the CSV. The CSVs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. There shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils), the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

A. *If night and/or weekend work is included in the contract.*

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
 - a. No Discoveries - In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8 A.M. on the next business day.
 - b. Discoveries - All discoveries shall be processed and documented using the existing procedures detailed in Section III - During Construction.
 - c. Potentially Significant Discoveries - If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8 A.M. on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. *If night work becomes necessary during the course of construction*

1. The CM shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. *All other procedures described above shall apply, as appropriate.*

V. Post Construction

A. *Preparation and Submittal of Draft Monitoring Report*

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the paleontological monitoring program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the paleontological recovery program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum - The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the paleontological monitoring program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

Transportation / Circulation

- Prior to issuance of occupancy of Building A, the I-5/Genesee Avenue Interchange Project shall be fully constructed and open to traffic.
- Science Park Road shall be re-stripped to become a four-lane collector (two lanes in each direction) through elimination of on-street parking, per the conceptual striping plan provided in Appendix M of the Spectrum 3 Focused Transportation Study (Urban Systems Associates, February 2018). Parking shall be prohibited along the street via "red curb." The developer shall be responsible for notifying the adjacent property owners and removing parking.

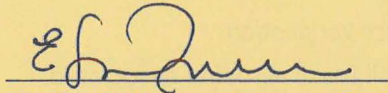
The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

VII. IMPACT SIGNIFICANCE

The MND identified that all impacts would be mitigated to below a level of significance through mitigation. This Addendum also identifies that all significant project impacts would be mitigated to below a level of significance, consistent with the previously certified MND.

VIII. CERTIFICATION

Copies of the addendum, the adopted MND, the Mitigation Monitoring and Reporting Program, and associated project-specific technical appendices, if any, may be reviewed in the office of the Development Services Department, or purchased for the cost of reproduction.



Elizabeth Shearer-Nguyen, Senior Planner
Development Services Department

June 8, 2018

Date of Final Report

Analyst: M. Dresser

Attachments:

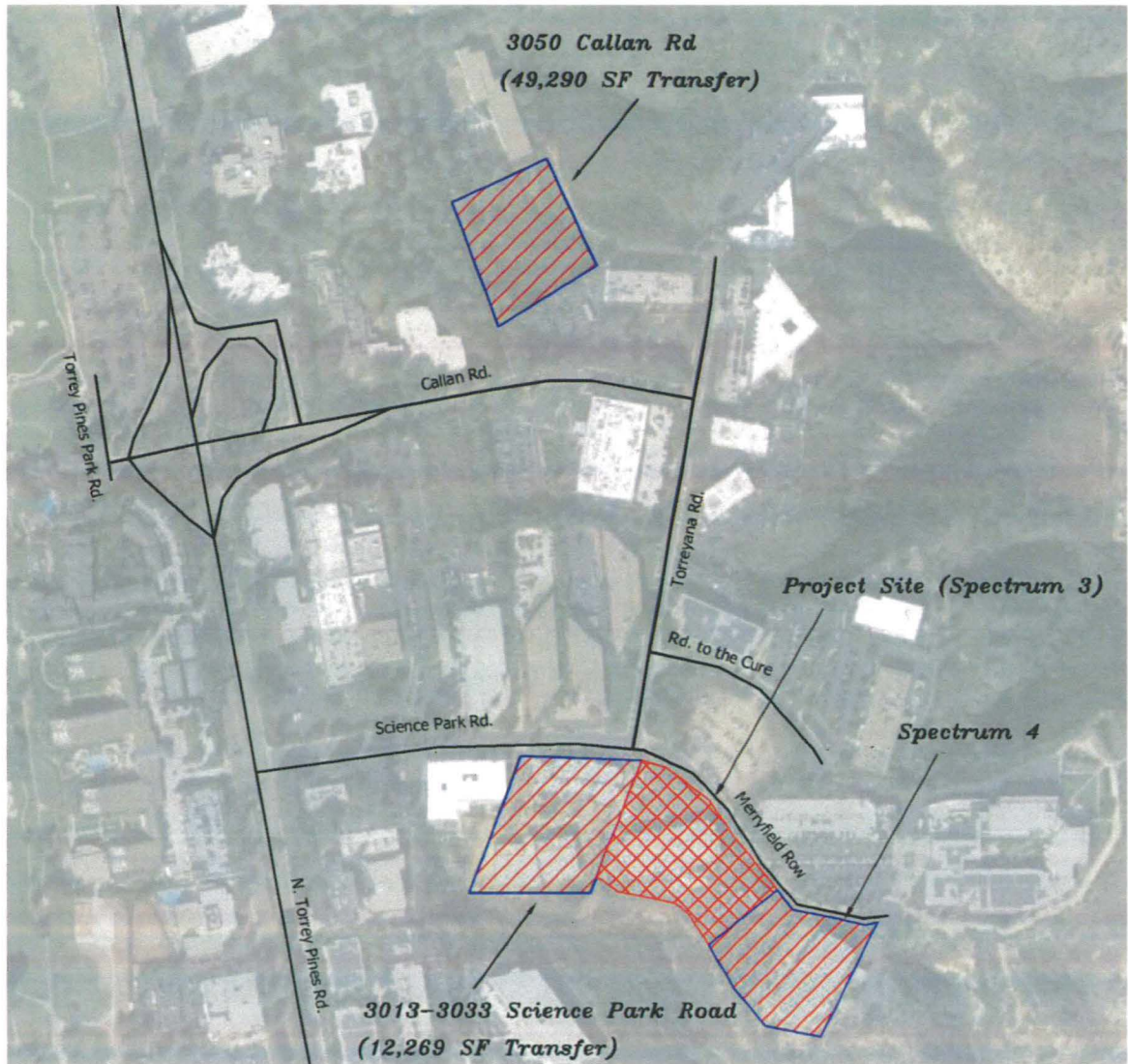
Figure 1: Regional Location


Figure 2: Project Location

Figure 3: Proposed Site Plan

Mitigated Negative Declaration No. 422478 / SCH No.: 2016061047





 = Project Location



ADT Transfer Map- Figure 4