

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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 (619) 767-2370



# W17a

Go to original staff report.

## Addendum

May 6, 2013

To: Commissioners and Interested Persons

From: California Coastal Commission  
 San Diego Staff

Subject: Addendum to **Item W17a**, Coastal Commission Permit Application  
**#A-6-NOC-12-005 (Sorrento Pointe)**, for the Commission Meeting of  
 May 8, 2013.

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Staff recommends the following changes be made to the above-referenced staff report:

1. On Page 43 of the staff report, modify the second, third and fourth paragraphs, as follows:

As previously discussed, both the SMC (Tier I) and the CSS (Tier II) are considered environmentally sensitive lands pursuant to the LCP's categorization, and the policies cited above in the Torrey Pines Community Plan are designed to protect environmentally sensitive habitats biological resources and to minimize the impact of new development on ~~these environmentally sensitive resources~~. Thus, while it may appear that Section 143.0141(h) would allow unrestricted impacts to sensitive biological resources habitat areas, this section applies in the context of the LUP policies that require, among other protections, that development adjacent to impacts ~~to environmentally sensitive resources shall not adversely impact those resources and shall, where feasible, contribute to the enhancement of the resources be eliminated or minimized~~. Thus, Section 143.0141(h) is more reasonably interpreted, in light of the LUP policies and other ESL policies, to mean that encroachment into sensitive biological resources outside the MHPA is not prohibited, as it would be if it were treated as environmentally sensitive habitat areas (ESHA) pursuant to Section 30240 of the Coastal Act, but that encroachment is still subject to other applicable policies of the LUP and ESL that require avoidance and, if unavoidable, minimization of such encroachment.

The proposed development originally included 0.70-acres of impacts to Southern maritime chaparral and 0.280-acres of impacts to Coastal sage scrub. However, since the time of the appeal, the Commission's staff ecologist has visited the site and determined that much of the area surveyed as maritime chaparral in the vegetation survey submitted by the applicant is, in fact, coastal sage scrub. To address this inaccuracy, the applicant has submitted an updated vegetation survey. The updated report identifies 2.34-acres of Southern Maritime Chaparral, 0.30-acres of coastal bluff scrub, 4.50-acres of Coastal sage scrub, 1.11-acres of disturbed

Coastal sage scrub, 0.08-acres of Baccharis scrub, and 0.92-acres of hydroseeded Coastal sage scrub within the subject site.

The updated survey was reviewed by the Commission's ecologist and was found to be consistent with the vegetation types found during the site visit. Based on the updated vegetation survey, the Commission's ecologist determined that the SMC, CSS, disturbed CSS, and Baccharis scrub (a type of ~~CSS~~ CSS) meets the definition of environmentally sensitive area pursuant to section 30107.5 of the Coastal Act and the LCP's definition of sensitive biological resources, as defined in LDC Section 113.0103. The Commission's ecologist further determined that given its manufactured nature, the area vegetated by the hydroseeded Coastal sage scrub located in the right-of-way west of Interstate 5, does not meet this definition (ref. Exhibit #17).

The City's LCP does not include ESHA as a defined term but instead includes the term "Sensitive Biological Resources" in the ESL regulations of the certified LDC.

The LCP defines sensitive biological resources as:

*...those lands included with the Multiple Habitat Planning Area (MHPA) as identified in the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan (City of San Diego 1995), and other lands outside the MHPA that contain wetlands; vegetation communities classified as Tier I, Tier II, IIIA, or IIIB; habitat for rare, endangered or threatened species, or narrow endemic species.*

Specifically, the City defines the following habitat types as sensitive biological resources: 1) Tier I – southern foredunes, Torrey Pines forest, coastal bluff scrub, maritime succulent scrub, maritime chaparral, native grasslands, and oak woodlands; 2) Tier II – coastal sage scrub, coastal sage scrub/ chaparral; 3) Tier IIIA – mixed chaparral and chamise chaparral; 4) Tier IIIB – non-native grasslands. While the Commission does not traditionally classify all of these habitat types, for example, oak woodlands, Torrey Pines forest and non-native grasslands, as ESHA, this definition is broad and includes habitat areas that fit the Coastal Act definition of ESHA. As such, it is important to clarify here that the habitat onsite is defined by the LCP as a biologically sensitive area, but it is also rare and especially valuable habitat that supports threatened species and if the Coastal Act were the standard of review, it would be provided the full protection of Coastal Act Section 30240. However, the City's LCP allows impacts to such resources outside the MHPA and does not limit uses within such habitat to those that are resource dependent.





VIA MESSENGER

May 3, 2013

Mary K. Shallenberger, Chair and  
Members of the California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive, Ste. 103  
San Diego, CA 92108-4402

Re: Appeal of Coastal Development Permit Approved by City of San Diego – Sorrento  
Pointe I & II, L.P. Office Complex at 11965 and 12025 Sorrento Valley Road,  
San Diego (Appeal A-NOC-12-005) (Agenda Item 17a, Wednesday, May 8, 2013)

Dear Chair Shallenberger and Members of the Coastal Commission:

We represent Sorrento Pointe I & II, L.P. ("Sorrento Pointe"), the owner of the above referenced real property and the appellee in the above referenced appeal. The purpose of this letter is to respond to the April 25, 2013 Coastal Commission staff report for the May 8, 2013 hearing scheduled for the appeal ("Staff Report").

We wish to emphasize that Sorrento Pointe supports the staff recommendation set forth in the Staff Report and is prepared to abide by all of the recommended conditions of approval, including the special conditions of approval. Sorrento Pointe appreciates the high degree of cooperation of the staff of the Commission's San Diego Coast District Office in working through the appeal issues. As discussed in the Staff Report, the project has been revised and special conditions of approval recommended for adoption that resolve the appeal issues.

The staff recommendation is the result of a protracted collaborative process that resulted in modifications to the project approved by the City of San Diego. Sorrento Pointe has agreed to accept the staff recommendation despite the fact that the project approved by the City of San Diego complies with the certified Local Coastal Program and the Coastal Act. The responses of Sorrento Pointe to the issues raised in the appeal are set forth in the letter of March 14, 2012 from Lee Sherwood, Principal, RECON to Sherilyn Sarb, Deputy Director and Deborah Lee, District Manager, California Coastal Commission San Diego Coast District Office, the letter of August 21, 2012 to Toni Ross, Staff Analyst, California Coastal Commission San Diego Coast District Office from the undersigned and other documents appended to the Staff Report.

Public Resources Code section 30603(b)(1) provides that, "The grounds for an appeal . . . shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division." Thus, the jurisdiction of the Coastal Commission in this matter is limited to a determination of whether the project is consistent with the Local Coastal Program standards adopted by the City of San Diego and certified by the Coastal

APPLICANT'S RESPONSE TO  
STAFF RECOMMENDATION

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Refer To File #: -



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Commission that apply to development of the project site. (See *Security National Guaranty, Inc. v. California Coastal Commission*, 159 Cal. App. 4th 402, 422.) Since the project approved by the City of San Diego is consistent with the standards of the certified Local Coastal Program, the Commission must deny the appeal.

Again, however, notwithstanding the fact that the project is consistent with the standards of the certified Local Coastal Program, Sorrento Pointe supports the staff recommendation for this matter. We will be present at the hearing to respond to any questions you may have regarding the project and Sorrento Pointe's support of the staff recommendation.

Sincerely,

*Signature on File*

Gregory W. Sanders  
of Nossaman LLP

GWS/skd

**CALIFORNIA COASTAL COMMISSION**

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# W17a

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Staff:	TRoss-SD
Staff Report:	4/25/13
Hearing Date:	5/8-9/13

## **STAFF REPORT: RECOMMENDATION ON APPEAL** **SUBSTANTIAL ISSUE & DE NOVO**

<b>Local Government:</b>	<b>City of San Diego</b>
<b>Decision:</b>	<b>Approved with Conditions</b>
<b>Appeal Number:</b>	<b>A-NOC-12-005</b>
<b>Applicant:</b>	<b>Sorrento Pointe I &amp; II L.P.</b>
<b>Location:</b>	11965 and 12025 Sorrento Valley Road, Torrey Pines, San Diego (San Diego County)
<b>Project Description:</b>	Construction of one two-story, 33,368 sq. ft. office building and one three-story, 58,970 sq. ft. office building, surface and underground parking, retaining walls, access and drainage improvements, and landscaping on a 14.35 acre hilltop property.
<b>Appellants:</b>	Coastal Commissioners Esther Sanchez and Mark Stone
<b>Staff Recommendation:</b>	Substantial Issue and Approval with Conditions on De Novo

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## **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission, after public hearing, determine that substantial issue exists with respect to the grounds on which the appeal has been filed.

The appellants raise a number of contentions in their appeal. The primary concern regarding the City's approval is that it does not provide adequate protection to the sensitive biological resources onsite. Specifically, the project, as approved, will result in impacts to sensitive biological resources that could have been avoided, does not provide an adequate biological buffer to wetlands, provides virtually no buffer to native upland habitat, does not include enough area to provide the necessary brush management and includes a significant amount of grading (25,000 cubic yards). The second concern the appellants raise is that the construction of the proposed retaining walls (varying from 12' to 24' in height) and the building structures (two- and three-stories and both 30' in height) are too massive and are out of scale with the undeveloped lagoon land located directly adjacent and north and west of the subject site, and will result in visual impacts from Torrey Pines and Carmel Valley Roads, both of which are identified as scenic in the City's certified Community Plan (ref. Exhibit #23). The approved development will also impact views from pedestrian trails located within the lagoon watershed. Staff therefore recommends that the Commission find that the appeal raises a substantial issue of LCP conformance and that the Commission take jurisdiction over the permit.

Staff recommends that, when considering the coastal development permit de novo, the Commission approve the proposed development with the inclusion of 20 special conditions. The project includes the construction of one 30 ft. high, two-story, 33,368 sq. ft. office building and one 30 ft. high, three story, 58,970 sq. ft. office building, on an existing 14.35 acre hilltop property. The project site includes an approximately 4-acre previously graded area with the remaining acreage comprised of mostly sensitive habitat areas including California coastal sage scrub and Southern maritime chaparral. In addition, the federally listed California gnatcatcher has been observed foraging on the site. The primary concerns raised associated with the approved development include, adequate protection of sensitive biological resources, adequate provision of buffers and brush management, potential impacts to public views and/or access, and potential water quality impacts both during and post-construction.

Specifically, as originally proposed the project would impact 0.98-acres of sensitive habitat. However, the applicant has revised the project to eliminate all avoidable impacts and thus reduced the impacts to 0.6182 acres of sensitive habitat. Staff agrees that the impacts to the remaining 0.6182-acres of sensitive habitat are unavoidable. As such **Special Condition #1** requires the applicant to submit final site plans that are revised to eliminate all avoidable impacts to sensitive habitat areas. In addition, as proposed, the project would place an open space easement over the remaining land, and restore a portion of the habitat removed for grading activities. However, there are other habitat areas on the site that are degraded. The City's LCP requires development adjacent to biologically sensitive habitat be responsible for restoration and enhancement of that area. As such, **Special Condition #2** requires the applicant provide a revised mitigation and monitoring plan that includes restoration of any remaining and degraded habitat areas on the site. In addition, **Special Condition #4** requires the applicant to record an open space easement, prohibiting development of any kind, in perpetuity, on the remainder of the

site. Due to the presence of the California gnatcatcher onsite, **Special Condition #7** prohibits construction activities during its breeding season, unless approved by the U.S. Fish and Wildlife Services and the California Department of Fish and Wildlife. Finally, to address any unforeseen impacts to sensitive habitat during construction, **Special Condition #16** has been included and requires that a certified biologist conduct an education session for the entire construction crew and requires that biologist to be present onsite at all times.

The project, as proposed, includes reduced buffers from wetlands from the required 100 feet to a line separating the wetlands from the development that ranges from 22' to 100'. The Commission's ecologist has reviewed the buffer and has indicated that because the wetlands are created through freeway runoff and is not considered high quality habitat, the proposed buffers are adequate. However, **Special Condition #3** requires the applicant to provide a revised wetland buffer treatment plan that includes requirements for reduced lighting, restoration of any of the buffer areas, and a barrier wall constructed at the edge of the development envelope to limit potential edge effects.

The project further includes reduced brush management areas. Typically, the City's LCP requires a combination Zone 1 and Zone 2 brush management areas that total 100 feet. However, the project proposes brush management zones on the south and west side of 79' and between 77' and 115' on the north and east sides. The City's LCP permits reduced habitat buffers if approved by the Fire Chief. In this case, the City's Fire Chief has submitted a letter supporting the brush management areas as proposed. **Special Condition #6** requires the applicant to submitted final brush management plans that have been approved by the Fire Chief.

Due to the lands surrounding the subject site to the west (Torrey Pines Preserve, Los Penasquitos Lagoon, and Pacific Ocean) and given the proposed development (2 structures totally 90,000 sq. ft. and 30' tall structures) there is a concern that the project will impact public views. The applicant has submitted detailed view analyses and landscaping plans that indicate that while the buildings will be visible, the structures' design and coloring, as well as the proposed landscaping, have been designed to reduce such view impacts. **Special Condition #5** (Final Landscaping Plan) and **Special Condition #13** (Exterior Treatment) have been included to assure that the proposed development will be constructed with these design features proposed by the applicant. Further, **Special Condition #12** requires the applicant to submit as built plans demonstrating that the development has been completed as modified and approved by this permit.

The project also raises concerns regarding protection of onsite and surrounding water quality. The subject site currently includes two watercourses flowing from surrounding development and interstate 5 across the site through culverts and natural channels, and ultimately discharging into Los Penasquitos Lagoon. In addition, the proposed development will require 25,000 cubic yards of grading. As proposed, the project includes a number of measures to address these concerns. However, **Special Condition #8** (Water Quality Management Plan), **Special Condition #9** (Construction Phase Best Management Practices), **Special Condition #10** (Grading/Erosion Control), **Special Condition #11** (Final Drainage Plan), **Special Condition #14** (Disposal of Export Material), and **Special Condition #15** (Storage and Staging Areas) have been included to

assure that the project provides adequate water quality protections measures both during and post-construction.

Finally, **Special Condition #17** (Future Development Restriction), **Special Condition #18** (Project Modifications), and **Special Condition #19** (Deed Restriction) have been included to assure that development is completed as proposed, and that no future development occurs onsite without adequate review by the Commission and/or the City of San Diego. Finally, **Special Condition #20** requires the applicant to comply with all other conditions of approval through the City's discretionary review, unless otherwise modified herein. Only with the inclusion of all 20 special conditions can the project be found consistent with the City's certified LCP and the applicable provisions of the Coastal Act.

Standard of Review: Certified City of San Diego Local Coastal Program and the public access and recreation policies of the Coastal Act.

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## **APPENDICES**

### Appendix A – Substantive File Documents

## **EXHIBITS**

- Exhibit 1 –Location Map
- Exhibit 2 – Development Envelope
- Exhibit 3 – Wetlands Buffers
- Exhibit 4 – Elevations
- Exhibit 5 – City of San Diego Notice of Final Action
- Exhibit 6 – Appeal Forms
- Exhibit 7 – Site Plans
- Exhibit 8 – Brush Management Plan
- Exhibit 9 – Landscape Plan
- Exhibit 10 – Steep Hillside Analysis
- Exhibit 11- Biological Resources Plan
- Exhibit 12- Surrounding Roadways
- Exhibit 13- Torrey Pines Trail System
- Exhibit 14 – Letter of Response to Appeal from Applicant’s Agent
- Exhibit 15 – Original Biological Map
- Exhibit 16 – Original Restoration Plan
- Exhibit 17 – Updated Biological Report
- Exhibit 18 – Updated Impact Analysis
- Exhibit 19 – Update Restoration Plan
- Exhibit 20 – Visual Analysis
- Exhibit 21 – Supplemental View Analysis
- Exhibit 22 – Letter from Fire Chief
- Exhibit 23 – Identified Scenic Roadways
- Exhibit 24 – Land Use and Zoning Maps



## HEARING PROCEDURES

The Commission will not take public testimony during this phase of the appeal hearing unless at least three Commissioners request it. The only persons qualified to testify before the Commission at the “substantial issue” stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. If the Commission finds that the appeal raises a substantial issue, it will proceed directly to the de novo portion of the hearing during which it will take public testimony and any person may testify. Written comments may be submitted to the Commission during either phase of the hearing.

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### **I. APPELLANTS CONTEND THAT**

The permit approved by the City is inconsistent with the certified local coastal program pertaining to protection of sensitive biological resources, provisions for adequate mitigation of impacts to biologically sensitive resources, requirements for upland and wetland habitat buffers, establishment of adequate brush management zones, adequate drainage, measures for avoiding or mitigating avian collisions, and protection of visual resources. The proposed project and the City’s CDP did not take into consideration possible project alternatives that could avoid or minimize impacts to sensitive on site habitats and provide adequate setbacks from wetland and upland habitats. Additionally, the City’s CDP does not address the potential for additional impacts to sensitive biological resources from designated brush management zones. As such, additional individual and cumulative impacts to sensitive coastal resources could occur as a result of the proposed development that have not been adequately addressed or mitigated in the City’s CDP. In failing to adequately analyze significant environmental impacts that will result from the project, the City has failed to comply with the certified LCP.

The Appellants also contend that the City’s CDP for the proposed project is deficient in that it did not adequately address the potential for impacts to the visual resources of the surrounding area that will result from the proposed project, provide mitigation for avian collisions, or provide adequate protection of water quality. The proposed development has not been designed and adequately conditioned to minimize and provide mitigation for all impacts to sensitive coastal resources and, as such, it cannot be found consistent with the applicable provisions of the certified LCP.

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### **II. LOCAL GOVERNMENT ACTION**

The project was approved with conditions by the City Planning Commission on December 8, 2011. No appeals of the Planning Commission’s decision were filed at the local level.

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### III. APPEAL PROCEDURES

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits.

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the commission after certification of a local coastal program that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project, then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project then, or at a later date, reviewing the project de novo in accordance with sections 13057-13096 of the Commission's regulations. If the Commission conducts the de novo portion of the hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program (LCP).

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also applicable Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo portion of the hearing, any person may testify.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it

"finds that the appeal raises no significant question as to conformity with the certified local coastal program" or, if applicable, the public access and public recreation policies of Chapter 3 of the Coastal Act (Cal. Code Regs. titl. 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

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#### **IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

The staff recommends the Commission adopt the following resolution:

**MOTION:**      *I move that the Commission determine that Appeal No. 6-NOC-12-005 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

#### **STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

#### **RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. **A-6-NOC-12-005** presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act

regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

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## **V. FINDINGS AND DECLARATION**

### **A. PROJECT DESCRIPTION**

The project as approved and conditioned by the City would allow for construction of one 30 ft. high, two-story, 33,368 sq. ft. office building and one 30 ft. high, three story, 58,970 sq. ft. office building, on a 14.35 acre hilltop property, comprised of two separate legal lots zoned as IL-3-I Industrial and AR-1-2 Open Space. The proposed project will include 305 on-site parking spaces, of which 142 will be surface spaces and 163 will be underground garage spaces. The proposed office complex would be accessed from the south by a two-way paved road leading from the subject development into the adjacent parking lot of a developed lot to the south. The proposed landscaping plan associated with the subject development would include a mix of tall native and non-native trees, native shrubs, and ornamental plantings and would also include an underground irrigation system.

The site is located at 11965 and 12025 Sorrento Valley Rd. directly adjacent to and west of Interstate 5, just north of Carmel Mountain Road in the Torrey Pines Community of the City of San Diego (ref. Exhibit Nos. 1 & 12). The subject site is located on an elevated hilltop immediately adjacent to the southbound lanes of the I-5 to the east and upland from the Los Peñasquitos Lagoon to the west. It is separated from the immediate Los Peñasquitos Lagoon habitats by Sorrento Valley Rd., which exists as a paved pedestrian/bike trail at this location and is closed to vehicular traffic. The subject site is the last remaining piece of undeveloped land separating existing industrial/office development located immediately to the south from the undeveloped land and lagoon habitats to the west and north.

The existing property is comprised of 4.5 acres of California Coastal sage scrub (CSS), 2.34 acres of Southern Maritime Chaparral habitat (SMC), .92 acres of previously hydroseeded Coastal Sage Scrub habitat (CSS), 0.3 acres of southern coastal bluff scrub, 3.01 acres of non-native grassland, 1.65 acres of disturbed area, and small amounts of mule fat scrub, southern willow scrub, eucalyptus woodland, and ornamental plantings. Two existing cell phone facilities and a large billboard sign are currently present on the site. Steep slopes in excess of 25% grade occur on much of the site (ref. Exhibit #10). However, the majority of the proposed development will take place on the flatter elevated portion of the site that consists of some previously disturbed area as well as the existing cell phone tower operations.

The project, as proposed, would result in direct impacts to 0.31 acres of Coastal Sage Scrub, 0.12 acres of Southern Maritime Chaparral habitat, .28 acres of hydroseeded Coastal Sage Scrub, and .004 acres of an existing drainage channel described as an “unvegetated non-wetland habitat.” The proposed project would involve approximately 25,000 cubic yards of cut grading and require manufactured slopes and 12’-24’ high retaining walls on parts of the property adjacent to the I-5 to accommodate the proposed office structures and associated underground parking garage area. A total of 4.91 acres of the property would be graded as part of the project.

## **B. STANDARD OF REVIEW**

After the Commission has certified a Local Coastal Program (LCP), Section 30603 of the Coastal Act provides for appeals to the Coastal Commission of the certified local government's actions on certain types of development applications (including those proposing development between the sea and the first public road paralleling the sea, development within 300 feet of the top of the seaward face of any coastal bluff and development located on tidelands, submerged lands, public trust lands, or lands within 100 feet of any wetland, estuary, or stream). The locally-approved coastal development permit is located within the City of San Diego's Coastal Zone and is thus appealable to the Commission. In this case, two commissioners appealed the City's approval. This report includes both the Substantial Issue and de novo portions of the appeal, thus the Commission's standard of review for the proposed development is whether it would conform with the policies and provisions of the City of San Diego's certified Local Coastal Program (LCP) and the public access and recreation policies of the Coastal Act since portions of the project area are located between the sea and the first public road paralleling the sea. The LCP consistency issues raised by the proposed development are discussed in the following sections.

## **C. PROTECTION OF SENSITIVE BIOLOGICAL RESOURCES**

The subject site contains 9.48 acres of sensitive biological resources including wetlands, Coastal Sage Scrub, and Southern Maritime Chaparral, and it is also situated directly upland from the Los Peñasquitos Lagoon. As such, the proposed development on the subject site has the potential to adversely impact existing on site sensitive habitat areas as well as the sensitive biological resources of the adjacent Los Peñasquitos Lagoon. There are four separate concerns regarding the protection of sensitive biological resources that have been raised by the appellants that include: 1) impacts to sensitive biological resources; 2) adequate mitigation; 3) appropriate buffers; and, 4) adequate brush management zones. These items are discussed individually in the subsections below.

The following provisions of the Certified Land Use Plan - The Torrey Pines Community Plan - are applicable to the proposed project and state, in part:

### *Resource Management and Open Space Element*

*GOAL 5. Preserve, enhance and restore all natural open space and sensitive resource areas, including Los Peñasquitos Lagoon and associated uplands, Torrey Pines State Park and Reserve Extension areas with its distinctive sandstone bluffs and red rock, Crest Canyon, San Dieguito Lagoon and River Valley, the Carroll Canyon Wetland/Wildlife Corridor through Sorrento Valley, [...] and all selected corridors providing linkage between these areas.*

*POLICY 1. Land uses adjacent to environmentally sensitive habitats shall not negatively impact those areas.*

*POLICY 2. Development impacts to rare, threatened, endangered, or candidate species shall be minimized or eliminated. [...]*

*POLICY 6. New development adjacent to and impacting biologically sensitive areas shall be responsible for the restoration and enhancement of that area. In particular, when mitigation areas are needed for public projects, the disturbed areas in Crest Canyon should be revegetated with Coastal Mixed Chaparral and Torrey Pines. [...]*

*POLICY 13. Conditions of approval for all development that impacts adjacent open space areas should include restoration and enhancement measures for that particular area.*

### *Industrial Element*

*POLICY 3. Development proposed adjacent to environmentally sensitive resources shall not adversely impact those resources, and shall, where feasible, contribute to the enhancement of the resource.*

### *Appendix E: Local Coastal Program Policies*

#### *Hillsides:*

*In the case of those landforms that consist of slopes of 25 percent and over which have been identified as possessing environmentally sensitive habitats or significant scenic amenities or hazards to development (including major undeveloped sites with high erodibility characteristics), the following policy shall apply:*

*1. Slopes of 25 percent grade and over shall be preserved in their natural state, provided a minimal encroachment into the steep slope areas over 25 percent may be permitted as set forth in the following table:*

<b>25 PERCENT SLOPE ENCROACHMENT ALLOWANCE Percentage of Parcel in Slopes of 25 Percent and Over</b>	<b>Maximum Encroachment Allowance as Percentage of Area in Slopes of 25 Percent and Over</b>
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

*For the purposes of this ordinance, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures or paving, or is cleared of vegetation [...].*

The following provisions of the certified LCP Land Development Code are applicable to the proposed project and state, in part:

*Section 113.0103 Definitions*

*[...]*

*Sensitive biological resources means upland and/or wetlands areas that meet any one of the following criteria:*

- (a) Lands that have been included in the City of San Diego Multiple Species Conservation Program Preserve;*
- (b) Wetlands;*
- (c) Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tiers IIIA Habitats, or Tier IIIB Habitats;*
- (d) Lands supporting species or subspecies listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulation, or the Federal Endangered Species Act, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations;*
- (e) Lands containing habitats with Narrow Endemic Species as listed in the Biology Guidelines in the Land Development manual;*
- (f) Lands containing habitats of covered species as listed in the Biology Guidelines in the Land Development Manual. “*

*Section 143.0130 - Uses Allowed Within Environmentally Sensitive Lands*

*Allowed uses within environmentally sensitive lands are those allowed in the applicable zone, except where limited by this section.*

*[...]*

*(d) Wetlands in the Coastal Overlay Zone. Uses permitted in wetlands shall be limited to the following:*

- (1) Aquaculture, wetlands-related scientific research and wetlands-related educational uses;*
- (2) Wetland restoration projects where the primary purpose is restoration of the habitat;*
- (3) Incidental public service projects, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.*

*(e) Wetland Buffer Areas in the Coastal Overlay Zone. Permitted uses in wetland buffer areas shall be limited to the following:*

- (1) Public Access paths;*
- (2) Fences;*
- (3) Restoration and enhancement activities; and*
- (4) Other improvements necessary to protect wetlands.*

*Section 143.0141 - Development Regulations for Sensitive Biological Resources*

*Development that proposes encroachment into sensitive biological resources or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Biology Guidelines in the Land Development Manual.*

*(a) State and federal law precludes adverse impacts to wetlands or listed noncovered species habitat. The applicant shall confer with the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game before any public hearing for the development proposal. The applicant shall solicit input from the Resource Agencies on impact avoidance, minimization, mitigation and buffer requirements, including the need for upland transitional habitat. The applicant shall, to the maximum extent feasible, incorporate the Resource Agencies' recommendations prior to the first public hearing. Grading or construction permits shall not be issued for any project that impacts wetlands or Listed non-covered species habitat until all necessary federal and state permits have been obtained.*

*(b) Outside and inside the MHPA, impacts to wetlands, including vernal pools in naturally occurring complexes, shall be avoided. A wetland buffer shall be maintained around all wetlands as appropriate to protect the functions and values of the wetland. In the Coastal Overlay Zone the applicant shall provide a minimum 100-foot buffer, unless a lesser or greater buffer is warranted as determined through the process described in 143.0141(a). Mitigation for impacts associated with a deviation shall achieve the goal of no-net-loss and retain in-kind functions and values.*

*(c) Inside the MHPA, development shall avoid impacts to narrow endemic species. Outside the MHPA, measures for protection of narrow endemic species shall be required such as management enhancement, restoration and/or transplantation. A list of narrow endemic species is included in the Biology Guidelines in the Land Development Manual.*

*[...]*

*(i) All development occurring in sensitive biological resources is subject to a site-specific impact analysis conducted by the City Manager, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to sensitive biological resources and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management.*



*the funds and acquire or maintain habitat preservation areas....*

1. Impacts to Sensitive Biological Resources. The appellants contend that the impacts of the proposed development on sensitive on-site habitat areas have not been adequately analyzed and addressed, and it is unclear if all impacts resulting from the proposed project could have been avoided or minimized. Sensitive habitat areas have been identified on site; however, the City never discussed or made a determination of whether sensitive biological resources are present on site. The Commission's staff ecologist has reviewed the biological technical reports prepared for the development and has visited the site and concluded that due to the nature of vegetation on site, many areas of the site constitute sensitive biological resources. In addition, he determined that the habitat survey prepared for the development was not accurate. Specifically, the Commission's ecologist determined that much of what was identified as Southern Maritime Chaparral (SMC) on the site is actually Coastal Sage Scrub (CSS).

Further, the plans for the project identify that the development will impact 0.74-acres of SMC, and 0.28-acres of hydroseeded CSS located on the east side of the property and within the existing Interstate-5 Right-Of-Way. However, it is not clear if these impacts are avoidable through alternative building designs, site layout, etc. The Torrey Pines Community Plan states, "[d]evelopment proposed adjacent to environmentally sensitive resources shall not adversely impact those resources," and because the City approved a development that will result in impacts to what Commission staff has determined to be sensitive biological resources, the proposed development cannot be found consistent with the City's certified LCP. The project therefore, raises a substantial issue regarding impacts to sensitive biological resources.

2. Mitigation. The appellants contend that the City's CDP for the project, which identifies direct impacts to sensitive biological resources, has not been conditioned to provide adequate mitigation for these impacts, consistent with the applicable certified Biological Guidelines. The City's CDP, while again including no determination of whether there are sensitive biological resources on site, did include conditions of approval which state that the applicant must mitigate for the .74 acres of Southern Maritime Chaparral (SMC) habitat impacts associated with the project by either 1) preserving 9.88 acres of existing on-site Southern Maritime Chaparral through a conservation easement; 2) through a monetary contribution to preserve 2.5 acres of habitat through the City of San Diego's habitat acquisition fund; or 3) through other off-site mitigation at the ratios stipulated in the City's Environmentally Sensitive Lands Regulations. The City indicated in its CDP that the applicant has chosen to record a conservation easement over the 9.88 acres of existing on-site SMC habitat as the mitigation for the project's impacts to upland habitat. The submitted building plans for the proposed project indicate the limits and boundary line of this conservation easement area in relation to the proposed building site (ref. Exhibit #11).

The LCP requires that development adjacent to environmentally sensitive lands not adversely impact those resources, and shall, where feasible, contribute to the enhancement of the resource. In addition, the LCP further requires that development located adjacent to sensitive lands be responsible for the restoration and enhancement of that area. Despite these policies the City's CDP does not require restoration or enhancement of the SMC habitat within the proposed conservation easement area. Thus, the approved mitigation is inadequate.

Overall, the appellants contend that the City's CDP for the proposed development contains no conditions assuring adequate mitigation for the .74 acres of direct impacts to SMC habitat as part of the proposed project, as stipulated by the Torrey Pines Community Plan and the City's Biological Guidelines and Environmentally Sensitive Lands regulations. The City's permit for the proposed development does not include sufficient mitigation for impacts to sensitive biological resources. Therefore, the appellants' contention that the City approval is inconsistent with the certified LCP, as it relates to mitigation for impacts to sensitive biological resources, raises a substantial issue.

3. Habitat Buffers. The appellants contend that the City's CDP does not include conditions requiring adequate buffer areas between onsite wetland/upland habitat areas and the proposed development. A 100 ft. minimum wetland buffer is designated on portions of the building plans separating the proposed buildings from the existing wetland habitat in the off-site Los Penasquitos lagoon; however, the required 100 ft. buffer area will be less than 100 ft. between portions of the proposed development and the existing on-site wetlands. The wetland area was at one time part of a natural hydrolic waterway; however, since that time the natural connection to the site has been altered through the construction of a 30" drainage pipe, reducing flows entering the site to stormwater runoff from the urbanized area to the east and drainage from Interstate-5. Adjacent to the watercourse, there are a combined .25 acres of on-site Southern Willow Scrub and Mule Fat Scrub designated as wetlands in the MND that will not be directly impacted as part of the proposed project, but which are located near the limits of the proposed building envelope. It was initially unclear from the plans and the other project materials what the wetland buffer area will be between these on-site wetlands and the proposed development, however, the RECON Biological Resources report prepared for the project states that the required 100 ft. wetland buffer between existing on-site wetland habitat and the proposed development will be reduced to a minimum of 22 ft. along certain portions of the building envelope (ref. Exhibit #3). The findings in the Biological resources report indicate that the reduced wetland buffer was necessary to accommodate the proposed development; however, no alternatives analysis was referenced or provided indicating that there were no other feasible alternatives that would not require a reduced on-site wetland buffer. In addition, it is unclear if the City has received input from the Resource Agencies, as required by the LCP, to determine whether the reduced buffer is adequate to protect the resources in this case.

Therefore, the appellants' contention that the City approval is inconsistent with the certified LCP, as it relates to the provision of adequate buffers surrounding wetlands, raises a substantial issue.

4. Brush Management. The appellants contend that the subject development, as proposed and conditioned in the City's CDP, is inconsistent with the provisions in the LDC and the Torrey Pines Community Plan regarding Brush Management. Brush management for development adjacent to MHPA, such as the subject development, is typically required to include both Zone 1 and Zone 2 brush management areas, unless a low fire hazard severity rating is documented, in which case, no Zone 2 brush management is mandated. Zone 1 brush management proposed for this site consists of an area of various widths planted with ornamental shrubs, groundcover, and trees, and Zone 2 brush management (which is only included along a small portion of the subject site where it borders the I-5 to the east) includes a 65 sq. ft. area of existing hydroseeded coastal

sage scrub. The MND for the proposed project states that the surface parking lots on the western portion of the site would preclude the need for brush management. The landscape concept plan for the proposed project indicates that the parking lot on the western portion of the development will function as Brush Management Zone 1 in addition to a 4' strip westward of the parking lot boundary that will be planted with ornamental shrubs. There is no Zone 2 proposed on the westward portion of the development site.

Zone 1 brush management areas (consisting of the proposed parking lot and 4' planting strip) directly abut existing steep hillsides vegetated with SMC. As the Torrey Pines Community Plan states that brush or native vegetative growth on steep slopes must be controlled to protect existing and proposed structures from fire hazards, there exists the potential for additional impacts to the SMC habitat area to occur where no Brush Management Zone 2 has yet been identified because naturally vegetated steep slopes are within 4' of the proposed development on site. The City has not included any findings stating that there is low fire hazard severity on parts of the site adjacent to SMC or provided any explanation as to why Zone 2 brush management is only proposed on part of the site. As such, it is unclear in the City's CDP what impacts to biologically sensitive habitat will occur on site as a result of brush management.

The RECON Biological resources report for the proposed project identifies Zone 1 and Zone 2 brush management on the eastern portion of the site abutting the I-5 freeway and states that the habitat impacts due to brush management Zone 1 and 2 in this area (.11 acre of hydroseeded coastal sage scrub) will be mitigated as part of the proposed mitigation plan. Other than this .11 acre impact area within brush management Zone 1 and 2, there are no mitigation measures proposed for brush management around the remainder of the site, the majority of which directly abuts southern maritime chaparral, an endemic habitat community adapted and prone to periodic fires.

The Resource Management and Open Space Element of the Torrey Pines Community Plan guidelines, which apply to development on the subject site, state:

***Brush Management***

*Because of the abundance of natural open space areas including canyons rich with native vegetation, special brush management consideration and enforcement should be provided within the Torrey Pines planning area.*

*Currently all development within Torrey Pines must comply with the Uniform Fire Code and Section 6 (Brush Management) of the City of San Diego's Landscape Technical Manual. In summary, these codes state that brush or native vegetative growth on steep slopes must be controlled to protect existing and proposed structures from fire hazards.*

*[...].*

In order to provide an effective fuel modification zone surrounding the proposed building, consistent with the brush management requirements in the applicable LUP, further brush clearance of steep hillsides and SMC habitat may be required. The proximity of steep slopes and the SMC habitat/ proposed conservation easement area to the proposed building envelope could potentially result in further impacts to biologically sensitive habitat on-site that is not mitigated

through the City's current CDP for the subject project. The City and the applicant have not provided information documenting why the project could not be designed to avoid these potential impacts. As such, the project raises a substantial issue with regards to protection of sensitive biological resources on site through adequate brush management.

In summary, as addressed above, the City's approval of the proposed development is inconsistent with the policies of the certified LCP relating to protection of sensitive biological resources and lagoon habitats in the Torrey Pines community, as well as the policies of the City of San Diego's Biology Guidelines, and Environmentally Sensitive Land Regulations regarding habitat impacts and mitigation requirements. Therefore, the project raises a substantial issue with regards to protection of sensitive biological resources.

#### **D. SCALE OF DEVELOPMENT / IMPACTS TO PUBLIC VIEWS**

The subject site is a prominent and undeveloped upland landform adjacent to the Los Penasquitos Lagoon, and any development on the site could potentially impact the existing public viewshed in the area. As proposed, the development will be highly visible from the public Marsh Trail in the Torrey Pines State Reserve as well as the adjacent public pedestrian/biking trail that borders the western portion of the property (Sorrento Valley Rd.). The project site is also visible from areas of the Los Penasquitos Lagoon, as well as Coast Highway 101/Torrey Pines Road, and Carmel Valley Rd, which are both scenic coastal roadways. The proposed development consists of two buildings, which have different elevations depending on which direction the development would be viewed from. While the buildings will be a maximum of 30 ft. high, as calculated consistent with the methodology included in the LCP, but because of how height is measured in the LCP, certain elevations will in fact be higher than 30 ft. The approximate elevations from finished grade, as documented in the submitted building plan, are as follows:

##### **WEST ELEVATION**

Building 1: 40'

Building 2: 45'

##### **NORTH ELEVATION**

Building 1: 47'

Building 2 is not visible from this direction

##### **EAST ELEVATION**

Building 1: 50'

Building 2: 45'

To help reduce the height and visibility of the buildings, the City also approved a variance for construction of retaining walls greater in height than what is permitted in the LDC. Specifically, the project includes retaining walls between 12-24 feet tall, where the LCP limits retaining walls to 12 feet. Thus, the project may result in impacts to coastal views associated with the bulk, scale and height of both the proposed structures and the retaining walls. The applicant has indicated that they will use a visually compatible color palette for the structures and utilize native Torrey Pines and Nuttall's scrub oak along the perimeter of the building and in front of the retaining walls to screen the development. However, it is unclear what, if any, alternatives or

alternate building designs were considered that could minimize potential visual impacts from the two-story and three-story buildings.

The following Torrey Pines Community Plan provisions are applicable and state, in part:

*Industrial Element*

*Goal 8. Restrict industrial development on steep slopes, wetlands, riparian habitats, and on archaeological sites, and further encroachment into Los Peñasquitos Lagoon and the Carroll Canyon Creek Corridor, and design industrial projects to blend into adjacent open space areas.*

*Appendix E: Local Coastal Program Policies*

*Hillsides:*

*Within the Coastal Zone, landforms that consist of slopes of 25 percent grade and over that have not been identified as possessing environmentally sensitive habitats, significant scenic amenities or hazards to developments, may be developed provided the applicant can demonstrate all of the following:*

*1. To protect the scenic and visual qualities of the site as seen from public vantage points, recreational areas, and roads or highways, the proposed development shall minimize the alteration of natural landforms and create only new slopes that are topographically compatible with natural landforms*

*Visual Resources*

*The State Coastal Act states that the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. The Torrey Pines community planning area possesses many highly scenic open space areas and dramatic vistas. Torrey Pines also has a number of road segments that have scenic qualities worthy of formal recognition and protection. This Plan contains numerous recommendations, policies and implementing actions focusing on the preservation of these visual resources including:*

*1. Significant scenic resource areas including San Dieguito River Regional Park, Crest Canyon, Torrey Pines State Reserve Extension, Los Peñasquitos Lagoon, and the Carroll Canyon Creek Corridor have been designated and rezoned to open space.*

*2. Three road segments possessing dramatic vistas are recommended for a Scenic Route designation including **North Torrey Pines Road, Carmel Valley Road, and Sorrento Valley Road.** [emphasis added]*

*[...]*

*11. The Plan recommends the preservation of Torrey Pines trees in private as well as public areas, and encourages the planting of Torrey Pines trees in roadways and other landscaped areas. Should Torrey Pines trees require removal, relocation or replacement of the trees shall occur whenever feasible.*

*12. New residential, commercial, and industrial development shall provide landscape buffers to screen views of the buildings from designated scenic roadways of the surrounding area.*

The appellants contend that as a result of the existing topography and visual prominence of the subject site, the proposed development would result in impacts to the scenic visual resources of the area that have not been minimized to the degree that they can be found consistent with the provisions in the Torrey Pines Community Plan. The subject site is situated to the northwest of the existing line of development in the area and is bordered on the north and west mostly by open space and upland habitat, effectively acting as a physical and visual buffer between sensitive upland and lagoon habitats and industrial development in the area. Additionally, the subject site is elevated above the developed portions of Sorrento Valley to the south and Interstate 5 to the east and, as such, while the proposed structures might be similar in bulk and design as other development in the area, the proposed development will be far more visually obtrusive due to the existing elevation of the subject site. As such, there is a potential for significant view impacts associated with pedestrian trails within the lagoon watershed, as well as when travelling along Torrey Pines and Carmel Valley Roads. The City's approval did not include discussion regarding potential view impacts from these vantage points, and there is no information in the City's CDP findings or in the MND to indicate that alternative building designs and configurations were considered that could potentially reduce the overall visibility of development on the subject site. As such, the appellants' contention that the City approval is inconsistent with the certified LCP, as it relates to protection of visual resources, raises a substantial issue.

#### **E. AVIAN COLLISIONS**

The two proposed buildings will be two and three stories high, respectively, on their lagoon-facing sides and completely faced with glass. There exists the potential for avian collisions along portions of the two buildings that are oriented towards the open space area and Los Peñasquitos Lagoon. The RECON biological Resource Survey report prepared for the proposed project identified that populations of Belding's Orange-throated whiptail, a species of special concern listed by CDFW, were recorded on the subject site during the most recent 2011 survey. Coastal California Gnatcatchers, which are considered a threatened species, were also observed on site, during a 1989, 1992, 1997 and 2002 biological survey conducted by RECON. However, the City did not condition the project to require the use of non-reflective glass on the exterior of the building or the treatment of building windows to prevent indoor light from shining through and causing bird disorientation. Without these measures, the project does not adequately protect sensitive biological resources, consistent with the LCP.

The Resource Management and Open Space Element of the Torrey Pines Community Plan guidelines, which apply to development on the subject site, state:

#### ***POLICIES***

*1. Land uses adjacent to environmentally sensitive habitats shall not negatively impact those areas.*

*2. Development impacts to rare, threatened, endangered, or candidate species shall be minimized or eliminated.*

Additionally, the Industrial Element of the Torrey Pines Community Plan guidelines, which apply to development on the subject site, state:

***Industrial Element***

*POLICY 3. Development proposed adjacent to environmentally sensitive resources shall not adversely impact those resources, and shall, where feasible, contribute to the enhancement of the resource.*

The subject site lies directly adjacent to the Los Peñasquitos lagoon, which provides habitat for large populations of endemic and threatened bird species and acts as a haven for such birds during their breeding season. Additionally, as there have been populations of sensitive native bird species identified on the subject site during numerous biological surveys, the Appellants contend that the potential exists for avian collisions to occur as a result of the proposed development. The City has not fully analyzed or provided sufficient mitigation for such potential impacts, which raises a significant local and regional issue with respect to protection of bird species.

**F. DRAINAGE**

The City of San Diego's MSCP Subarea Plan lists drainage and runoff as a major issue affecting the Los Peñasquitos Lagoon. The encroachment of development nearby and increase in impervious surfaces has resulted in increased runoff, sedimentation, and pollution in the Los Peñasquitos Lagoon.

The Torrey Pines Community Plan includes the following policies:

***Resource Management and Open Space Element***

*POLICY 12. Maintain regulations that prohibit contaminated runoff from reaching any of the sensitive open space areas designated in this Plan.*

***Carroll Canyon Wetland/Wildlife Corridor***

*This open space corridor runs the length of Sorrento Valley and provides an important linkage between Carroll Canyon and Los Peñasquitos Lagoon. The majority of this corridor is privately owned and consists primarily of wetlands containing riparian vegetation. Some portions of this corridor have been channelized and most of it has experienced urban encroachment. However, this area continues to support riparian habitat and provides a significant linkage for many plant and animal species between two significant open space resource areas.*

- 1. All new development proposed adjacent to this open space corridor shall incorporate the urban design guidelines located within the **Industrial Element** as appropriate.*
- 2. New development proposed adjacent to this open space corridor shall not contribute to increased sediment loading of the wetland, disturbance of its habitat values, or otherwise impair the functional capacity of the wetland.*
- 3. New development proposed adjacent to and impacting this open space corridor shall enhance and improve the habitat value of this system.*

Given the topography of the site and its direct proximity to Los Penasquitos Lagoon and its environmentally sensitive habitats, the Appellants contend that the City's CDP for the project has not been adequately conditioned to ensure consistency with the policies of the Torrey Pines Community Plan that seek to prevent further pollution or sedimentation of the Los Peñasquitos Lagoon. The project has been proposed and conditioned to incorporate on-site storm water detention measures as well as storm water and runoff management devices that will reduce the amount of runoff and sediment that reaches the lagoon. Although the City has conditioned the project to require storm water management and water pollution prevention measures, there is no monitoring condition on the City CDP that will ensure the effectiveness and long term management of the proposed water and drainage systems. As such, the appellants' contention that the City approval is inconsistent with the certified LCP, as it relates to protecting downstream resources, raises a substantial issue.

## **G. CONCLUSION**

Based on the information cited above, it appears the City's approval of the proposed development is inconsistent with resource protection policies of the City's certified LCP. Impacts to sensitive biological resources are approved without documenting that they cannot be avoided or minimized and proposed mitigation measures are not consistent with the LDC and Torrey Pines Community Plan. Further impacts to onsite sensitive upland habitats, which have not been addressed or mitigated for through the City's CDP, could also occur as a result of inadequate buffer areas and brush management zones. Furthermore, the visual impacts resulting from the proposed development have not been properly analyzed, minimized or mitigated through the City's CDP and would adversely affect the existing scenic visual resources of the subject site and the surrounding area to a degree found inconsistent with the provisions in the Torrey Pines Community Plan. Additionally, the City's CDP is not conditioned to ensure that the proposed development eliminates or minimizes, to the maximum extent feasible, the potential for avian collisions. Regarding drainage on the subject site, the City's CDP for the permit has not been adequately conditioned to ensure consistency with the policies of the Torrey Pines Community Plan that seek to prevent further pollution or sedimentation of the Los Peñasquitos Lagoon. Therefore, the Commission finds that a substantial issue exists with respect to the consistency of the local government action with the City's certified Local Coastal Program.

## **H. SUBSTANTIAL ISSUE FACTORS**

As discussed above, there is inadequate factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of substantial issue. The objections to the project suggested by the appellants raise substantial issues of regional or statewide significance and the decision creates a poor precedent with respect to the protection of sensitive biological resources. In addition, the coastal resources affected by the decision are significant.

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## STAFF RECOMMENDATION ON THE COASTAL PERMIT

### VI. MOTION AND RESOLUTION ON DE NOVO

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit No. A-6 NOC-12-005 pursuant to the staff recommendation.*

#### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified LCP and the public access policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

### VII. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## VIII. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Revised Final Plans.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final building plans that have been approved by the City of San Diego. Said plans shall be in substantial conformance with the plans submitted by Vasquez Marshall Architects dated June 29, 2011, but shall be revised consistent with the conceptual plan received on April 3, 2012 to include the following:

- a. The project shall be designed to eliminate all impacts to coastal sage scrub, southern maritime chaparral, baccharis scrub, and any other sensitive habitat areas not directly associated with the unavoidable impacts resulting from construction of the access road or the Caltrans hydroseeded coastal sage scrub areas.

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Revised Upland Habitat Revegetation / Mitigation / Monitoring Plan.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final detailed mitigation and monitoring plan for all impacts to sensitive biological resources. Said plan shall be in substantial conformance with the plan submitted by Recon dated June 30, 2011, and as amended on March 25, 2013, and shall include the following:

- a. Preparation of detailed site plans identifying all impacted upland habitat areas including the 0.6182 acres of proposed impacts necessary to construct the access road, clearly delineating all areas and the exact acreage. Both temporary and permanent impacts shall be included in this calculation.
- b. All impacts to upland habitat (temporary and permanent) shall be mitigated through restoration/enhancement at not less than a 2:1 mitigation ratio. All mitigation shall be located within the project site, and shall not be credited through the purchase of mitigation land. In addition, a detailed site plan of the mitigation areas shall be included.

- c. All land currently vegetated with sensitive habitat and identified as a “construction area” not allocated for development shall be restored with native vegetation.
- d. All remaining lands not included as part of the development envelope identified by Exhibit #11 shall be protected and maintained as open space and further regulated in Special Condition #11 below.
- e. A Restoration and Monitoring Plan shall be prepared by a qualified restoration ecologist and shall at a minimum include the following:
  - 1. A baseline assessment, including photographs, of the current physical and ecological condition of the proposed restoration site, including, as appropriate, a wetland delineation conducted according to the definitions in the Coastal Act and the Commission’s Regulations, a description and map showing the area and distribution of vegetation types, and a map showing the distribution and abundance of sensitive species. Existing vegetation, wetlands, and sensitive species shall be depicted on a map that includes the footprint of the proposed restoration.
  - 2. A description of the goals of the restoration plan, including, as appropriate, topography, hydrology, vegetation types, sensitive species, and wildlife usage.
  - 3. A description of planned site preparation and invasive plant removal;
  - 4. A restoration plan including the planting palette (seed mix and container plants), planting design, source of plant material, plant installation, erosion control, irrigation, and remediation. The planting palette shall be made up exclusively of native plants that are appropriate to the habitat and region and that are grown from seeds or vegetative materials obtained from local natural habitats so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used.
  - 5. A plan for documenting and reporting the physical and biological “as built” condition of the mitigation site within 30 days of completion of the initial restoration activities. This is a simple report describing the field implementation of the approved restoration program in narrative and photographs, and reporting any problems in the implementation and their resolution. The “as built” assessment and report shall be completed by a qualified biologist, who is independent of the installation contractor.
  - 6. A plan for interim monitoring and maintenance, including:
    - a. A schedule
    - b. Interim performance standards
    - c. A description of field activities
    - d. The monitoring period (Not less than 5 years).
    - e. Provision for submission of annual reports of monitoring results to the Executive Director for the duration of the required monitoring period, beginning the first year after submission of the “as-built” report. Each report shall be cumulative and shall summarize all previous results. Each report shall document the condition of the

restoration with photographs taken from the same fixed points in the same directions. Each report shall also include a “Performance Evaluation” section where information and results from the monitoring program are used to evaluate the status of the restoration project in relation to the interim performance standards and final success criteria.

7. Final Success Criteria for each habitat type, including, as appropriate:
  - a. species diversity
  - b. total ground cover of vegetation
  - c. vegetative cover of dominant species and definition of dominants (e.g., Army Corps of Engineers “50/20” rule, enumeration, species with greater than a threshold of abundance, etc.)
  - d. wildlife usage
  - e. hydrology
  - f. presence and abundance of sensitive species or other individual “target” species
8. The method by which “success” will be judged, including:
  - a. Type of comparison. Possibilities include comparing a census of the restoration site to a fixed standard derived from literature or observations of natural habitats, comparing a census of the restoration site to a sample from a reference site, comparing a sample from the restoration site to a fixed standard, or comparing a sample from the restoration site to a sample from a reference site.
  - b. Identification and description, including photographs, of any reference sites that will be used.
  - c. Test of similarity. This could simply be determining whether the result of a census was above a predetermined threshold. Generally, it will entail a one- or two-sample t-test.
  - d. The field sampling design to be employed, including a description of the randomized placement of sampling units and the planned sample size.
  - e. Detailed field methods.
  - f. Specification of the maximum allowable difference between the restoration value and the reference value for each success criterion
  - g. Where a statistical test will be employed, a statistical power analysis to document that the planned sample size will provide adequate statistical power to detect the maximum allowable difference. Generally, sampling should be conducted with sufficient replication to provide 90% power with  $\alpha=0.10$  to detect the maximum allowable difference. This analysis will require an estimate of the sample variance based on the literature or a preliminary sample of a reference site. Power analysis software is available commercially and on the world wide web (e.g., <http://www.stat.uiowa.edu/~rlenth/Power/index.html>).
  - h. A statement that final monitoring for success will occur after at least 3 years with no remediation or maintenance activities other than weeding.
9. Provision for submission of a final monitoring report to the Executive Director at the end of the final monitoring period. The final report must be prepared by a qualified

restoration ecologist. The report must evaluate whether the restoration site conforms to the goals and success criteria set forth in the approved final restoration program.

10. Provision for possible further action. If the final report indicates that the restoration project has been unsuccessful, in part or in whole, based on the approved success criteria, the applicant shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised restoration program shall be processed as an amendment to this coastal development permit unless the Executive Director determines that no permit amendment is legally required.

The permittee shall undertake mitigation and monitoring in accordance with the approved final, revised upland mitigation plan. Any proposed changes to the approved final, revised plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Wetland Buffer Treatment.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a buffer treatment plan for the review and written approval of the Executive Director that has been approved by the City of San Diego. Said plan shall include the following:

- a. All lighting located in the parking areas and adjacent to wetlands shall be designed to eliminate any spillover levels of light reaching the adjacent wetland and wetland buffer areas.
- b. the wetland buffer and any disturbed vegetation located between the wetlands and the development identified in attached Exhibit #11 shall be revegetated with native wetland/upland vegetation.
- c. A low barrier wall shall be constructed at the edge of the parking lot adjacent to the wetlands to decrease any edge effects between the development and the wetlands including disturbance from vehicle noise and lighting.

The permittee shall undertake mitigation and monitoring in accordance with the approved final, revised upland mitigation plan. Any proposed changes to the approved final, revised plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Open Space and Conservation Easement**

- A. No development, as defined in section 30106 of the Coastal Act shall occur in the on-site coastal sage scrub or southern maritime chaparral vegetation adjacent to the MHPA, as shown in Exhibit #11 except for:

1. Habitat mitigation/restoration and other development necessary to implement the final mitigation plan

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an open space and conservation easement for the purpose of habitat conservation. Such easement shall be located over all coastal sage scrub and southern maritime chaparral vegetation, as shown in Exhibit #11. The recorded document shall include graphic depictions and legal descriptions, prepared by a licensed surveyor, of both the applicant's entire parcel and the easement area. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition.

C. The offer shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

5. **Final Revised Landscaping Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final landscape plan for the review and written approval of the Executive Director that has been approved by the City of San Diego. Said plan shall be in substantial conformance with the draft landscape plan submitted by Vasquez Marshall Architects dated June 29, 2011 but shall be revised as follows:

- a. Tree #15 on the existing tree legend shown on Sheet #10 of the plans submitted by Vasquez Marshall Architects dated June 29, 2011 and shown as "remove or relocate" shall be modified to "relocate" only.

- b. A plan showing the type, size, extent and location of all landscaping on the site including any proposed irrigation system and other landscape features. Special emphasis shall be placed on the screening of the commercial buildings and retaining walls with a minimum of 27 Torrey Pines (*Pinus Torrey Ana*) of a minimum 24-inch box size and 22 Nuttall's Scrub Oak (*Quercus dumosa*) placed at intervals consistent with the original plan. The climbing/screening vines identified on the landscape plans shall be planted on the retaining walls at a maximum of eight foot intervals.

- c. All landscaping shall be drought-tolerant native and non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the subject property.

- d. A planting schedule that indicates that the planting plan shall be implemented

within 60 days of completion of the sewer line, support bridge, and lift station facilities.

e. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.

f. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

g. Five years from the date of issuance of the coastal development permit, the applicant shall submit a landscape monitoring report for review and written approval of the Executive Director. The report shall be prepared by a licensed Landscape Architect or qualified Resource Specialist, and it shall certify that the on-site landscaping is in conformance with the landscape/planting plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

6. **Brush Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final brush management plan showing all brush management areas consistent with Sheet #12 of the plans submitted by Vasquez Marshall Architects dated June 29, 2011 and shall include final approval by the City of San Diego Fire Chief.
7. **Sensitive Species/Timing.** To avoid potential impacts to breeding activities of the California gnatcatcher, migratory songbirds, and other bird species associated with the adjacent sensitive open water, wetland, riparian, and coastal sage scrub habitat, construction will not be permitted between the dates of February 15th to September 31<sup>st</sup> of any year, unless approved in writing by the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife.

8. **Water Quality Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final Water Quality Management Plan (WQMP) that includes measures to protect water quality post-construction, prepared by a licensed water quality professional, for review and written approval of the Executive Director. The WQMP shall be in substantial conformance with the drainage and sewer studies recommendations submitted by Rick Engineering and dated March 8, 2011, and shall be designed and implemented to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site and to minimize water quality impacts to surrounding coastal waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible.
- b. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.
- c. Efficient Irrigation Measures including water saving irrigation heads and nozzles, flow sensors, automatic rain sensors and multiple programming capabilities shall be used.
- d. A Fertilizer and Landscape Management program shall include Integrated Pest Management (IPM) practices and the use of a drought tolerant planting palette.
- e. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.
- f. A BMP treatment program shall be designed and implemented to collect and treat runoff and remove pollutants of concern (including heavy metals, oil and grease, hydrocarbons, trash and debris, sediment, nutrients and pesticides) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner.
- g. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- h. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, and where necessary, cleaned-out and/or repaired at the following minimum frequencies: (1) prior to



October 15<sup>th</sup> each year; (2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, (3) at least twice during the dry season.

- i. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- j. It is the permittee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.

The permittee shall undertake development in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

9. **Construction Phase Best Management Practices.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final Storm Water Pollution Prevention Plan (SWPPP) that has been approved by the San Diego Regional Water Quality Control Board. The SWPPP shall be in substantial conformance with the mitigation measures identified in the Water Quality Technical Report submitted by Rick Engineering Company Dated March 8, 2011 and shall include, at a minimum, the following:

- a. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- b. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- c. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- d. Adequate disposal facilities for waste materials produced during construction shall be provided;
- e. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible;
- f. Measures shall address the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff, which shall be located as far away from the receiving waters and storm drain inlets as possible;
- g. Spill prevention and control measures shall be developed and implemented;

h. Equipment and machinery shall be maintained, refueled and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;

**10. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL**

**DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval, final grading and erosion control plans that have been approved by the City of San Diego. The plans approved shall contain written notes or graphic depictions demonstrating that all permanent and temporary erosion control measures will be developed and installed prior to or concurrent with any on-site grading activities and include, at a minimum, the following measures:

- a. Placement of a silt fence around the project anywhere there is the potential for runoff. Check dams, sand bags, straw bales and gravel bags shall be installed as required in the City's grading ordinance. Hydroseeding, energy dissipation and a stabilized construction entrance shall be implemented as required. All disturbed areas shall be revegetated after grading.
- b. The site shall be secured daily after grading with geotextiles, mats and fiber rolls; only as much grading as can be secured daily shall be permitted. Concrete, solid waste, sanitary waste and hazardous waste management BMP's shall be used. In addition, all on-site temporary and permanent runoff and erosion control devices shall be installed and in place prior to commencement of construction to minimize soil loss from the construction site.
- c. If grading is to occur during the rainy season (October 1<sup>st</sup> to April 1<sup>st</sup>) of any year, the applicant shall submit to the Executive Director for review and written approval, a program for monitoring the condition of erosion control devices and the effectiveness of the erosion control program. The monitoring program shall include, at a minimum, monthly reports beginning November 1<sup>st</sup> of any year continuing to April 1<sup>st</sup>, which shall be submitted to the Executive Director for review and written approval at the end of each month. The reports shall be completed by a licensed engineer and shall describe the status of grading operations and the condition of erosion control devices. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms. Desilting basin maintenance, including removal of accumulated silt, shall occur prior to the onset of the rainy season and on an as-needed basis throughout the season.
- d. Landscaping shall be installed on all cut and fill slopes prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control methods. Said planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation of species compatible with surrounding native vegetation, subject to Executive Director approval.

The permittee shall undertake development in accordance with the approved grading and erosion control plans. Any proposed changes to the approved grading and erosion control

plans or grading schedule shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 11. Final Drainage Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final drainage and runoff control plan in substantial conformance with plans approved by the City of San Diego (City's Exhibit "A"), documenting, graphically and through notes on the plan, that runoff from the roof(s), driveway(s), parking lots and other impervious surfaces will be directed through vegetation into the street storm drain system.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 12. As Built Plans.** Within 60 days of completion of the project, the applicant shall submit as-built building, grading and landscaping plans for the approved development that have been certified by a registered civil engineer, acceptable to the Executive Director, verifying the commercial buildings and associated landscaping have been constructed in conformance with the approved plans for the project pursuant to Special Condition Nos. 1, 3, 4, and 7 of this permit.

- 13. Exterior Treatment.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed commercial development. This document shall comply with the following requirements:

a. The color of the proposed buildings and roofs permitted herein, along with any proposed fences or walls, shall be restricted to colors compatible with the surrounding environment (earth tones) including shades of green, brown, and gray, with no white or light shades and no bright tones except as minor accents.

b. All Bird Safety Measures identified in the report submitted by Engineering 350 dated February, 27, 2011 shall be incorporate into the project design. In no case shall the building be comprised of non-glare glass. No clear glass windcreens, clear glass railings, or clear glass in the perimeter of the buildings or in fire walls shall be installed on the site.

The permittee shall undertake the development in accordance with the approved color board. Any proposed changes to the approved color board shall be reported to the Executive Director. No changes to the color board shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**14. Disposal of Export Material/Construction Debris.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of export material and construction debris. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

**15. Storage, and Staging Areas.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans for the review and written approval of the Executive Director, showing the locations, both on- and off- site, which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents and have been approved by the City of San Diego. The plans shall indicate that construction access corridors and staging areas shall be located in a manner that has the least impact on sensitive resources, and shall include the following items as written notes on the plans:

- (a) Habitat areas shall not be used as staging or storage areas
- (b) The construction staging area will gradually be reduced as less materials and equipment are necessary
- (c) Identification of limits of the staging area(s)
- (d) Identification of construction corridor(s)
- (e) Identification of the location of construction fencing and temporary job trailers, if any

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**16. Construction Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final construction plans for the review and written approval of the Executive Director. The plans shall include the following items as written notes on the plans:

- (a) Prior to any construction activities a licensed biologist shall conduct an onsite educational session for all the construction crew regarding the need to avoid impacts to sensitive habitat areas located outside the approved construction area (including flagging particularly sensitive plants)
- (b) A licensed biologist shall supervise the installation of the limit of work fencing to protect biological resources

- (c) A licensed biologist shall be onsite to prevent any new unauthorized disturbance to habitat, flora and/or fauna on site.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

17. **Future Development Restriction.** This permit is only for the development described in coastal development permit No. A-6-NOC-12-005. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106 shall require an amendment to Permit No. A-6-NOC-12-005 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.
18. **Project Modifications.** Only that work specifically described in this permit is authorized. Any additional work requires separate authorization from the Executive Director. **If, during construction, site conditions warrant changes to the project, the San Diego District office of the Coastal Commission shall be contacted immediately prior to any changes to the project in the field.** No changes to the project shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
19. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description and graphic depiction of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.
20. **Other Special Conditions from City of San Diego.** Except as provided by this coastal development permit, this permit has no effect on conditions imposed by the City of San Diego pursuant to an authority other than the Coastal Act.

## **IX. FINDINGS AND DECLARATIONS**

The Commission finds and declares as follows:

### **A. PROJECT DESCRIPTION**

The project, as approved and conditioned by the City, would allow for construction of one 30 ft. high, two-story, 33,368 sq. ft. office building and one 30 ft. high, three story, 58,970 sq. ft. office building, on an existing 14.35 acre hilltop property, comprised of two separate legal lots zoned as IL-3-I Industrial and AR-1-2 Open Space. The proposed project will include 305 on-site parking spaces, of which 142 will be surface spaces and 163 will be underground garage spaces.

As proposed, the project includes design features that will result in the buildings having 15% greater energy efficiency and 20% greater water savings than required. Specifically the project, as proposed will include: 1) special “Carpool” parking spaces; 2) bike parking/bike lockers; 3) energy-efficient lighting fixtures; 4) reduced insulation requirements through solar design and orientation; 5) low-flow toilets and faucets; 6) water-wise landscaping; 7) 10-20% of total materials purchased for project construction will be post-consumer or recycled; and 8) long-term waste management to include recycling collection. All of these design features have been included to reduce greenhouse emissions and generally support a sustainable development.

The proposed office complex will be accessed from the south by a two-way paved road leading from the subject development into the adjacent parking lot of a developed lot to the south. The proposed landscaping plan associated with the subject development includes a mix of tall native and non-native trees, native shrubs, and ornamental plantings and also includes an underground irrigation system.

The site is located at 11965 and 12025 Sorrento Valley Rd. directly adjacent to and west of Interstate 5, just north of Carmel Mountain Road in the Torrey Pines Community of the City of San Diego. The subject site is located on an elevated hilltop immediately adjacent to the southbound lanes of the I-5 to the east and upland from the Los Peñasquitos Lagoon to the west. It is separated from the immediate Los Peñasquitos Lagoon habitats by Sorrento Valley Rd., which exists as a paved pedestrian/bike trail at this location and is closed to vehicular traffic. The subject site is the last remaining piece of undeveloped land separating existing industrial/office development located immediately to the south from the undeveloped land and lagoon habitats to the west and north.

The existing property is comprised of 8.31 acres of Southern Maritime Chaparral habitat (SMC), .92 acres of previously hydroseeded Coastal Sage Scrub habitat (CSS), 3.01 acres of non-native grassland, 1.65 acres of disturbed area, and small amounts of mule fat scrub, southern willow scrub, eucalyptus woodland, and ornamental plantings. Two existing cell phone facilities and a large billboard sign are currently present on the site. Steep slopes in excess of 25% grade occur on much of the site. However, the majority of the proposed development will take place on the flatter elevated portion of the site that consists of some previously disturbed area as well as the existing cell phone tower operations.

The project, as approved by the City, will result in direct impacts to .74 acres of Southern Maritime Chaparral habitat, .28 acres of hydroseeded Coastal Sage Scrub, and .004 acres of an existing drainage channel that the Mitigated Negative Declaration refers to as an “unvegetated non-wetland habitat.” However, since the City’s approval, the applicant has modified the project to eliminate much of the habitat impacts associated with the development and all the remaining impacts are considered unavoidable and are associated with construction of an access road to the development. The proposed project will involve approximately 25,000 cubic yards of cut grading and require manufactured slopes and 12’-24’ high retaining walls on parts of the property adjacent to the I-5 to accommodate the proposed office structures and associated underground parking garage area. A total of 4.91 acres of the property would be graded as part of the project.

The standard of review is the certified City of San Diego Local Coastal Program and the public access policies of Chapter 3 of the Coastal Act.

## **B. PROTECTION OF SENSITIVE BIOLOGICAL RESOURCES**

The following provisions of the Certified Land Use Plan - The Torrey Pines Community Plan - are applicable to the proposed project and state, in part:

### *Resource Management and Open Space Element*

*GOAL 5. Preserve, enhance and restore all natural open space and sensitive resource areas, including Los Peñasquitos Lagoon and associated uplands, Torrey Pines State Park and Reserve Extension areas with its distinctive sandstone bluffs and red rock, Crest Canyon, San Dieguito Lagoon and River Valley, the Carroll Canyon Wetland/Wildlife Corridor through Sorrento Valley, [...] and all selected corridors providing linkage between these areas.*

*POLICY 1. Land uses adjacent to environmentally sensitive habitats shall not negatively impact those areas.*

*POLICY 2. Development impacts to rare, threatened, endangered, or candidate species shall be minimized or eliminated. [...]*

*POLICY 6. New development adjacent to and impacting biologically sensitive areas shall be responsible for the restoration and enhancement of that area. In particular, when mitigation areas are needed for public projects, the disturbed areas in Crest Canyon should be revegetated with Coastal Mixed Chaparral and Torrey Pines. [...]*

*POLICY 13. Conditions of approval for all development that impacts adjacent open space areas should include restoration and enhancement measures for that particular area.*

### *Industrial Element*

*POLICY 3. Development proposed adjacent to environmentally sensitive resources shall not adversely impact those resources, and shall, where feasible, contribute to the enhancement of the resource.*

*Appendix E: Local Coastal Program Policies*

*Hillsides:*

*In the case of those landforms that consist of slopes of 25 percent and over which have been identified as possessing environmentally sensitive habitats or significant scenic amenities or hazards to development (including major undeveloped sites with high erodibility characteristics), the following policy shall apply:*

*1. Slopes of 25 percent grade and over shall be preserved in their natural state, provided a minimal encroachment into the steep slope areas over 25 percent may be permitted as set forth in the following table:*

<b><i>25 PERCENT SLOPE ENCROACHMENT ALLOWANCE Percentage of Parcel in Slopes of 25 Percent and Over</i></b>	<b><i>Maximum Encroachment Allowance as Percentage of Area in Slopes of 25 Percent and Over</i></b>
<i>75% or less</i>	<i>10%</i>
<i>80%</i>	<i>12%</i>
<i>85%</i>	<i>14%</i>
<i>90%</i>	<i>16%</i>
<i>95%</i>	<i>18%</i>
<i>100%</i>	<i>20%</i>

*For the purposes of this ordinance, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures or paving, or is cleared of vegetation [...].*

The following provisions of the certified LCP Land Development Code are applicable to the proposed project and state, in part:

*Section 113.0103 Definitions*

*[...]*

*Sensitive biological resources means upland and/or wetlands areas that meet any one of the following criteria:*

- (a) Lands that have been included in the City of San Diego Multiple Species Conservation Program Preserve;*
- (b) Wetlands;*
- (c) Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tiers IIIA Habitats, or Tier IIIB Habitats;*
- (d) Lands supporting species or subspecies listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulation, or the*



- Federal Endangered Species Act, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations;*
- (e) Lands containing habitats with Narrow Endemic Species as listed in the Biology Guidelines in the Land Development manual;*
  - (f) Lands containing habitats of covered species as listed in the Biology Guidelines in the Land Development Manual. “*

*Section 143.0130 - Uses Allowed Within Environmentally Sensitive Lands*

*Allowed uses within environmentally sensitive lands are those allowed in the applicable zone, except where limited by this section.*

*[...]*

*(d) Wetlands in the Coastal Overlay Zone. Uses permitted in wetlands shall be limited to the following:*

- (1) Aquaculture, wetlands-related scientific research and wetlands-related educational uses;*
- (2) Wetland restoration projects where the primary purpose is restoration of the habitat;*
- (3) Incidental public service projects, where it has been demonstrated that there is no feasible less environmentally damaging location or alternative, and where mitigation measures have been provided to minimize adverse environmental effects.*

*(e) Wetland Buffer Areas in the Coastal Overlay Zone. Permitted uses in wetland buffer areas shall be limited to the following:*

- (1) Public Access paths;*
- (2) Fences;*
- (3) Restoration and enhancement activities; and*
- (4) Other improvements necessary to protect wetlands.*

*Section 143.0141 - Development Regulations for Sensitive Biological Resources*

*Development that proposes encroachment into sensitive biological resources or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Biology Guidelines in the Land Development Manual.*

- (a) State and federal law precludes adverse impacts to wetlands or listed noncovered species habitat. The applicant shall confer with the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game before any public hearing for the development proposal. The applicant shall solicit input from the Resource Agencies on impact avoidance, minimization, mitigation and buffer requirements, including the need for upland transitional habitat. The applicant shall, to the maximum extent feasible, incorporate the Resource Agencies’*

*recommendations prior to the first public hearing. Grading or construction permits shall not be issued for any project that impacts wetlands or Listed non-covered species habitat until all necessary federal and state permits have been obtained.*

*(b) Outside and inside the MHPA, impacts to wetlands, including vernal pools in naturally occurring complexes, shall be avoided. A wetland buffer shall be maintained around all wetlands as appropriate to protect the functions and values of the wetland. In the Coastal Overlay Zone the applicant shall provide a minimum 100-foot buffer, unless a lesser or greater buffer is warranted as determined through the process described in 143.0141(a). Mitigation for impacts associated with a deviation shall achieve the goal of no-net-loss and retain in-kind functions and values.*

*(c) Inside the MHPA, development shall avoid impacts to narrow endemic species. Outside the MHPA, measures for protection of narrow endemic species shall be required such as management enhancement, restoration and/or transplantation. A list of narrow endemic species is included in the Biology Guidelines in the Land Development Manual.*

*[...]*

*(g) Outside the MHPA, development of lands that are designated as open space in the applicable land use plan and zones OR-1-1 is permitted only if necessary to achieve the allowable development area, in accordance with Section 131.0250(a)*

*(h) Outside the MHPA, encroachment into sensitive biological resources is not limited, except as set forth in Section 143.0141 (b)\* and (g)\**

*(i) All development occurring in sensitive biological resources is subject to a site-specific impact analysis conducted by the City Manager, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to sensitive biological resources and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management. Mitigation may include the following, as appropriate to the nature and extent of the impact.*

*(1) Acquisition or dedication of another site that can serve to mitigate the project impacts, with limited right of entry for habitat management, as necessary, if the site is not dedicated. This site must have long-term viability and the biological values must be equal to or greater than the impacted site.*

*(2) Preservation or dedication of on-site biological resources, creation of new habitat, or enhancement of existing degraded habitat, with limited right of entry for habitat management, as necessary, if the site is not dedicated. The site must have long-term viability and the biological values must be equal to or greater than the impacted site.*

*(3) In circumstances where the area of impact is small, monetary payment of compensation into a fund in lieu of other forms of mitigation. The City shall use the fund to acquire, maintain and administer habitat areas pursuant to City Council Resolution No. R-275129, adopted February, 12, 1990. Where appropriate, the City Manager is authorized to enter into agreements with public agencies or private non-profit conservancies or foundations to administer the funds and acquire or maintain habitat preserve areas.*

*(j) Grading during wildlife breeding seasons shall be consistent with the requirements of the City of San Diego MSCP Subarea Plan.*

*(k) Sensitive biological resources that are outside of the allowable development area on a premises, or are acquired as off-site mitigation as a condition of permit issuance, are to be left in a natural state and used only for those passive activities allowed as a condition of permit approval. If the land is not dedicated in fee to the City, identification of permissible passive activities and any other conditions of the permit shall be incorporated into a covenant of easement that shall be recorded against title to the property, in accordance with procedures set forth in Section 143.0152. The U.S. Fish and Wildlife Service and the California Department of Fish and Game are to be named as third party beneficiaries to any covenant of easement recorded pursuant to this section.*

a. Project Impacts to Sensitive Upland Habitat

The subject site is a 14.35-acre hilltop parcel which includes an approximately 4-acre previously graded area containing non-native vegetation. The remaining acreage is comprised predominantly of sensitive habitat including California coastal sage scrub and Southern maritime chaparral. The east side of the lot is directly adjacent to Interstate-5 (I-5) and is vegetated with hydroseeded coastal sage scrub planted by Caltrans associated with the previous widening of I-5 adjacent to the site. The western side of the lot is bounded by Sorrento Valley Road (a paved road that was previously closed to vehicular access, but maintains public pedestrian and bicycle access to trails within the Lagoon system). Carmel Valley Road is to the north and Sorrento Valley Boulevard to the south. To the west of Sorrento Valley Road is the beginning of Los Penasquitos Lagoon, which continues west to the ocean (ref. Exhibit Nos. 1 & 12). The site contains four vegetation communities defined as sensitive biological resources in the City of San Diego's Land Development Code (LDC). These habitats include: 2.34 acres of Southern maritime chaparral, 0.30 acres of Southern coastal bluff scrub; 5.61 acres of Coastal sage scrub (of which 1.11 acres has been classified as disturbed); and 3.01 acres of Non-native grasslands. In addition, the federally listed as threatened California Gnatcatcher has been observed on the site. The project also includes 0.02-acres of non-wetland drainage channel predominantly fed by an existing culvert constructed to move stormwater off Interstate -5 and 0.04-acres of Southern willow scrub and 0.21-acres of Mule fat scrub. Both Southern willow scrub and Mule fat scrub are considered riparian vegetation.

The proposed development includes construction of two commercial buildings. Building #1 is located on the east side of the property and is a three-story, 30 ft. high, and 58,970 sq. ft. structure. Building #2 is located west of Building One, and is a two-story, 30 ft. high, and 33,368 sq. ft. structure. The project also includes 12-24 foot high retaining walls and approximately 25,000 cubic yards and grading. The majority of the proposed development will take place on the previously graded portion of the lot. However, as originally approved by the City, the project would result in impacts to 0.70 acres of Southern Maritime Chaparral (SMC) and 0.28-acres of the hydroseeded Coastal Sage Scrub (CSS). No impacts to the drainage channel or associated riparian vegetation are proposed. This potential for impacts to sensitive upland habitat areas was one of the primary reasons for the Commissioners' appeal of the City issued permit.

There are two primary portions of the City's certified LCP that comprise the standard of review for this project. These include the Torrey Pines Community Plan (the Land Use Plan component) and the City's Land Development Code (Implementation Plan component).

The Torrey Pines Land Use Plan requires that land uses adjacent to environmentally sensitive habitats must not negatively impact those areas and impacts to rare or threatened species be minimized or eliminated. Therefore, whenever sensitive resources are present, impacts to those resources must always be avoided if possible, then potentially minimized and mitigated depending on the circumstances. Policies that provide for preventing or minimizing impacts should be considered in a manner that is most protective of the resource if impacts may be allowed at all.

The City's Land Development Code (LDC) states that in properties outside the MHPA, such as this property, impacts to sensitive resources (with the exception of wetlands) are not limited. The referenced MHPA is an overlay the City placed on priority lands to be preserved and that contain environmentally sensitive habitat.

As background, the City of San Diego created a Multiple Species Conservation Plan (MSCP) in the mid-90's, in response to the state's Natural Communities Conservation Plan (NCCP) legislation. Based on the MSCP requirement to preserve the best habitats, along with connecting habitats to provide corridors for wildlife movement, the City created the Multi-Habitat Preserve Area (MHPA). However, the MSCP/MHPA was never incorporated into the City's LCP, although it is referenced in the newer certified LUPs of the City and in portions of the certified IP, including the Environmentally Sensitive Lands regulations and the Biology Guidelines. Because the program itself is not certified as part of the LCP, it is not a legal standard of review for CDPs. Since most City-issued CDPs are associated with other local discretionary permits, however, the MSCP provisions are typically relied upon by the City for most City actions.

While the project site is not located within the mapped MHPA, it is located immediately adjacent and east of the MHPA lands protecting Los Penasquitos Lagoon. It should also be noted that while the subject site is not located within the mapped MHPA, the MHPA as mapped by the City, is comprised of mostly public lands. Private lands were only included in the MHPA when the property owner was willing to allow that designation. Otherwise, the MHPA boundaries simply exclude the private properties, regardless of the resources existing on the private sites.

The City's MHPA mapping has thus resulted in the City applying a lower standard of review for those on-site sensitive biological resources outside of and adjacent to the MHPA. In this particular case, the sensitive resources associated with the MHPA extend beyond the mapped boundary onto the subject site and are part of the overall sensitive biological resources of the MHPA and the Los Penasquitos Lagoon system that surrounds, or is adjacent to, the site on the north, west and south. Moreover, the MSCP was never certified as part of the City's LCP, and the standard of review here is solely the provisions of the certified LCP. Thus, any MSCP policies related to development outside of the MHPA that are not also adopted in some fashion into the LCP are not relevant to the Commission's determination of whether this project is consistent with the certified LCP.

As previously discussed, both the SMC (Tier I) and the CSS (Tier II) are considered environmentally sensitive lands pursuant to the LCP's categorization, and the policies cited above in the Torrey Pines Community Plan are designed to protect sensitive biological resources and to minimize the impact of new development on these resources. Thus, while it may appear that Section 143.0141(h) would allow unrestricted impacts to sensitive habitat areas, this section applies in the context of the LUP policies that require, among other protections, that impacts to sensitive resources be eliminated or minimized. Thus, Section 143.0141(h) is more reasonably interpreted, in light of the LUP policies and other ESL policies, to mean that encroachment into sensitive biological resources outside the MHPA is not prohibited, as it would be if it were treated as environmentally sensitive habitat areas pursuant to Section 30240 of the Coastal Act, but that encroachment is still subject to other applicable policies of the LUP and ESL that require avoidance and, if unavoidable, minimization of such encroachment.

The proposed development originally included 0.70-acres of impacts to Southern maritime chaparral and 0.280-acres of impacts to Coastal sage scrub. However, since the time of the appeal, the Commission's staff ecologist has visited the site and determined that much of the area surveyed as maritime chaparral in the vegetation survey submitted by the applicant is, in fact, coastal sage scrub. To address this inaccuracy, the applicant has submitted an updated vegetation survey. The updated report identifies 2.34-acres of Southern Maritime Chaparral, 0.30-acres of coastal bluff scrub, 4.50-acres of Coastal sage scrub, 1.11-acres of disturbed Coastal sage scrub, 0.08-acres of Baccharis scrub, and 0.92-acres of hydroseeded Coastal sage scrub within the subject site.

The updated survey was reviewed by the Commission's ecologist and was found to be consistent with the vegetation types found during the site visit. Based on the updated vegetation survey, the Commission's ecologist determined that the SMC, CSS, disturbed CSS, and Baccharis scrub (a type of CCS) meets the LCP's definition of sensitive biological resources, as defined in LDC Section 113.0103. The Commission's ecologist further determined that given its manufactured nature, the area vegetated by the hydroseeded Coastal sage scrub located in the right-of-way west of Interstate 5, does not meet this definition (ref. Exhibit #17).

The updated vegetation survey also modified the proposed impacts to sensitive habitat. As modified, the project would impact 0.14-acres of maritime chaparral and 0.56-acres of coastal sage scrub, and 0.04-acres of Baccharis scrub, and 0.28-acres of the hydroseeded coastal sage scrub. Therefore, a total of 0.74-acres of impacts would result from the proposed development. The impacts resulting from the proposed development are broken into two categories; 1) 0.6182 are associated with

construction of the access driveway; and, 2) 0.1218 are associated with the general development envelope.

As previously stated, in order to find the development consistent with the City's LCP all impacts to sensitive habitat areas must be eliminated or minimized. Commission staff has been working with the applicant, and has determined that some of the proposed impacts can be eliminated. The area of impact associated with general development is proposed to be graded and constructed with parking areas. Therefore it is possible that the parking spaces could be relocated, or the parking lot could be striped to eliminate these impacts. Thus the 0.1218-acres associated with this area must be eliminated. In response to staff's concerns, the applicant agreed to revise the project to eliminate these impacts and submitted a conceptual site plan that has been redesigned to eliminate the impacts to sensitive biological resources associated with the parking lot. **Special Condition #1** requires the applicant to submit final site plans that incorporate this project design, and thus eliminate these impacts, consistent with the City's LCP.

Thus, the remaining 0.6182-acres of impacts to sensitive vegetation are associated with the access road. Commission staff has been working, in cooperation with the applicant, to determine if any of these impacts could be eliminated or minimized. However, it has been determined that the impacts associated with the access road cannot be eliminated or further minimized. Given the elevations of the site, the only area to provide access to the site is through and connecting with an existing parking lot associated with the commercial development located directly to the south of the project site. Currently, there is an elevated berm that extends from the adjacent commercial development to the south across the small wetland drainage on the site that appears to have been an old historic access. It is on this berm that the applicant proposes to provide the site access. Any other locations would require extensive grading in steep slope areas vegetated with sensitive habitat, and would also require the construction of large retaining walls resulting in far more significant impacts to sensitive habitat than that proposed. Thus, Commission staff has determined that it is not possible to eliminate impacts to sensitive habitat caused by the accessway.

In addition, Commission staff reviewed the design of the road. As proposed, the accessway will be 26 feet wide. The City's standards for Fire Hazard Prevention require that when the access road is longer than 300 feet and/or the buildings are greater than 35 feet in height, the access roadway shall have a minimum of 26 feet. In this case, both of these criteria are met.<sup>1</sup> When directly addressing the height of the structures, it could be determined that by decreasing the height of the buildings, the width of the road would also decrease, thereby further reducing impacts to sensitive habitat. However, as noted, the Fire Department also requires the roadway to be a minimum 26 feet wide if the accessway is longer than 300 feet. In this case, the accessway is 1,600 feet including the portion of the accessway of the adjacent property, and over 1,000 feet long on the subject site. The only way to reduce the length of the accessway would be to relocate the structures south and closer to the existing commercial development. However, the southern portion of the site is where the wetlands are located (ref. Exhibit #17). Therefore, while relocating the structures further west may reduce the length of the road, it would result in impacts to wetlands and involve significant amounts of grading and further impacts to sensitive

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<sup>1</sup> Although the buildings are only 30 feet tall, as measured using the methodology in the LUP, they are in fact higher than 35 feet as measured for purposes of the fire code.

upland habitat. Impacts to wetlands are not permitted by the City's LCP for commercial developments. Thus, the roadway is currently designed to be the least environmentally damaging alternative. As such, the proposed accessway is as narrow as it can be while still complying with fire hazard prevention standards, so impacts caused by the accessway cannot be further minimized. The project, as conditioned, is therefore expected to adversely impact 0.6182 acres of sensitive biological resources and the Commission must determine acceptable mitigation for the remaining unavoidable impacts.<sup>2</sup>

The City's certified Biological Guidelines require specific mitigation values for unavoidable impacts to sensitive biological resources. The biological guidelines differentiate between impacts *inside* and *outside* the MHPA. The guidelines further differentiate for mitigation lands located *inside* versus *outside* the MHPA. In this case, both the impacts and the mitigation will be located outside the MHPA. As such, the Biological Guidelines require impacts to Southern maritime chaparral to be mitigated at a 2:1 ratio. The Biological Guidelines further require that impacts to Coastal sage scrub be mitigated at 1.5:1 ratio. In addition, the City's Biology Guidelines allow for mitigation to be accomplished through onsite preservation of remaining resources. Thus, the City required, in its review, the preservation of the 9.88-acres not being used as part of the proposed development as mitigation for the impacts associated with the proposed development. In addition, the City's approval also required the project be consistent with a preliminary Habitat Restoration Plan submitted by the applicant. This restoration plan included the revegetation of areas "temporarily" impacted through construction activities. The plan included the planting of .29-acres of southern maritime chaparral in the upland areas and 0.017-acres of mule fat scrub adjacent to wetland and wetland buffer areas as additional mitigation measures (0.307 total acres of 1:1 mitigation).

The City's LUP requires that new development adjacent to and impacting biologically sensitive areas be responsible for the restoration and enhancement of that area. The City's LUP further requires that development proposed adjacent to environmentally sensitive resources shall not adversely impact those resources, and shall, where feasible, contribute to the enhancement of the resource. Thus, the LUP requires restoration and enhancement of the site where the development is proposed and that development should, where feasible, contribute to the enhancement of the resource. The updated vegetation survey identified an area on the northwestern side of the lot as disturbed coastal sage scrub (ref. Exhibit #17), which provides an opportunity for on-site resource restoration/enhancement.

In addition, the applicant identified additional areas of potential restoration on the north eastern boundary of development (ref. Exhibit #17). Therefore, in order to be found consistent with the City's LUP, **Special Condition #2** has been included to require the restoration/enhancement of these disturbed areas. The applicant has submitted a revised mitigation/restoration plan which includes the areas previously proposed for restoration as well as the two additional areas identified by staff and the applicant. As revised, the project will include a total of 1.5 acres of restoration/enhancement.

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<sup>2</sup> Typically development that is not dependent on the resource is prohibited in ESHA and may only be approved to avoid a taking of private property. In this case, however, the standard of review is the City's LCP, not the Coastal Act, and the LCP does not prohibit impacts to sensitive biological resources. Instead it requires that impacts be avoided and minimized to the extent feasible and that any impacts that cannot be avoided or further minimized be mitigated. Again, in this particular case, the impacts for the access road cannot be entirely avoided and as discussed above, have been determined to be the least amount necessary to allow access to the property.

However, this revised revegetation plan was only modified recently and is at this point is only conceptual. There is a possibility that the actual acreages may change slightly as the restoration plan becomes more defined. As such, **Special Condition #2** requires the applicant to submit an updated Habitat Restoration Plan that identifies all the areas on the vegetation map as “disturbed coastal sage” as areas of enhancement and restoration. In addition, **Special Condition #2** requires the applicant to submit a detailed long-term monitoring program, including specific performance criteria developed by the Commission’s ecologist, to ensure the restoration of this disturbed area is maintained over time. Finally, in order to protect all existing and future sensitive habitat onsite the Commission has included six additional special conditions. These include: 1) to ensure no future development occurs in the habitat areas, **Special Condition #4** requires the applicant to record an open space easement for the remaining lands; 2) to protect the remaining undisturbed habitat from degradation by non-native and/or invasive plants, **Special Condition #5** requires that all landscaping be drought tolerant native and non-invasive; 3) to ensure that no impacts to sensitive habitat occurs from storage and staging of equipment, **Special Condition #15** requires that all storage and staging occurs outside the habitat areas; 4) to ensure that no additional and unforeseen impacts occur to any of the sensitive habitat, **Special Condition #16** requires that a licensed biologist **be onsite** during construction activities to educate all construction crew members regarding how to protect biological resources, identify where the work limits fencing be installed, and generally oversee construction activities; 5) to ensure that any future development that may result in impacts to sensitive habitat and restoration areas, **Special Condition #17** requires all future development be reviewed by the Commission or the applicable local government; and, finally, 6) to prevent any additional and unforeseen impacts to habitat in general, **Special Condition #18** requires that any changes to the project that occur during project completion be reviewed and approved by the Executive Director. It is only with the inclusion of all of these special conditions that the impacts to sensitive habitat can be found to be consistent with the City’s LCP.

## 2. Biological Buffers.

The project site is currently vegetated with both sensitive upland and wetland habitats. In order to protect the viability of these habitats, and prevent indirect impacts to the habitat through “edge effects”, appropriate biological buffers need to be incorporated into the project design. Edge effects can be defined as changes to habitat values through human created borders and fragmentation between native habitat and development. This causes habitat loss restricting species to certain areas and thus creates lower biodiversity in the ecosystem. A few examples of human impacts are:

- Introduction of invasive exotic vegetation
- Higher severity and frequency of fires
- Companion animals acting as predators and competitors
- Use of and creating trails
- Introduction of exotic animals
- Pollution, erosion
- Loss of foraging habitats<sup>3</sup>

In this case, the proposed development includes no buffers from upland habitat and reduced buffers to wetland habitat. Specifically, the development envelope will reach the edge of the existing upland

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<sup>3</sup> Arroyo, E. (2000). "Urban Edge Effects". *California State Parks-Inland Empire District*: 1–30.



habitat and will include a buffer area between 0-100' from the wetlands identified on site. The City's LCP does not require any biological buffers for upland habitat. While no specific habitat buffer is required or proposed, the proposed buildings will be in the center of the site, surrounded by parking and significant landscaping. In addition, there will be an elevation difference between the development and the adjacent habitat. Regarding wetlands, however, the City's LCP requires a 100' buffer from all wetlands. The City does provide for reductions in wetland buffers if the buffer area is designed in consultation with the Resource Agencies to assure that such a reduction will not result in adverse impacts to the wetland resources.

The project site currently includes two existing flow patterns/drainages on the site (ref. Exhibit #17). The majority of runoff from the site is conveyed as surface runoff to the southern portion of the site. The site also receives collected runoff generated from Interstate 5 and the development on the eastside of Interstate 5. The runoff from the eastside of Interstate 5 is conveyed to the project site via an existing 30-inch storm drain pipe which discharges through a headwall and into a natural swale flowing to the southwest until reaching another existing 30" storm drain pipe. This swale also collects runoff from a previously graded slope associated with a development to the south. The swale ends at Sorrento Valley Road, eventually flowing into the Los Penasquitos Lagoon through an existing culvert. While this natural swale can be defined as wetlands, the value of these wetlands is low given that the source water is runoff from the freeway and surrounding developments and it is conveyed to the project site by existing storm drains, and then is recollected into existing storm drains. The Commission's Staff ecologist has been to the site, and agrees that while historically the watercourse may have been natural, currently, given the source water and conveyance improvements, the habitat value of the wetlands is relatively low. It is for this reason that the applicant has proposed to reduce the wetland buffer in a couple of areas. Thus, while reduced buffers may be appropriate in the case, protection of the existing habitat still needs to be identified, reviewed and confirmed.

As described by the submitted Biological Resources Survey, the majority of the wetlands (both non-vegetated and vegetated) on site would be buffered by existing native southern maritime chaparral and coastal sage scrub, as the provided development is mostly 100 feet or more way from the edge of any wetlands. (ref. Exhibit #3). There are three main locations where the buffer is significantly less than 100 feet: (1) south of the access road between the mule fat scrub and the edge of the manufactured slope where the buffer distance would be approximately 85 feet; 2) to the north of the access road between the development where the buffer would be between 22 feet and 43 feet; and, 3) along the southeast portion of the main drainage where the buffer ranges from 0 feet to 50 feet (ref. Exhibit #3). It is important to note here that the buffers identified by the project description above are *post-construction* buffers. During construction, grading activities are proposed within the majority of the buffer identified in Area #2, effectively reducing that buffer to zero feet during construction activities. However, post-construction, this area will be vegetated with native habitat, and will be protected by the above discussed conservation easement.

In this particular case, the proposed reduced buffers can be supported based on the following justifications. For location 1, the proposed buffer deviation is only 15 feet less than the preferred 100-foot distance, and the 10 feet of vertical separation not containing development features helps compensate for the reduced buffer width. For location 2, the buffer reduction is partly the result of the constraints of the existing topography and cannot be avoided. In addition, the small area of existing wetland at this location is isolated from the other wetland areas on the property and it has relatively low functions and values due to being located adjacent to Interstate 5, with its main source of water being drainage from Interstate 5 and urban development to the east. Post-construction, a 12

foot vertical retaining wall will provide vertical separation from the wetlands, and the proposed native vegetation to be used to screen the retaining wall will further minimize impacts from the reduced buffer.

For location 3, the buffer reduction situation cannot be changed due to the proximity of the on-site wetlands to the property boundary, and the proposed development will have no effect on the size of this buffer. The existing buffer ranges from 0 feet (where the wetland lies on the property boundary) to a maximum of approximately 50 feet at this location on the project site. It is expected that this buffer will remain adequate to maintain the current functions and values of the wetlands at this location as no new development is anticipated to occur to the south. The proposed project would maintain a buffer ranging from a minimum of 130 feet to a maximum of 280 feet with an elevation difference ranging from 90 feet to 120 feet from the wetlands associated directly with Los Penasquitos Lagoon.

As previously stated, the City's LCP does provide for reduced wetland buffers if designed in consultation with U.S. Fish and Wildlife (FWS) and California Department of Fish and Wildlife (DFW). The applicant has indicated that a meeting was held with the resource agencies in December of 2010 to discuss the proposed wetland buffers. At this time neither FWS nor DFW raised any objections to the proposed deviations in the wetland buffers. In addition, the applicant has further indicated that reduced wetland buffers were not identified as a concern by either FWS or DFW during the environmental review process.

As previously stated, the Commission's ecologist has visited the site and agrees that in this particular case, the wetlands onsite have a relatively low habitat value and concurs that, in this case, the reduced buffers can be supported. That being said, protection of the existing and revegetated habitat must be ensured. As such, the Commission has included **Special Condition #3**. **Special Condition #3** requires that all of the buffer areas currently identified as disturbed habitat shall be restored. In addition, **Special Condition #3** requires that a site wall be constructed between the development and the wetlands to eliminate and/or reduce any of the above listed edge effects to the maximum extent practicable. It is only with the inclusion of this special condition that the proposed wetland buffers can be found to maintain the current wetland functions and values on-site.

As proposed, the project does not include any biological buffer areas between the development and the sensitive upland vegetation. However, as previously discussed, the City's LCP does not include a provision requiring any specific biological buffers for upland vegetation. That being said, the City's LCP does include a provision requiring that development proposed adjacent to environmentally sensitive resources shall not adversely impact those resources, and shall, where feasible, contribute to the enhancement of the resource. The site is predominantly vegetated with upland habitat areas on the west and south sides of the site (ref. Exhibit #17). As discussed previously, the Commission's ecologist has determined that the hydroseeded coastal sage scrub on the east side of the property is not a sensitive habitat area. Also as previously discussed, the southern portion of the site's buffer to development has already been determined due to the presence of wetland habitats and has been found to be adequate. As such, biological buffers have not been determined for the north and west portions of the lot. In this case, the development proposed on both the west and the south side of the development includes what can be considered a low impact development type. As proposed, these areas will be developed to provide at grade parking, sidewalks and landscaping (ref. Exhibit #7). The average width of the parking area is 62 feet. The buffer is further increase by proposed hardscape and landscaping inland of the parking area for varying lengths. On average the combined width of the parking, sidewalk and landscaping areas is 79' total. While this is not a natural buffer area, this

area will provide separation between the upland habitat and the commercial buildings, and the standard of review is the LCP, which does not specifically require buffers for upland habitat. Again, the Commission's ecologist has reviewed the project and agrees that the at-grade parking, sidewalk and landscape areas will be sufficient to conclude that the project will not adversely impact the adjacent upland resources consistent with the City's LCP. However, to ensure that this buffer will be completed as proposed, a number of conditions have been included. **Special Condition #1** requires the applicant to submit final plans that are in substantial conformance to the plans received by the Commission. In addition, **Special Condition #12** requires the applicant to submit as-built plans that are in substantial conformance to those approved associated with Special Condition #1. Finally, **Special Condition #18** requires that any project modifications that occur during construction are adequately reviewed and approved by the Executive Director.

In conclusion, as conditioned, the wetland buffer can be considered sufficient to preserve the existing habitat functions and values for the wetlands on the site, buffer the wetlands from potential edge effects, and maintain species utilization of these areas equal to the existing condition because: 1) the project includes a buffer of existing native southern maritime vegetation between the developed portions of the site and the drainage courses and associated habitat; 2) the project includes restoration of areas disturbed during grading within the proposed buffer area to native wetland and upland habitats that will replace the functions and values of these areas; 3) the project includes natural (elevations differences) as well as constructed (site line walls) vertical separation, and 4) the project has been conditioned to ensure that no additional unforeseen impacts occur, consistent with the City's certified LCP. The upland buffer can also be considered sufficient to preserve existing upland habitat function because 1) the development directly adjacent to the upland habitat can be considered low impact and 2) it is also conditioned to ensure that no additional unforeseen impacts occur. Therefore, the project, as conditioned, can be found adequate to protect the wetland and upland habitat areas, consistent with the City's LCP.

#### c. Brush Management

As proposed, the project will include construction of two commercial buildings mostly contained on a previously graded 4-acre section of a 14-acre parcel. The remaining 10-acres are currently covered in natural vegetation; and, because the majority of the natural vegetation is considered sensitive, there is a concern regarding where adequate brush management areas will be located. The City's LCP includes policies pertaining to the provision of adequate brush management areas and state:

The Resource Management and Open Space Element of the Torrey Pines Community Plan guidelines, which apply to development on the subject site, state:

##### ***Brush Management***

*Because of the abundance of natural open space areas including canyons rich with native vegetation, special brush management consideration and enforcement should be provided within the Torrey Pines planning area.*

*Currently all development within Torrey Pines must comply with the Uniform Fire Code and Section 6 (Brush Management) of the City of San Diego's Landscape Technical Manual. In summary, these codes state that brush or native vegetative growth on steep slopes must be controlled to protect existing and proposed structures from fire hazards.*

*[...].*

In Additional, the City's Land Development Code includes provisions for adequate brush management and state:

***Brush Management***

*Brush management is required in all base zones on publicly or privately owned premises that are within 100 feet of a structure and contain native or naturalized vegetation.*

- (a) Brush management activity is permitted within environmentally sensitive lands (except for wetlands) that are located within 100 feet of an existing structure in accordance with Section 143.0110(c)(7). Brush management in wetlands may be requested with a development permit in accordance with Section 143.0110 where the Fire Chief deems brush management necessary in accordance with Section 142.0412(i). Where brush management in wetlands is deemed necessary by the Fire Chief, that brush management shall not qualify for an exemption under the Environmentally Sensitive Lands*
- (b) Brush Management Zones. Where brush management is required, a comprehensive program shall be implemented that reduces fire hazards around structures by providing an effective fire break between all structures and contiguous areas of native or naturalized vegetation. This fire break shall consist of two distinct brush management areas called "Zone One" and "Zone Two" as shown in Diagram 142-04E.*

***Brush Management Zone Width Requirements***

<b><i>Criteria</i></b>	<b><i>Zone Widths</i></b>
<i>Zone One Width</i>	<i>35 ft.</i>
<i>Zone Two Width</i>	<i>65 ft.</i>

Brush management for development adjacent to the MHPA, such as the subject development, is typically required to include both Zone 1 and Zone 2 brush management areas, and shall provide for a 100' area with the first 35' adjacent to the structure comprising Zone 1 and the remaining 65' comprising Zone 2. The City's LCP does allow for reductions/elimination of Zone 2 if a low fire hazard severity rating is documented.

As proposed, the width of brush management provided varies throughout the project site. On the west and north sides of the project site Zone One is proposed as the 79' area of parking, sidewalks and landscaping areas. No Zone 2 has been provided. For the north and east portions of the lot Zone 1 is between 35 and 50' wide and Zone 2 is 42 and 65' wide. As such, the total distance of brush management areas provided is generally between 77' and 115' wide. Thus, the project does not provide a 100' brush management area for a significant portion of the development. However, the City's LCP does allow for reductions in brush management zones as follows:

*In consideration of the topography, existing and potential fuel load, and other characteristics of the site related to fire protection, the Fire Chief may modify the requirements of Section 142.0412, and where applicable with the approval of the Building Official, may require building features for fire protection in*

*addition to those required in accordance with Chapter 14, Article 5, Division 7 and Chapter 14, Article 9, Division 3 if the following conditions exist:*

- (1) In the written opinion of the Fire Chief, based upon a fire fuel load model report conducted by a certified fire behavior analyst, the requirements of Section 142.0412 fail to achieve the level of fire protection intended by the application of Zones One and Two; and*
- (2) The modification to the requirements achieves an equivalent level of fire protection as provided by Section 142.0412, other regulations of the Land Development Code, and the minimum standards contained in the Land Development Manual; and*
- (3) The modification to the requirements is not detrimental to the public health, safety, and welfare of persons residing or working in the area.*

The applicant has provided a letter from the Fire Chief regarding the proposed development that permits the brush management areas as proposed. As such, the width of the brush management areas can be found consistent with the City's certified LCP. Nevertheless, to ensure that brush management is implemented as proposed, **Special Condition #6** requires the applicant to submit a final brush management plan showing all brush management areas consistent with Sheet #12 of the plans submitted by Vasquez Marshall Architects dated June 29, 2011 and to include final approval by the City of San Diego Fire Chief.

A small area of the hydroseeded coastal sage scrub located within the Interstate 5 right-of-way will be thinned consistent with the requirements for Zone 2 brush management. While removal of sensitive habitat such a coastal sage scrub is generally inconsistent with the City's LCP, it has been previously determined by the Commission's ecologist that the area of hydroseeded coastal sage scrub is not considered to constitute a sensitive biological resource and thus seasonal thinning activities in the hydroseeded area can be found consistent with the City's LCP. As such, as conditioned, the project can be found consistent with the City's certified brush management policies, and thus can be found consistent with the City's LCP.

#### D. Impacts to Sensitive Wildlife

The project consists of a commercial development on a 14.4 acre lot. The lot includes 9.3-acres of land that have been identified as potentially suitable for the coastal California gnatcatcher. In addition, a biological survey for the site noted calling and foraging by gnatcatchers within the project site. No breeding activities were observed. That being said, because the California gnatcatcher is federally listed as threatened, it is important to ensure that no impacts to the gnatcatcher occur associated with the proposed development. Other birds surveyed onsite include Anna's Hummingbird (*Calypte anna*), California towhee (*Pipilo crissalis*), the bushtit (*Psaltirparus minimus minimus*), Bewick's wren (*Thyromanes bewicki*), and a Cooper's Hawk (*Accipiter cooperii*).

In addition, the project is located adjacent and east of Los Penasquitos Lagoon. The Torrey Pines State Reserve website, which includes Los Penasquitos Creek and Lagoon areas, lists the following bird species as having been documented within the Los Penasquitos area: cormorants, grebes, Great

Blue Heron, Black necked Stilt, Killdeer, speckle breasted Savannah Sparrow, Western Meadowlark, Black crowned Night Heron, Red winged Blackbird, Northern Harrier, Black shouldered Kite, Red tail and Red shouldered Hawks, Pelicans, and Ospreys (<http://www.torreypine.org/parks/penasquitos-lagoon.html#birds>). As such, consistent with LCP requirements to ensure development adjacent to sensitive biological resources does not adversely impact those resources; measures need to be taken to assure the existing wildlife is protected, including bird species found on the subject site as well as within the surrounding areas.

Concerns raised include impacts to protected bird species such as the California gnatcatcher, associated with construction activities during the breeding season. Construction phase impacts associated with grading, noise, lighting, and general activities could potentially alter/proscribe typical gnatcatcher behaviors. This is of particular concern during the breeding season. As such, **Special Condition #7** restricts construction activities to outside the breeding season, which is February 15<sup>th</sup> to September 31<sup>st</sup>, unless approved in writing by the U.S. Fish and Wildlife Services and the California Department of Fish and Wildlife.

Additional concerns raised pertain to the potential for avian collisions. The two proposed buildings will be two and three stories high, respectively, on their lagoon-facing sides and completely faced with glass. However, the applicant has included a detailed bird safety report. This report includes a number of design measures, including building façade, interior lighting standards, exterior lighting standards and a post-construction monitoring plan, all of which are designed specifically to eliminate/reduce the likelihood of birds colliding with the buildings. As such, **Special Condition #13** requires the applicant to incorporate all Bird Safety Measures identified in the report submitted by Engineering 350 dated February, 27, 2011 into the project design. **Special Condition #13** also prohibits that use of non-glare glass, clear glass windscreens, clear glass railings, or clear glass in the perimeter of the buildings or in fire walls.

Finally, the project includes the removal of two mature Torrey Pine trees. As previously discussed, predatory/Raptor bird species have been documented both on- and adjacent to the project site. Therefore, removal of these mature Torrey Pine trees may reduce the perching/hunting opportunities for these bird species. The provided landscape plans include that one of the trees proposed for removal is in poor health, and thus removal is necessary. However, the second Torrey Pine identified as “remove or relocate” is not in poor health. As such, **Special Condition #5** requires the Torrey Pine proposed for removal and in good health be modified to only allow the tree to be relocated, not removed. As such, the project will only result in the removal of one mature Torrey Pine tree. In addition, as proposed, and as further required by **Special Condition #5**, the project applicant will plant a minimum of 27 new Torrey Pine trees. While these trees are not considered mature, and will therefore not provide similar perching/predatory uses, it stands to reason that over time these trees will mature and the project will ultimately improve the perching/hunting opportunities onsite.

## E. Conclusion

In summary, the project as originally proposed raises a number of LCP consistency concerns that could result in impacts to sensitive plants and wildlife. As originally proposed the project would impact 0.98-acres of biologically sensitive resources. Again, the applicant has since revised the project to eliminate all avoidable impacts and thus reduced the impacts to 0.6182 acres of sensitive habitat. Staff agrees that the remaining 0.6182-acres of impacts are unavoidable. **Special Condition #1** requires the applicant to submit final site plans that are revised to

eliminate all avoidable impacts to sensitive habitat areas. In addition, as proposed, and as required by **Special Condition #4**, the project would place an open space easement over the remaining land, and restore a portion of the habitat removed for grading activities. However, there are other areas on the site that are degraded, and the City's LCP requires development adjacent to biologically sensitive habitat be responsible for restoration and enhancement of that area. **Special Condition #2** therefore requires the applicant provide a revised mitigation and monitoring plan that includes restoration of any remaining and degraded habitat areas.

Due to the presence of the California gnatcatcher onsite, **Special Condition #7** prohibits construction activities during the gnatcatcher breeding season, unless approved by the U.S. Fish and Wildlife Services and the California Department of Fish and Wildlife. Finally, to address any unforeseen impacts to sensitive habitat during construction, **Special Condition #16** has been included and requires that a certified biologist conduct an educational session for the entire construction crew and requires that biologist to be present onsite at all times during construction.

The second concern raised pertains to reduced wetland buffers. Again, as proposed, the project reduced wetland buffers from the required 100 feet to a buffer distance that ranges from 22' to 100'. The Commission's ecologist has reviewed the proposed buffer and has indicated that because the wetlands are created through freeway runoff and is not considered high quality habitat, the proposed buffers are adequate. **Special Condition #3** requires the applicant to provide a revised wetland buffer treatment plan that includes requirements for reduced lighting, restoration of any of the buffer areas, and a barrier wall constructed at the edge of the development envelope to limit potential edge effects.

Finally, the proposed project further includes reduced brush management areas. Traditionally the City's LCP requires a combination Zone 1 and Zone 2 brush management areas that total 100 feet. However, the project proposes brush management zones on the south and west side of 79' and between 77' and 115' on the north and east sides. The City's LCP permits reduced habitat buffers if approved by the Fire Chief. In this case, the City's Fire Chief has submitted a letter supporting the brush management areas as proposed. **Special Condition #6** requires the applicant to submitted final brush management plans that have been approved by the Fire Chief. Therefore, the proposed project, with the inclusion of the above listed special conditions can be found to adequately protect sensitive biological resources and can therefore be found consistent with the City's LCP.

### C. SCALE OF DEVELOPMENT / IMPACTS TO PUBLIC VIEWS

The following Torrey Pines Community Plan provisions are applicable and state, in part:

#### *Industrial Element*

*Goal 8. Restrict industrial development on steep slopes, wetlands, riparian habitats, and on archaeological sites, and further encroachment into Los Peñasquitos Lagoon and the Carroll Canyon Creek Corridor, and design industrial projects to blend into adjacent open space areas.*

*Appendix E: Local Coastal Program Policies*

*Hillsides:*

*Within the Coastal Zone, landforms that consist of slopes of 25 percent grade and over that have not been identified as possessing environmentally sensitive habitats, significant scenic amenities or hazards to developments, may be developed provided the applicant can demonstrate all of the following:*

*1. To protect the scenic and visual qualities of the site as seen from public vantage points, recreational areas, and roads or highways, the proposed development shall minimize the alteration of natural landforms and create only new slopes that are topographically compatible with natural landforms*

*Visual Resources:*

*The State Coastal Act states that the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. The Torrey Pines community planning area possesses many highly scenic open space areas and dramatic vistas. Torrey Pines also has a number of road segments that have scenic qualities worthy of formal recognition and protection. This Plan contains numerous recommendations, policies and implementing actions focusing on the preservation of these visual resources including:*

*1. Significant scenic resource areas including San Dieguito River Regional Park, Crest Canyon, Torrey Pines State Reserve Extension, Los Peñasquitos Lagoon, and the Carroll Canyon Creek Corridor have been designated and rezoned to open space.*

*2. Three road segments possessing dramatic vistas are recommended for a Scenic Route designation including **North Torrey Pines Road, Carmel Valley Road, and Sorrento Valley Road.** [emphasis added]*

*[...]*

*11. The Plan recommends the preservation of Torrey Pines trees in private as well as public areas, and encourages the planting of Torrey Pines trees in roadways and other landscaped areas. Should Torrey Pines trees require removal, relocation or replacement of the trees shall occur whenever feasible.*

*12. New residential, commercial, and industrial development shall provide landscape buffers to screen views of the buildings from designated scenic roadways of the surrounding area.*

In addition, the City's Land Development Code includes the following provision:

*Section 143.0142 Development Regulations for Steep Hillsides*

*(4) Within the Coastal Overlay Zone, steep hillsides shall be preserved in their natural state and coastal development on steep hillsides containing sensitive biological resources*



*or mapped as Viewshed or Geologic Hazard on Map C-720 shall avoid encroachment into such steep hillsides to the maximum extent possible.*

*Section 143.0143 Development Regulations for Sensitive Coastal Bluffs*

*(j) Public views shall be preserved pursuant to Section 132.0403.*

The subject site is located inland of Torrey Pines Preserve and Los Penasquitos Lagoon, and west of Interstate 5. As such, the proposed development will potentially be visible from Interstate 5 to the east, North Torrey Pines Road (Highway 101) to the west, and Carmel Valley Road and a host of public trails to the north and west (ref. Exhibit Nos. 20 & 21).

The site generally consists of native habitat around the base of the knoll and a disturbed area on the top of the knoll. The top of the knoll was previously developed with a farmhouse and has been cleared of vegetation for some time. Most recently, the graded portion of the lot has been developed with five cell phone facilities and one large billboard. As proposed, the cell phone towers will be relocated within the proposed building envelope and will no longer be visible, and the one billboard will be removed entirely.

The proposed development consists of two buildings which have different elevations depending on which direction the development would be viewed from. While the buildings will be a maximum of 30 ft. high, consistent with the height requirements of the LCP, because of how height is measured in the LCP, certain elevations will in fact be higher than 30 ft. As proposed, Building #1 will be 39.75' tall at its highest point, with heights ranging from 33.15-39.75' tall. Building #2 will be 39.92' tall at its highest point with heights ranging from 29.2-39.92' tall. The project also includes retaining walls from 12-24 feet tall around the west and southern sides of the building envelope. As such, significant concerns are raised regarding potential impacts to existing views as a result of the proposed development.

A Viewshed Analysis was prepared and submitted to Commission Staff documenting the visual impacts from the project (ref. Exhibit #20). This analysis acknowledged that the development site is highly visible from the public Marsh Trail in the Torrey Pines State Reserve as well as the adjacent public pedestrian/biking trail that borders the western portion of the property (Sorrento Valley Rd.). Commission Staff has visited the site on numerous occasions and agrees that the proposed development will be visible from a number of vantage points, including from Interstate 5 looking west, and Los Penasquitos Lagoon and surrounding roads and public trails looking east. However, the primary view that can be considered significant is the view from Carmel Valley Road across Los Penasquitos Lagoon and to the project site. In response to concerns raised by Commission staff, the applicant submitted an additional viewshed analysis from this vantage point (ref. Exhibit #21). This analysis included a rendering of the proposed buildings. Staff has reviewed the submitted analysis and maintains that there is the potential for view impacts resulting from the proposed development, inconsistent with the City's LCP when viewing the proposed structures from Carmel Valley Road.

In response to these concerns, the applicant submitted additional information detailing how the proposed development has been designed to minimize impacts to public views to the maximum

extent practicable. Specifically, the applicant has indicated that the design includes the structures being set into the hillside to reduce visibility. In addition, previously, the project included an above ground parking garage which has since been eliminated, and parking is now provided as both surface and underground. The applicant further specified that the building materials chosen were specifically selected to reduce the visibility of the building including coloring in darker earth tones, dark accent stones and tinted “evergreen” glazing on the windows. The project applicant is proposing to keep as many of the existing and mature Torrey Pines as feasible to provide natural screens and is proposing new and additional landscaping for additional screening. As proposed, the project includes trees around the western and southern perimeter, including 27 Torrey Pines and 22 Nuttall’s scrub oaks. The landscaping design also includes a variety of non-invasive shrubs, vines, and groundcover, all of which will both aid in screening the retaining walls as well as the buildings. Finally, the applicant has clarified that while retaining walls 12-24’ tall are proposed, these walls as viewed from Carmel Valley Road will be mostly underground, and, in most cases, will only be four feet above ground.

Again, staff has reviewed the applicant’s submittal and agrees that given the above mitigation measures, while the project may still be visible, it has been designed to reduce these impacts to the maximum extent practicable. However, it is only with the above discussed design elements that the proposed development can be found consistent with the City’s LCP. As such, a number of special conditions have been imposed to assure that the project is designed with the proposed mitigating measures. **Special Condition #5** requires the applicant to submit a final landscape plan that includes the proposed Torrey Pine and Nuttall’s Scrub Oaks to screen the buildings. **Special Condition #5** further requires these plans to include the vining plants proposed to screen the proposed retaining walls. In addition, **Special Condition #12** requires the applicant to submit as built landscaping plans within 60 days of completion of the project. Finally, **Special Condition #5** requires the applicant to submit a monitoring report 5 years from the date of permit issuance certifying that the onsite landscaping is in conformance with the landscaping/planting plan approved per this Special Condition. Thus, **Special Condition #5** assures that screening by landscaping is completed and maintained consistent with the City’s LCP.

In addition, **Special Condition #13** requires the applicant to limit the colors of the proposed buildings and roofs to that compatible with the surrounding development. The subject site is located inland of Torrey Pines Preserve and Los Penasquitos Lagoon, and west of Interstate 5. As such, the proposed development will potentially be visible from Interstate 5 to the east, North Torrey Pines Road (Highway 101) to the west, and Carmel Valley Road and a host of public trails to the north and west (ref. Exhibit Nos. 12 & 13). Finally, **Special Condition# 12** (As Built Plans), **# 17** (Future Development Restrictions), **# 18** (Project Modifications), and **# 19** (Deed Restriction) will assure that the development will be completed as proposed, and that no future development is approved without adequate review and approval.

In conclusion, while the proposal includes two structures reaching heights of almost 40’ tall and located directly adjacent to Los Penasquitos Lagoon that raise significant concerns regarding the protection of public visual resources, the project, as proposed and conditioned by this permit, minimizes potential view impacts to the maximum extent practicable, consistent with the City of San Diego’s LCP.

## **D. WATER QUALITY / EROSION CONTROL**

The Torrey Pines Community Plan includes the following policies:

### *Resource Management and Open Space Element*

*Policy 12. Maintain regulations that prohibit contaminated runoff from reaching any of the sensitive open space areas designated in this Plan.*

### *Carroll Canyon Wetland/Wildlife Corridor*

*This open space corridor runs the length of Sorrento Valley and provides an important linkage between Carroll Canyon and Los Peñasquitos Lagoon. The majority of this corridor is privately owned and consists primarily of wetlands containing riparian vegetation. Some portions of this corridor have been channelized and most of it has experienced urban encroachment. However, this area continues to support riparian habitat and provides a significant linkage for many plant and animal species between two significant open space resource areas.*

- 1. All new development proposed adjacent to this open space corridor shall incorporate the urban design guidelines located within the **Industrial Element** as appropriate.*
- 2. New development proposed adjacent to this open space corridor shall not contribute to increased sediment loading of the wetland, disturbance of its habitat values, or otherwise impair the functional capacity of the wetland.*
- 3. New development proposed adjacent to and impacting this open space corridor shall enhance and improve the habitat value of this system.*

### *Resource Management and Open Space Element*

### *Los Penasquitos Lagoon*

*Policy 10. Applicant for coastal development permits for project located in the watershed of Los Penasquitos Lagoon shall, in addition to meeting all other requirements, enter into an agreement with the City of San Diego and the State Coastal Conservancy as a condition of development approval to pay a Los Penasquitos watershed restoration and enhancement fee to the Los Penasquitos Lagoon Fund for restoration of the Los Penasquitos lagoon and watershed.*

In addition, the following provision of the certified Land Development Code is applicable and states, in part:

### *Section 142.0201 Purpose of Drainage Regulations*

*The purpose of this division is to regulate the development of, and impacts to, drainage facilities, to limit water quality impacts from development, to minimize hazards due to flooding while minimizing the need for construction of flood control facilities, to minimize impacts to environmentally sensitive lands, to implement the provisions of federal*

*Section 142.0210 Construction Standards*

*All storm water runoff control, drainage, and flood control facilities shall be constructed in accordance with standards established in the Land Development Manual, the Standard Specifications for Public Works, and any City-adopted supplements.*

*Section 142.0220 Storm Water Runoff Control*

*(a) All development shall comply with Municipal Code Chapter 4, Article 3, Division 3 (Stormwater Management and Discharge Control).*

*(b) All development shall be conducted to prevent erosion and stop sediment and pollutants from leaving the property to the maximum extent practicable. The property owner is responsible to implement and maintain temporary and permanent erosion, sedimentation, and water pollution control measures to the satisfaction of the City Manager, whether or not such measures are a part of approved plans. The property owner shall install, monitor, maintain, and revise these measures, as appropriate, to ensure their effectiveness. Controls shall include the following measures that address the development's potential erosion, sedimentation, and water pollution impacts.*

- (1) Erosion prevention.*
- (2) Sediment control.*
- (3) Phased grading.*

*Section 43.0307 Reduction of Pollutants in Storm Water*

*Any person engaged in activities which may result in Pollutants entering the Storm Water Conveyance System shall, to the MEP, undertake all measures to reduce the risk of Non-Storm Water or Pollutant discharges. The following requirements shall apply:*

*(a) Best Management Practices Implementation: Every person undertaking any activity or use of a Premises which may cause or contribute to Storm Water pollution or contamination, Illegal Discharges, or Non-Storm Water Discharges shall comply with BMP guidelines or pollution control requirements as may be established by the Enforcement Official. BMP shall be maintained routinely throughout the life of the activity. Such BMP include, but are not limited to, the following:*

*(1) Controlling Pollutants From Parking Lots: Any owner or operator of vehicle parking lots that are located in areas potentially exposed to Storm Water shall be required to conduct regular sweepings and other effective measures to control Pollutant runoff.*

*(b) Storm Water Pollution Prevention Plan: The Enforcement Official may require any business and operations of other land uses in the City that are engaged in activities which may result in Pollutant discharges to develop and implement a Storm Water Pollution Prevention Plan, which must include, but is not limited to, an Employee Training Program.*

*(c) Coordination with Hazardous Materials Release Response Plans and Inventory: Any activity subject to the Hazardous Materials Release Response Plan, Chapter 6.95 of the California Health and Safety Code, shall include in that Plan provisions for compliance with this Division, including the prohibitions on Non-Storm Water Discharges and Illegal Discharges, and the requirement to reduce release of Pollutants to the MEP.*

*(d) New Developments and Redevelopments. All new development and redevelopment activities shall comply with Chapter 14, Article 2, Division 1 (Grading Regulations) and Chapter 14, Article 2, Division 2 (Storm Water Runoff Control and Drainage Regulations) of this Municipal Code.*

*(e) Compliance with General Storm Water NPDES Permits. Each discharger, subject to any General Storm Water NPDES permit shall comply with BAT, BCT, and all requirements of such permit. Those activities that have General Storm Water NPDES Permits shall submit their monitoring data and analytical evaluation/assessment to the City at the same time their reports are submitted to the Regional Water Quality Control Board.*

The project applicant proposes the construction of two buildings and associated surface improvements on a hilltop lot located east and directly adjacent to Los Penasquitos Lagoon. As described by the Final Mitigated Negative Declaration associated with the proposed development, implementation of the project would require 4.1 acres (29%) of the property to be graded, with the remaining 10.2 acres (71 percent) preserved as open space. Grading would create building pads and areas for access, parking, and other site amenities. Grading would total 25,000 cubic yards of cut and 10,000 cubic yards of fill, with 15,000 cubic yards of export removed from the site. This grading includes the excavation necessary for the subterranean parking, which would extend between approximately eight and twenty-five feet below the existing surface. Again, the majority of grading would occur on the previously disturbed portions of the site. The majority of drainage from the site is conveyed as surface runoff to the southern portion of the site. The site also receives collected runoff generated from Interstate 5 and existing development located east of Interstate 5. The majority of the runoff is conveyed through an existing 30-inch storm drain pipe, which then discharges through a headwall on the subject site and into a natural swale flowing southwest until reaching abandoned Sorrento Valley Road and eventually Los Penasquitos Lagoon. Los Penasquitos Lagoon is identified as an impaired water body on the California 303(d) list for sedimentation.

Due to the existing drainage course, the amount of proposed grading, as well as the site's proximity to an impaired coastal water body, the project has the potential to temporarily impact the surrounding water quality during construction activities, as well as permanently post-construction. That being said, the applicant has indicated that the project has been designed to eliminate/reduce any potential impacts to water quality both during and post-construction. Specifically, construction phase measures include that the project has been conditioned by the City to comply with all "requirements of State Water Resources Control Board," and the applicant must therefore provide a Storm Water Pollution Prevention Plan (SWPPP), and a Monitoring Program must be implemented concurrent with grading activities. In addition, the applicant has submitted a draft waste management plan, and a sample operation and maintenance plan. The Commission's water quality technical staff has

reviewed the documents, and agrees, in concept, that the proposed construction phase BMPs that will be developed will provide the necessary level of resource protection. That being said, the plans have not been finalized to date. As such, a number of special conditions have been imposed to assure proper and adequate protection of surrounding water quality. Specifically, **Special Condition #9** requires the applicant to submit a Construction Phase Management Plan for the review and approval of the Executive Director that includes measures that directly address construction phase water quality concerns, such as removal of debris, proper handling of petroleum products, as well as spill prevention and control measures. In addition, **Special Condition #10** requires the applicant to submit a Grading/Erosion Control Plan. **Special Condition #10** includes measures such as placement of silt fencing, sand bags and gravel bags during grading activities, additional restriction if grading is proposed during the rainy season, installation of landscaping on cut and fill slopes, and requires the site to be “secured” daily including through placement of geotextiles, mats, fiber rolls, etc. It is only through the incorporation of **Special Conditions Nos. 9 & 10** that concerns regarding construction phase impacts to water quality have been appropriately addressed, consistent with the LCP.

Post-construction measures designed to protect water quality are proposed as part of the project and are included in a Drainage Study submitted by Rick Engineering dated March 8, 2011. For example, the applicant is proposing that runoff generated from the proposed development would be collected in a private underground storm drain system, conveyed through double 54-inch detention pipes, and discharged to the drainage at the proposed access road. The project would provide a 36-inch pipeline under the proposed access road to accommodate these drainage flows. The project would treat onsite generated runoff with continuous deflective separation (CDS) filter inserts placed within the on-site storm drain inlets within the parking lot and driveways. The CDS inserts are designed to reduce and contain petroleum, hydrocarbons, pesticides, sediment, debris, and trash from the runoff. A single storm treatment unit would also be located between four 54-inch detention pipes and a 36-inch PVC fallout pipe before flow is discharged below the access road. After being filtered through both the filter inserts and the CDS water treatment unit, all site runoff would be discharged into the existing natural drainage channel and would continue its natural course across Sorrento Valley Road and ultimately to the Los Penasquitos Lagoon.

The Commission’s water quality technical staff has reviewed the proposed post-construction design features and agrees that as proposed, the project will adequately treat the site and surrounding storm water and will generally improve water quality in the area. As such, **Special Condition # 8** requires the applicant to submit a final Water Quality Management Plan that shall be in substantial conformance with the post construction design features described above. In addition, **Special Condition #8** requires the plan to incorporate a number of measures, including the minimization of impervious surfaces, limited use of irrigation and fertilizers, as well as specific post-construction BMPs, to assure adequate treatment of stormwater.

The City of San Diego’s LCP includes a provision requiring payment of an in-lie fee for all development located within the Los Penasquitos Lagoon watershed, as is the case of this project, as a condition of development approval. This fee is then banked into the Los Penasquitos Lagoon Fund. The funds are used to help pay for restoration project in the Los Penasquitos lagoon and watershed. The City included in its approval to requirement for such a fee based on the amount of grading and using the amount (in square feet) of new impervious surfaces created associated with the development. **Special Condition #20** requires the applicant to comply with all of the condition of approval included in the City’s review, unless otherwise modified herein. As such, the applicant will still be required to pay the lagoon enhancement fee consistent with the City’s certified LCP.

In conclusion, due to the existing drainage course, the amount of proposed grading, as well as the site's proximity to an impaired coastal water body, there is a potential for the development to temporarily (during construction activities) as well as permanently (post-construction) impact surrounding water quality. However, as conditioned above, the proposed development can be found to adequately treat on-site storm water and thus adequately protect the surrounding water quality, consistent with the City's LCP.

## **E. PUBLIC ACCESS**

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The project site is located seaward of the first through public road and the sea. Coastal Act Sections 30210 through 30212, as well as Sections 30220 specifically protect public access and recreation, and state:

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation*

Section 30212 of the Coastal Act states, in part:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

*(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*

*(2) adequate access exists nearby, or,*

*(3) agriculture would be adversely affected. ...*

Section 30220 of the Coastal Act States:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

In additional, the City's Torrey Pines Community Plan includes applicable policies and state:

*Transportation Element Policy 4*

*Provide bikeway and pedestrian paths that link all areas within the community, as well as linking Torrey Pines with surrounding communities and jurisdictions*

*Community Element Policy 3*

*Passive recreational uses within the State Park and natural open space areas should continue to be provided to serve all age groups and interests.*

The proposed project includes the construction of two commercial buildings (one 2-story, one 3-story) totaling just over 90,000 sq. ft. on a 14-acre privately owned site. The site is located west of Interstate 5 and adjacent to Los Penasquitos Lagoon and the Torrey Pine Preserve. Generally speaking, the surrounding areas are considered highly valuable coastal amenities frequented by the general public. A number of public access trails have been developed in the surrounding area, including the Marsh Trail in the Torrey Pines State Reserve as well as the adjacent public pedestrian/biking trail that borders the western portion of the property. The Marsh Trail follows the west flank of the Lagoon, starting on the east side of North Torrey Pines Road, right across from the lower Torrey Pine Reserve parking. The pedestrian/biking trail west of the project site is an asphalt accessway that was previously Sorrento Valley Road. The City of San Diego previously closed the road to vehicular traffic; however, the road is still open for non-vehicular access. The two trails connect and in combination provide access from the project site around the lagoon and ultimately to the ocean. That being said, the proposed project will be developed entirely within private property and will not encroach upon any existing or proposed public accessways. The abandoned Sorrento Valley Road will not be used by the development for any type of private access. Instead, access to the site is achieved by extending the existing private accessway located on the lot directly to the south, north to the subject property. Therefore, the project, as proposed, can be found consistent with the public access and recreational policies of the Coastal Act.

**F. CEQA**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the City of San Diego's certified LCP. Mitigation measures, including conditions addressing 1) project redesign; 2) specific habitat mitigation, landscaping, wetland and upland buffers, brush



management, and exterior treatments requirements; 3) Water quality mitigation measures; 4) restriction of work during the nesting season; and 5) the requirement for the remaining land to be protected through recordation of an irrevocable offer to dedicate the land as open space will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

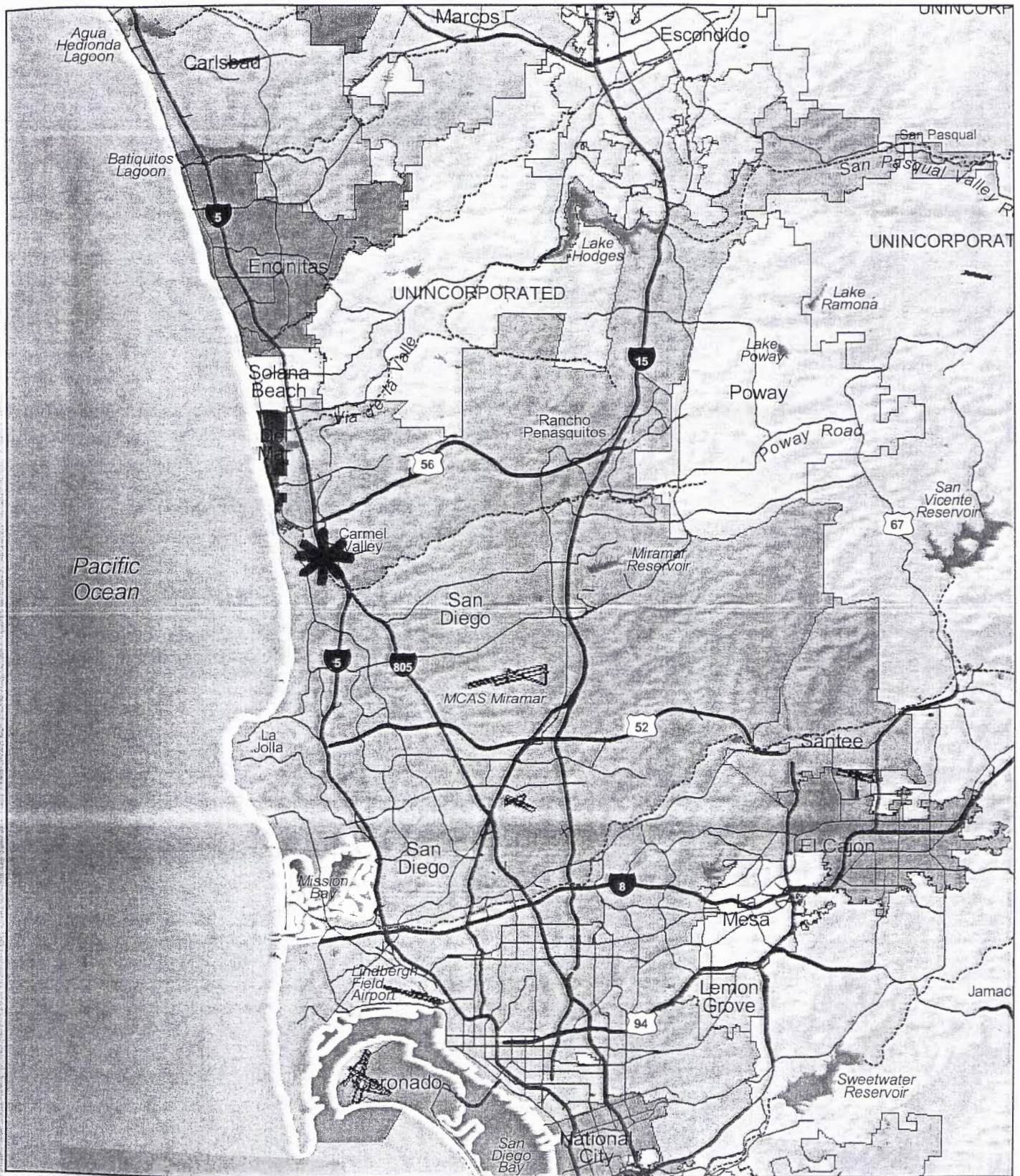
## **APPENDICES**

### **APPENDIX A**

#### **SUBSTANTIVE FILE DOCUMENTS**


- City of San Diego certified Local Coastal Program;
- Torrey Pines Community Plan;
- Final Mitigated Negative Declaration received 1/09/11;
- Appeals by Commissioners Sanchez and Stone
- City's Resolution of Approval #4746-PC-1
- RECON Biological Resources Survey Report dated 6/30/11.
- Updated Biological Survey Report dated August 21, 2012
- Waste Management Plan submitted by Rick Engineering and dated May 17, 2011
- Water Quality Technical Report submitted by Rick Engineering and dated March 8, 2011
- Sewer Study for Sorrento Pointe submitted by Rick Engineering and dated September 14, 2010
- Drainage Study for Sorrento Pointe submitted by Rick Engineering and dated Updated Biological Survey Report dated August 21, 2012
- Sample Operations and Maintenance Plan submitted by Rick Engineering and dated as received on April 23, 2012





\* Project Location

RECON



EXHIBIT NO. 1
APPLICATION NO.
<b>A-6-NOC-12-005</b>
Location Map
Page 1 of 2
 California Coastal Commission





0 Feet 1,500



-  Project Boundary
-  City of San Diego MHPA

RECON

M:\JOBS\2925-1\common\_gis\fig5\_bio.mxd 9/8/2010

FIGURE 5  
Project Site in Relation to MHPA





Project Boundary

Wetland (City of San Diego)

Project Impacts

0 Feet 200

EXHIBIT NO. 2

APPLICATION NO.

A-6-NOC-12-005

Site Plan *Overview*

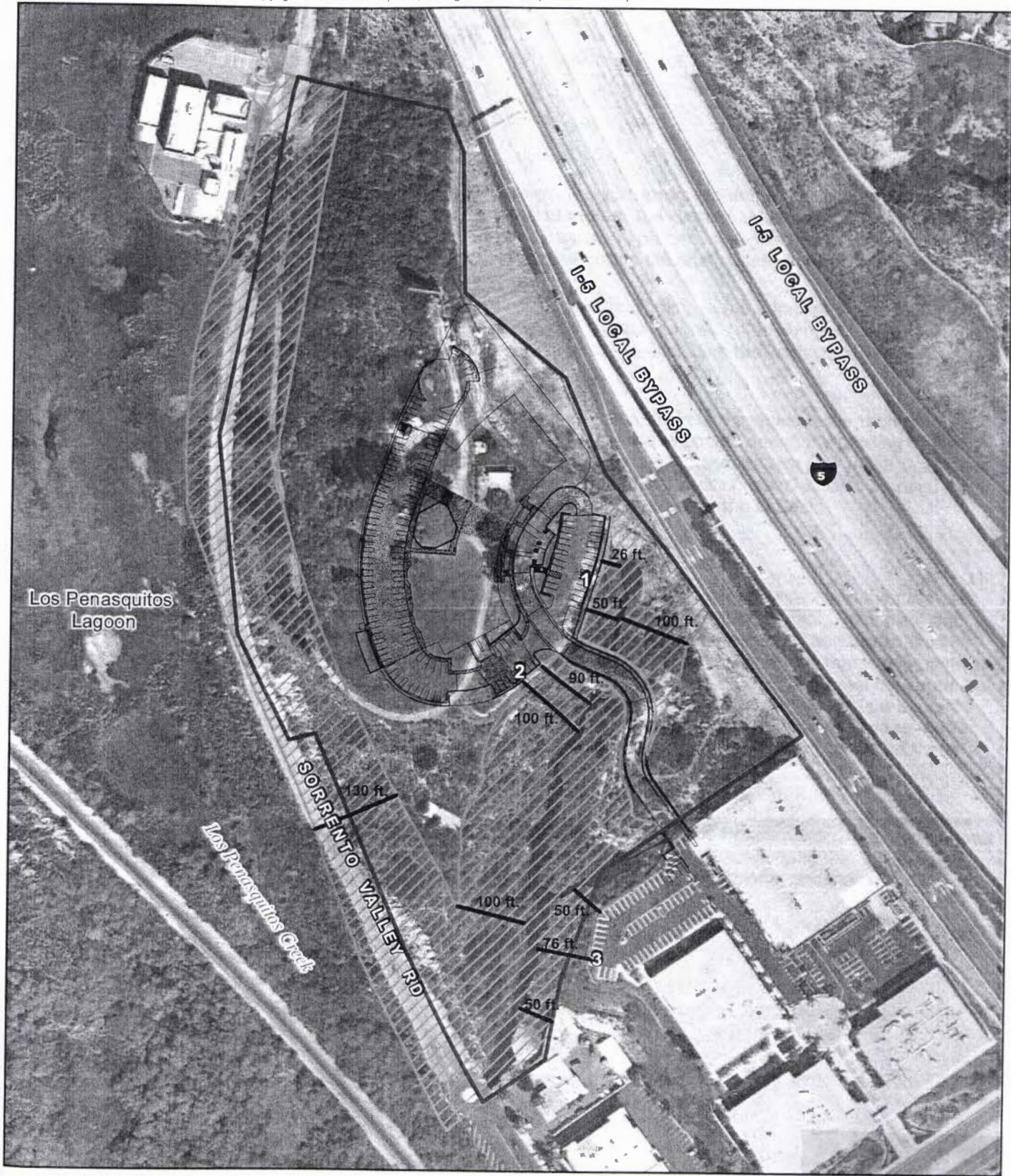
California Coastal Commission

RECON

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Lo  
Jurisdictional Wetland





Project Boundary



Plan Lines

**Jurisdictional Waters**



CDFG Wetland



CDFG Streambed



Proposed Wetland Buffer



Sorrento  
Proposed Wetland Buffer

**EXHIBIT NO. 3**

APPLICATION NO.

**A-6-NOC-12-005**

**Wetland Buffers**

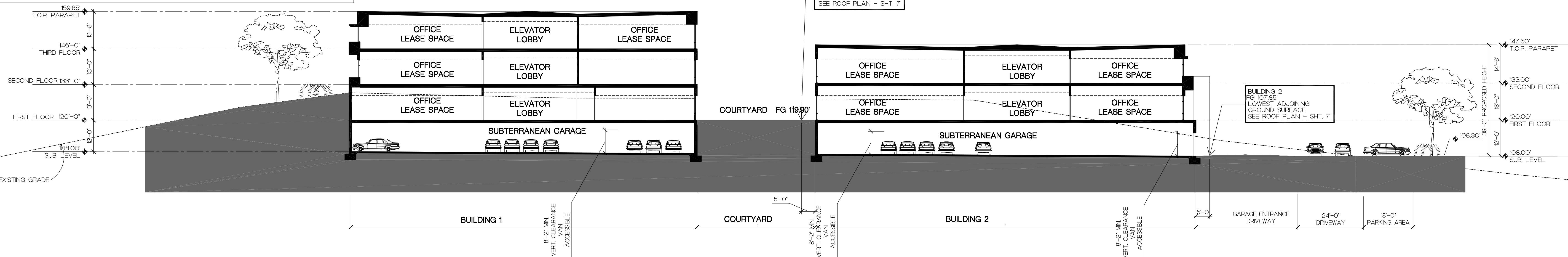


California Coastal Commission

RECON



**BRUSH MANAGEMENT NOTE - NORTH SIDE OF BUILDING ONE**  
THE APPLICANT MAY CHOOSE TO FIRE-RATE THE NORTH-SIDE OF BUILDING ONE IN LIEU OF OBTAINING AN ENCROACHMENT PERMIT FROM CALTRANS FOR THE FULL BRUSH MANAGEMENT DEFENSIBLE SPACE OR THAT ALTERNATIVE PROTECTIVE MEASURES WOULD BE IMPLEMENTED AS SET FORTH IN A FIRE FUEL LOAD MODEL REPORT APPROVED BY THE FIRE CHIEF. THESE INTERCHANGEABLE OPTIONS ARE FURTHER DESCRIBED AS FOLLOWS:  
(1) PROVIDING FULL DEFENSIBLE SPACE.  
(2) INCORPORATING FIRE-RESISTIVE CONSTRUCTION (1 HOUR WALLS WITH 45 MIN. PROTECTED OPENINGS), (2A) FUSIBLE-LINK SHUTTERS,  
(2B) FIRE-RATED WINDOWS/DOORS WITH SELF-CLOSING MECHANISM FOR OPERABLE COMPONENTS.  
(3) IMPLEMENTING MEASURES BASED UPON A FIRE FUEL LOAD MODEL REPORT PREPARED BY A CERTIFIED FIRE BEHAVIOR ANALYST AND DEEMED ACCEPTABLE TO THE FIRE CHIEF.

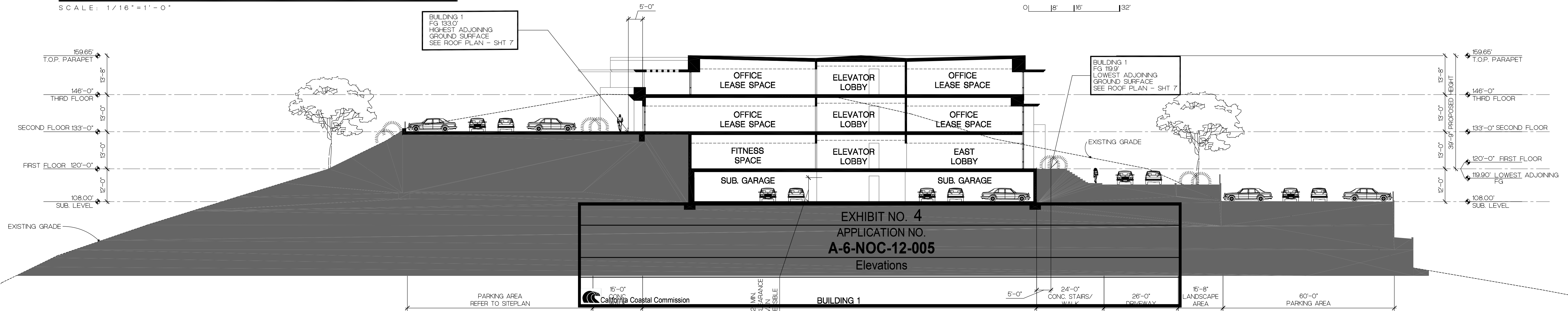


**SITE / BUILDING SECTION SECTION A - A**

SCALE: 1/16"=1'-0"

**SECTION A1 - A1**

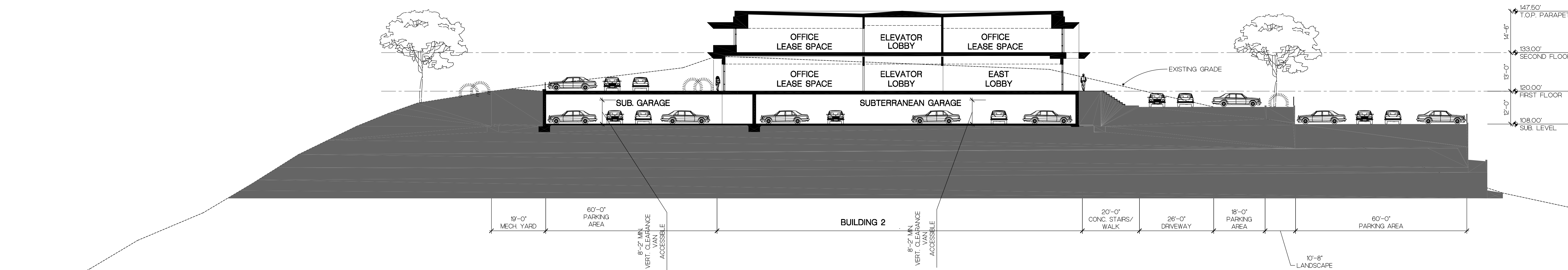
0' 18' 15' 32'



**SITE / BUILDING SECTION B - B FOR BUILDING 1**

SCALE: 1/16"=1'-0"

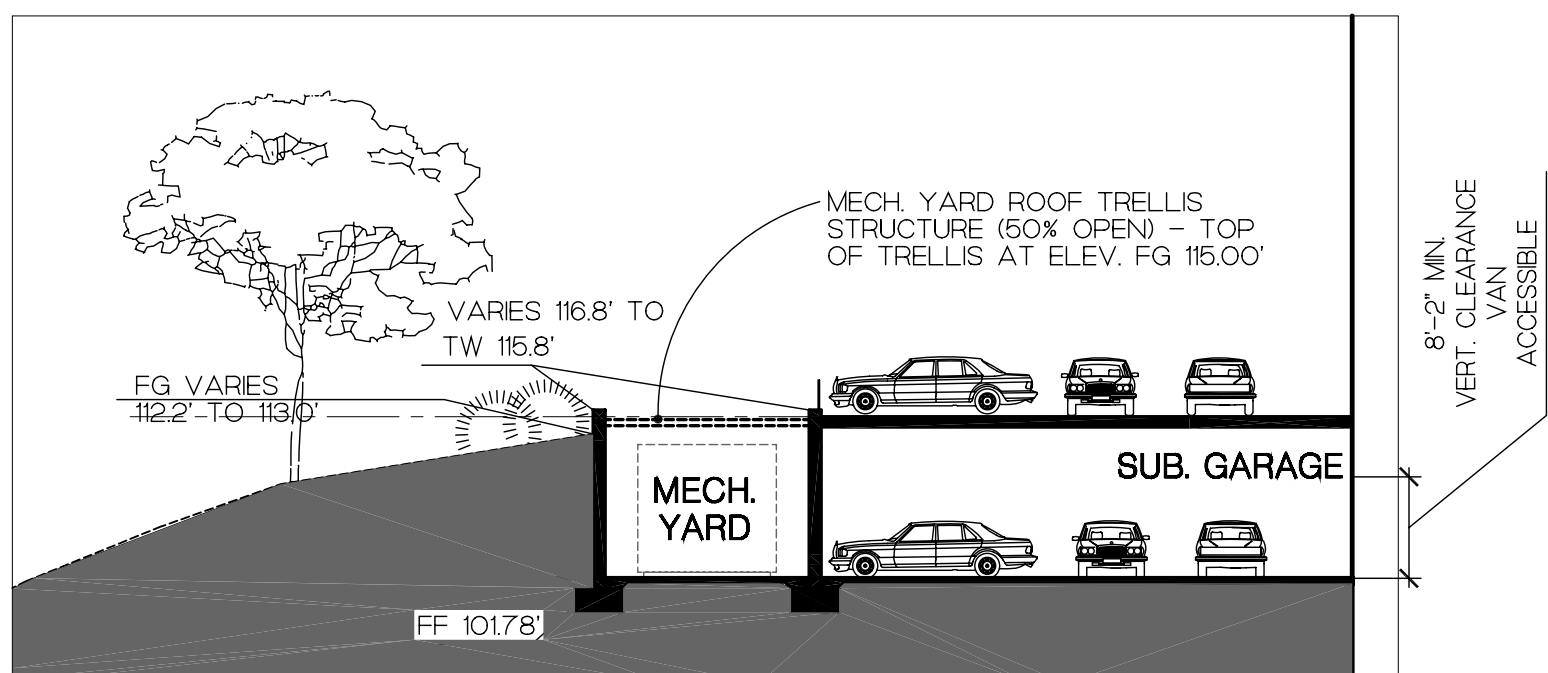
0' 18' 15' 32'



**SITE / BUILDING SECTION SECTION C - C**

SCALE: 1/16"=1'-0"

0' 18' 15' 32'



**SITE SECTION C1 - C1**

SCALE: 1/16"=1'-0"

BUILDING 1  
FG 133.0'  
HIGHEST ADJOINING  
GROUND SURFACE  
SEE WEST ELEVATION

BUILDING 1  
FG 119.9'  
LOWEST ADJOINING  
GROUND SURFACE  
SEE SOUTH ELEVATION

**BUILDING 1 - HEIGHT CALCULATION**  
MAXIMUM ALLOWABLE OVERALL STRUCTURE HEIGHT = 40'-0"  
MAX. PERMITTED STRUCTURE HEIGHT = 30'-0"  
MAX. GRADE DIFFERENTIAL = 13.1', USE 10'-0"  
FG HI POINT = 133.0'  
FG LO POINT = 119.9'  
PROPOSED MAX. STRUCTURE HEIGHT = 39.75'  
TOP OF ROOF (HIGHEST APPURTENANCE) = 159.65'  
FG LO POINT (AT 5' FROM FACE OF BLDG) = 119.90'

BUILDING 2  
FG 107.88'  
HIGHEST ADJOINING  
GROUND SURFACE  
SEE WEST ELEVATION

BUILDING 2  
FG 107.88'  
LOWEST ADJOINING  
GROUND SURFACE  
SEE SOUTH ELEVATION

**BUILDING 2 - HEIGHT CALCULATION**  
MAXIMUM ALLOWABLE OVERALL STRUCTURE HEIGHT = 40'-0"  
MAX. PERMITTED STRUCTURE HEIGHT = 30'-0"  
MAX. GRADE DIFFERENTIAL = 11.6', USE 10'-0"  
FG HI POINT = 107.88'  
FG LO POINT = 107.85'  
PROPOSED MAX. STRUCTURE HEIGHT = 39.65'  
TOP OF ROOF (HIGHEST APPURTENANCE) = 147.50'  
FG LO POINT (AT 5' FROM FACE OF BLDG) = 107.85'

**EXHIBIT NO. 4  
APPLICATION NO.**

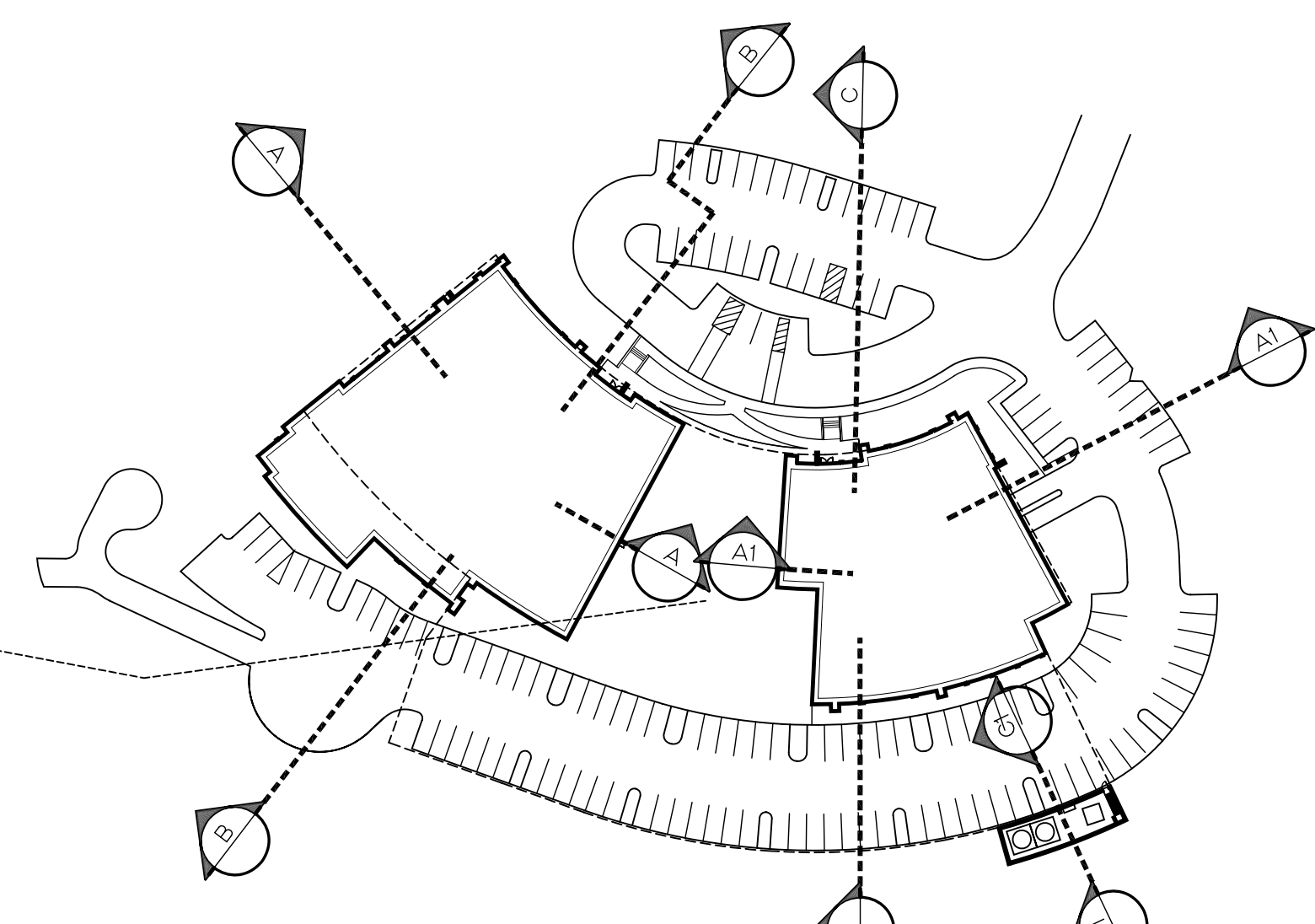
**A-6-NOC-12-005**

**Elevations**

**California Coastal Commission**



1. SUMMARY OF REQUEST	COASTAL DEVELOPMENT PERMIT (CDP), SITE DEVELOPMENT PERMIT (SDP), AND PLANNED DEVELOPMENT PERMIT (PDP) FOR THE CONSTRUCTION OF ONE 3-STORY 58,970 SF BUILDING AND ONE 2-STORY 33,368 S.F. OFFICE BUILDING WITH SURFACE PARKING AND SUBTERRANEAN PARKING, ON A 14.35 ACRE 14.35 ACRE SITE ZONED IL-3-1, AR-1-2, AND LOCATED IN THE COASTAL OVERLAY ZONE. COASTAL HEIGHT LIMIT OVERLAY ZONE AND SENSITIVE COASTAL OVERLAY ZONE. WORK SCOPE INCLUDES REMOVAL OF ALL EXISTING WIRELESS COMMUNICATION FACILITIES (TO BE PERMANENTLY RELOCATED AND NOT VISIBLE WITHIN THE BUILDING OR UNDERGROUND) AND REMOVAL OF THE EXISTING BILLBOARD TO FOUNDATIONS.			
2. STREET ADDRESS	SORRENTO VALLEY A.P.N.'S 301-140-14, 310-020-33 & 310-020-34 (Check one) <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W Between INTERSTATE FIVE (I-5) and SORRENTO VALLEY ROAD			
3. SITE AREA	Total Site Area (gross):	14.35 ACRES	Ac.	625,088 Sq.Ft.
	Net Site Area:	14.35 ACRES	Ac.	625,088 Sq.Ft.
	Net Site area excludes required streets and public dedications)			
4. COVERAGE DATA	Total Building Area (ground floor):	0.80	Ac.	34,720 Sq.Ft.
	Total Landscape/Open Space Area:	11.61	Ac.	505,851 Sq.Ft.
	Total Hardscape/Paved Area:	1.94	Ac.	84,517 Sq.Ft.
	Floor Area Ratio (FAR)	0.148	Gross Floor Area (GFA)	92,338
5. DENSITY (Residential)	Maximum no. dwelling units allowed per zone:	N/A		
	Number of existing units to remain on site:	N/A		
	Number of proposed dwelling units on site:	N/A		
	Total number of units provided on the site:	N/A		
6. YARD/SETBACK	Street Yard:	Required 20' Ft.	Proposed 206'-0" min. Ft.	
	Street Side Yard:	Required 20' Ft.	Proposed N/A Ft.	
	Interior Yard(s):	Required 10' Ft.	Proposed 370'-0" min. Ft.	
	Rear Yard:	Required 15' Ft.	Proposed 44'-0" min. Ft.	
7. PARKING	Parking Criteria:	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other		
	(Check One)			
	Total number of spaces required by zone:	305	spaces	
	Total number of spaces provided on site:	305	spaces	
	Commercial Development:	3.3 spaces per 1,000 Sq.Ft. GFA=	305	spaces



**KEY MAP**

NO SCALE

**ABBREVIATIONS**

FG FINISHED SURFACE OF GROUND  
T.O.P. TOP OF PARAPET ELEVATION  
SUB. SUBTERRANEAN  
TW. TOP OF WALL  
FF. FINISHED FLOOR

**Prepared By:**

Name: YASQUEZ MARSHALL ARCHITECTS  
Contact Person: Mark Davis  
Address: 13220 Evening Creek Drive, Suite 117  
San Diego, CA 92128-4103  
Phone #: (858) 513-2290  
Fax #: (858) 513-2296

**Project Address:**

2025 SORRENTO VALLEY ROAD  
SAN DIEGO, CA

**Project Name:**

SORRENTO PONTE

**Sheet Title:**

Revision 14:	
Revision 13:	
Revision 12:	
Revision 11:	
Revision 10:	
Revision 9:	
Revision 8:	
Revision 7:	JUNE 28, 2011
Revision 6:	MAY 11, 2011
Revision 5:	MARCH 10, 2011
Revision 4:	SEPTEMBER 10, 2010
Revision 3:	MAY 3, 2010
Revision 2:	NOVEMBER 30, 2009
Revision 1:	SEPTEMBER 12, 2009
Sheet 9	of 20
DEP#:	



6-NOC-12-002

**COASTAL DEVELOPMENT PERMIT**

**NOTICE OF FINAL ACTION**

California Coastal Commission, San Diego Area Office  
7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402  
Phone (619) 767-2370

**RECEIVED**  
DEC 29 2011

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

DATE: December 22, 2011

The following project is located within the City of San Diego Coastal Zone. A Coastal Permit application for the project has been acted upon as follows:

**PROJECT NAME - NUMBER:** SORRENTO POINTE – PTS#144031, Mitigated Negative Declaration No. 144031

**PROJECT DESCRIPTION:** Construction of one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements with one deviation on 4.10 acres of a 14.35 acre site at 11965 and 12025 Sorrento Valley Road, north of Carmel Mountain Road, in the AR-1-2 and IL-3-1 Zones within the Torrey Pines Community Plan area.

**LOCATION:** 11965 and 12025 Sorrento Valley Road, north of Carmel Mountain Road

**APPLICANT'S NAME** Sorrento Valley Holdings I, L.P. and Sorrento Valley Holdings II, L.P.

**FINAL ACTION:** **APPROVED WITH CONDITIONS**

**ACTION BY:** Planning Commission


**ACTION DATE:** December 8, 2011

**CONDITIONS OF APPROVAL:** See attached Permit.

**FINDINGS:** See attached Resolution.

☒ Appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission only after a decision by the City Council (or Planning Commission for Process 2 and 3 Coastal Development Permits) and within ten (10) working days following Coastal Commission receipt of this Notice, as to the date the Commission's appeal period will conclude.

**CITY CONTACT:** John S. Fisher  
Development Services Department  
1222 First Avenue, MS 302  
San Diego, CA 92101-4153  
Phone: (619) 446-5231

EXHIBIT NO. 5
APPLICATION NO. <b>A-6-NOC-12-005</b>
City NOFA Page 1 of 29
 California Coastal Commission



RECEIVED  
DEC 29 2011

PLANNING COMMISSION RESOLUTION NO. 4746-PC-1  
PLANNED DEVELOPMENT PERMIT NO. 503978, SITE DEVELOPMENT PERMIT NO. 503979  
AND COASTAL DEVELOPMENT PERMIT NO. 503977  
SORRENTO POINTE PROJECT NO. 144031 - [MMRP]

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

WHEREAS, SORRENTO VALLEY HOLDINGS I, L.P., a California limited partnership & SORRENTO VALLEY HOLDINGS II, L.P., a California limited partnership, Owners/Permittees, filed an application with the City of San Diego for a permit to construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 503978, 503979 and 503977), on portions of a 14.35 acre site;

WHEREAS, the project site is located at 11965 and 12025 Sorrento Valley Road, north of Carmel Mountain Road, in the AR-1-2 and IL-3-1 Zones within the Torrey Pines Community Plan area;

WHEREAS, the project site is legally described as: Parcel 2 of Parcel Map No. 18158 filed in the Office of the County Recorder of San Diego County on December 4, 1998; and portions of: Lot 7 in Section 25, Township 14 South, Range 4 West, San Bernardino Meridian; Lot 4 in Section 30, Township 14 South, Range 3 West, San Bernardino Meridian; and Pueblo Lot 1362 of the Pueblo Lands of San Diego, according to Miscellaneous Map No. 36 filed in the Office of the County Recorder of San Diego County.; All in the City of San Diego, County of San Diego, State of California;

WHEREAS, on December 8, 2011, the Planning Commission of the City of San Diego considered Planned Development Permit No. 503978, Site Development Permit No. 503979 and Coastal Development Permit No. 503977 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated December 8, 2011.

FINDINGS:

Planned Development Permit - Section 126.0604

**A. Findings for all Planned Development Permits**

1. **The proposed development will not adversely affect the applicable land use plan.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The Torrey Pines Community Plan identifies this site for industrial development. Industrial development in the Torrey Pines planning area is contained in Sorrento Valley, which contains

approximately 380 acres of industrially-designated property. Industrial development in Sorrento Valley includes manufacturing firms, research and development, laboratories, offices, industrial services, incubator industry and business uses, and support commercial and retail uses.

The Torrey Pines Community Plan designates the site as Industrial Element and is currently zoned IL-3-1 (Light Industrial, Office, and Commercial Uses) and AR-1-2 (Agricultural-Residential).

The Torrey Pines Community Plan contains eleven key policies, two of which relate directly to sites designated for industrial development. These policies state: 1) all development adjacent to open space areas shall be designed to reduce visual and development impacts, and 2) new industrial and commercial development proposed adjacent to identified open space corridors shall contribute to the preservation of these areas. The Sorrento Pointe Project has been designed to reduce visual and development impacts by integrating the buildings into the project site so that when viewed from the open space or other sensitive public vantage points the development will be the least visually intrusive. This will be achieved by (1) a split floor design such that from the west elevation the building will be three stories high and from the east elevation the building will be two stories in height, (2) by providing underground parking below the building to minimize the number of ground level parking spaces and (3) by excavating building pads rather than forming raised building pads so that the project buildings will be drawn down into the hillside site rather than placing the building on a raised building pad. In addition, the materials, colors and textures of the proposed buildings have been chosen to compliment the existing natural surroundings to reduce the visual appearance of the development and to protect the visually sensitive nature of the Los Peñasquitos Lagoon open space adjacent to Sorrento Valley Road immediately west of the site. To reduce development impacts, the development footprint has been sited in areas previously disturbed by past development activities and use of the site. While the site is not adjacent to identified open space corridor the project will contribute to the preservation of open space corridors by preserving all undeveloped portions of the site in a conservation easement. The proposed project is therefore consistent with these Torrey Pines Community Plan policies.

The Industrial Element of the Torrey Pines Community Plan contains eight goals for industrial development in the community, these goals are: 1) emphasize the citywide importance of and encourage the location of scientific research, biotechnology, and light manufacturing uses in Sorrento Valley because of its proximity to UCSD and the University and Mira Mesa communities' industrial areas. Ensure adequate transit/transportation facilities are provided, 2) Ensure that industrial land needs as required for a balanced economy and balanced land use are met consistent with environmental considerations, 3) Contain industrial development within areas specifically designated for industrial usage, 4) Restore and enhance the Carroll Canyon Creek Wildlife Corridor and the Los Peñasquitos Lagoon, 5) Encourage new industrial development to be well designed and aesthetically pleasing, and 6) Provide easy access to the Sorrento Valley employment area through bicycling, mass transit, and transit-oriented development such as providing safe and direct pedestrian connections and a convenient mix of uses, 7) Minimize traffic impacts from new industrial development through the implementation of Transportation Demand Management programs. New industrial development should provide opportunities for staggered shifts, four day work weeks, and other similar alternatives, and should incorporate services such as locker rooms, child care centers, restaurants, post offices, dry cleaners and gift shops to minimize the need for auto trips and make car pooling a more attractive option, and 8)



Restrict industrial development on steep slopes, wetlands, riparian habitats and on archaeological sites, and further encroachment into Los Peñasquitos Lagoon and Carroll Canyon Creek Corridor, and design industrial projects to blend into adjacent open space areas.

The proposed project is consistent with goal number 1 because the site will encourage the location of scientific research and biotechnology uses and for industries that support scientific research and biotechnology, by making available additional space and office space for these and other uses. The project will also support the provision of adequate transportation facilities in that a portion of the property was used to facilitate the expansion of Interstate 5 and will provide all necessary parking on-site to serve the needs of the users of the site.

The proposed project is consistent with goal number 2 because the use is consistent with the Torrey Pines Community Plan, zoning and the project has been designed so that development will occur on portions of the site that had been previously impacted by development and will conserve the biologically sensitive and steep hillside portions of the site not previously impacted by earlier development activities and uses.

The proposed project is consistent with goal number 3 because the Torrey Pines Community Plan designates the project site as Industrial Element and development will be located within the project site areas zoned IL-3-1.

The proposed project is consistent with goal number 4 in that the project approvals require the project to contribute to the Los Peñasquitos Lagoon Enhancement Fund, the open space to be provided by the project will provide a buffer and the project will construct an enhanced drainage system that will contribute to improving surface water runoff quality.

The proposed project is consistent with goal number 5 because the project has been designed to incorporate the new structures into the site so that when viewed from open space areas or other sensitive public vantage points the development will be the least visually intrusive, the location of the proposed development will be sited in areas previously disturbed by past development activities and use of the site, and the materials, colors and textures of the proposed buildings will compliment the existing natural surroundings to reduce the visual appearance of the development and to protect the visually sensitive nature of the open space adjacent to Sorrento Valley Road immediately west of the site.

The proposed project is consistent with goal number 6 in that the proposed development will provide physical access to other areas of Sorrento Valley by means of the internal circulation system linked to public rights-of-way. The project will also provide bicycle spaces, personal lockers and shower facilities to encourage alternative modes of transportation. The project will not remove an existing driveway from the site to Sorrento Valley Road and will allow the driveway to be used as a pedestrian trail, yet not for vehicular use.

The proposed project is consistent with goal number 7 in that the project approvals require the development to provide bicycle storage spaces and shower facilities to encourage alternative modes of transportation.

The proposed project is consistent with goal number 8 in that the proposed development will limit development of the site to those areas previously disturbed by development on the site, will

comply with the limitations codified in the regulations addressing development on steep slopes, wetlands, riparian habitats and on archaeological sites, the project approvals require the project to comply with the regulations addressing development on steep slopes, wetlands, riparian habitats and on archaeological sites, and the project will not encroach into Los Peñasquitos Lagoon and Carroll Canyon Creek Corridor, and the project has been designed to compliment adjacent open space areas through the use of materials, colors and textures on the buildings to compliment the existing natural surroundings and reduce the visual appearance of the development and to protect the visually sensitive nature of the open space adjacent to Sorrento Valley Road immediately west of the site. In that the project as proposed will be consistent with the policies, goals and objectives of the Torrey Pines Community Plan for industrial development, the proposed project will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features.

The Sorrento Pointe project will not be detrimental to public health, safety and welfare because the permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area.

Further, the Sorrento Pointe project will construct the necessary sewer and water improvements required to serve the project. The visual appearance of the site will be improved by the removal of the existing cellular facilities visible from public vantage points. New cellular facilities will be integrated into the design of the buildings and will not be visible. The addition of significant landscaping and the design of the building materials, textures, and colors will compliment the natural landscape of the Los Peñasquitos Lagoon and Torrey Pines State Beach.

All of the construction plans associated with the project will be reviewed prior to issuance of a construction permit and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes. As such the Sorrento Pointe project will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings,



subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features, comply with the regulations of the Land Development Code. The project is located in the IL-3-1 Industrial Park-Light Zone, which allows a mix of light industrial and office uses. The proposed uses are permitted uses in the IL-3-1 zone. The project is in compliance with the Lot Area, Lot Dimensions, Setbacks, Height, FAR and Outdoor Amenities of the Development Regulations for Industrial Zones of the Land Use Development Code as summarized in Exhibit "A". The development will comply with the regulations of the Land Development Code and where a deviation is required to approve the project this deviation is supported by the facts necessary to approve the deviation and the required deviation has been approved by the designated decision-maker. In addition the project approvals require the project to comply with the regulations of the Land Development Code. In all other respects the development will comply with the regulations of the Land Development Code.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** When considered as a whole, the Sorrento Pointe project will be beneficial to the community by removing existing cellular facilities visible from public vantage points and one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features. In that the project as proposed will be consistent with the policies, goals and objectives of the Torrey Pines Community Plan for industrial development and the proposed project will not adversely affect the applicable land use plan and the site will be developed with a building and site design complimentary to the nearby open space areas by the choosing materials, colors and textures of the buildings to compliment the existing natural surroundings and reduce the visual appearance of the development and to protect the visually sensitive nature of the open space adjacent to Sorrento Valley Road immediately west of the site, the development, when considered as a whole, will benefit the community.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features.



The proposed deviation is appropriate for the project location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the IL-3-1 zone. The deviation from Land Development Code section 142.0340(e); to exceed the maximum retaining wall height is justified. The maximum retaining wall height without a deviation is twelve feet. The deviation to allow a maximum twenty-four foot retaining wall and other retaining walls that vary from twelve to twenty-four feet where a maximum wall height of twelve feet is allowed will reduce grading on the site and therefore provide greater protection of sensitive habitats by reducing the extent of grading on the project site than if the deviation were not approved. The deviation to exceed the maximum retaining wall height is a superior design. The retaining wall height deviation will contribute to realizing the redevelopment and improvement on this site and to preserving sensitive habitat by requiring additional protections for such sensitive habitat. By reducing the area of grading on the site by constructing a retaining wall where appropriate and feasible, less impact to sensitive habitats will occur as a result of developing the site. Reducing the area of grading on the site by constructing retaining walls where appropriate and feasible, less area as measured in acres is graded which directly reduces the impacts to sensitive habitat. Since the retaining wall height deviation reduces the area necessary for graded slopes more protection for sensitive habitat is realized. In this way the retaining wall height deviation contributes to the protection for sensitive habitat at this site and is a reasonable deviation.

The retaining walls will not be visible from any public vantage points except from a distance of over a mile. At a distance of over one mile the view of the walls will be visually insignificant. Further, as the proposed landscaping matures on the site at the base of the retaining walls, the walls will no longer be visible from any distance. The base of the retaining walls will be planted with trees, shrubs and climbing vines which will eventually obscure any view of the walls.

#### **Site Development Permit - Section 126.0504**

##### **A. Findings for all Site Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features. For additional information, see Planned Development Permit Finding No. 1 above.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to

within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features. For additional information, see Planned Development Permit Finding No. 2 above.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features. For additional information, see Planned Development Permit Finding No. 3 above.

#### **B. Supplemental Findings--Environmentally Sensitive Lands**

**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features. For additional information, see Planned Development Permit Finding No. 5 above.

To further minimize the potential adverse effects on environmentally sensitive lands, the Sorrento Pointe project will implement the following measures:

Impacts from the project to 0.66-acre of southern maritime chaparral, a sensitive biological resource and environmentally sensitive land, will be mitigated either on-site through preservation of undisturbed southern maritime chaparral to remain within a covenant of easement, or through a contribution to the City of San Diego Habitat Acquisition Fund.

Impacts to jurisdictional wetlands on the site have been avoided. Impacts to non-wetland waters/streambeds in the amount of 0.017-acre will be minimized through project design, such as by locating the proposed access driveway over the existing berm on the site thereby reducing impacts to sensitive biological resources. The proposed driveway would cross the main drainage course over the existing location of an earthen berm and its construction would use retaining walls to minimize impacts to the drainage course.



Impacts to non-wetland jurisdictional waters will be mitigated on-site through the creation of wetland and riparian habitat.

In addition, the project site is physically suitable for the design and siting of the proposed development and results in minimal disturbance of ESL resources. The proposed development has been designed to minimize impacts to sensitive biological resources, including wetlands on the site. Achievement of this goal resulted in the development portion of the project being concentrated on the hilltop area where previous disturbances had occurred. Impacts to ESL sensitive biological resources (e.g., southern maritime chaparral and sensitive species) on the site were largely avoided on the development portion of the project. Likewise, impacts to jurisdictional wetlands on the site have been avoided. Impacts to non-wetland waters/streambed (0.017 acre) have been minimized through project design. The placement of the proposed access road over the existing berm on the site reduces impacts to sensitive biological resources and avoids direct impacts to wetlands.

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features.

The proposed project will occupy the part of the site which has been disturbed by previous development activity and use of the site. The design of the proposed project will blend the new structures into the site by constructing a subterranean parking garage and a split level type of building design by integrating building and retaining walls so that the structures will be fit into the site rather than placed on top of the site. The building design will integrate into the site to make the buildings fit the site rather than grading the site to fit the buildings. This more sensitive design approach will minimize grading and alteration of natural landforms resulting in a development that is more compatible with the natural terrain

The geotechnical consultant of the applicant submitted the Update Geotechnical Study, Sorrento Pointe, San Diego, California, prepared by URS Corporation, dated December 21, 2007, 2nd revision dated April 28, 2010. The Geology Section of the Development Services Department has determined the geotechnical consultant has adequately addressed the site conditions and proposed development at this time for the purposes of environmental review and the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces.

The proposed development will not result in undue risk from erosional forces in that all slopes manufactured for the support of the proposed project will be revegetated in accordance with the grading and landscaping regulations to prevent soil erosion and negative impacts to sensitive downstream water bodies.



The site will not experience undue risks from flood hazards in that the portion of the site to be developed with structures and provide occupancies by people is elevated above the 100 year floodplain by over 125 vertical feet. As such the proposed development will not experience undue risks from flooding.

To address fire hazards, the project has been conditioned to require a brush management plan and a brush management plan has been included in the conceptual plans submitted by the applicant and reviewed by city staff. The brush management plan has been reviewed by the Fire Department and Development Services Department staff. The conclusion reached by the Fire Chief and city staff subsequent to reviewing the existing conditions which contribute to risks from wildfires, the coastal influences upon weather, fuel load and fire, the slope and orientation of natural slopes with natural vegetation susceptible to wildfire is that the proposed brush management plan will create the situation whereby the inhabitants of the proposed buildings will not be exposed to undue risks from fire hazards. For additional information, see Planned Development Permit Finding No. 5 above.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features.

Development on the Sorrento Pointe project site has been sited and designed to prevent adverse impacts on adjacent environmentally sensitive lands by locating the majority of grading and building construction on areas that have been disturbed by earlier development activity and use of the site. The design of the proposed project will blend the new structures into the site by constructing a subterranean parking garage and a split level type of building design by integrating building and retaining walls so that the structures will be fit into the site rather than placed on top of the site. The building design will integrate into the site to make the buildings fit the site rather than grading the site to fit the buildings. This more sensitive design approach will minimize grading and alteration of natural landforms resulting in a development that is compatible with the natural terrain.

Further, all environmentally sensitive lands adjacent to the development on the site will be preserved through restrictions recorded on the title of the property to protect the sensitive habitat occurring on the site. The project will not impact any adjacent environmentally sensitive lands located off the project site. A mitigated negative declaration has been prepared for the proposed development and a mitigation monitoring and reporting program has been adopted that will reduce to a level of insignificance any potential negative impact upon environmentally sensitive lands. For additional information, see Planned Development Permit Finding No. 5 above.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features.

The site is located outside the Multiple Habitat Planning Area of the City of San Diego's Multiple Species Conservation Program Subarea Plan. Although the project site is not within the Multiple Habitat Planning Area, the project design incorporates the Subarea Plan's Land Use Adjacency Guidelines. These measures address the potential indirect impacts from noise, barriers, lighting, toxic drainage and invasive plants and ensure that the project is consistent with the MSCP Subarea Plan. Furthermore, the preservation of sensitive habitat on site and conditions of approval that limit the potential for negative affects upon the preserved on-site habitat is consistent with the goals of the Multiple Species Conservation Program Subarea Plan.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features.

The project site is approximately less than one mile in a straight line from the Pacific Ocean. The project site is not located on or near the shoreline or a public beach. The hydrologic watershed which the proposed project site is located within, will not be adversely affected by the proposed project and by logical extension, the proposed development will not contribute to the erosion of public beaches or adversely impact the local shoreline sand supply.

The Sorrento Pointe project will develop in the least biologically sensitive and most disturbed portion of the site while preserving the most biologically sensitive area of the site as identified by submitted technical reports, including yet not limited to a Biological Resource Survey Report prepared by Recon Environmental, Inc. All storm water runoff generated on the project site will comply with all requirements of State Water Resources Control Board Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan and a Monitoring Program Plan will be implemented concurrently with the commencement of grading



activities, and a Notice of Intent will be filed with the State Water Resources Control Board. Given the project's location, design of the project and requirements by the city, the project site will not contribute to the erosion of public beaches or adversely impact the local shoreline sand supply.

**6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features.

The proposed project will be developed on the least sensitive portions of the site. The project will comply with the relevant regulations applicable to the site, with the exception of the approved deviation, and has been designed to minimize impacts to biologically sensitive lands adjacent to the area of development on the site. To the greatest extent possible all development will be confined to areas of the site which have been and are already disturbed by the previous use of the site. The conditions of approval required for the project include mitigation to address potential impacts to Biological Resources, Cultural Resources and Noise and are directly related to the potential impacts which may be foreseen and a direct result of implementation of the project. The nature and extent of the proposed mitigation is commensurate with the impacts and includes on-site wetland creation along with the preservation of sensitive on-site upland habitats. These mitigation measures provide habitat values and connectivity with adjacent MHPA lands associated with the Los Peñasquitos Lagoon. As such these mitigation requirements are calculated to alleviate potential negative impacts resulting from the implementation of the project.

#### **Coastal Development Permit - Section 126.0708**

##### **A.**

**1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high

efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features.

The proposed project will be developed entirely within the private property and will not encroach upon any existing physical access way legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan in as much as there is no existing physical access way legally used by the public or any proposed public accessways located on the private property. The proposed development will be constructed completely within the boundaries of the private property. The Torrey Pines Community Plan identifies the location of all public view corridors within the community and does not identify any such corridor within or along Sorrento Valley Road, Carmel Mountain Road or Interstate 5. From the property location east of Sorrento Valley Road there are no public views to the ocean or other scenic coastal areas. As such the proposed project will have no effect upon any existing physical access way legally used by the public or any proposed public accessway and will have no effect upon public views to and along the ocean and other scenic coastal areas as identified in the Local Coastal Program land use plan.

The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points. New cellular facilities will be integrated into the design of the buildings and will not be visible. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development.

**2. The proposed coastal development will not adversely affect environmentally sensitive lands.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features.

The proposed project will be developed on the least sensitive portions of the site. The project will comply with the relevant regulations applicable to the site, with the exception of the approved deviation, and has been designed to minimize impacts to biologically sensitive lands adjacent to the area of development on the site. To the greatest extent possible all development will be confined to areas of the site which have been and are already disturbed by the previous use of the site. The conditions of approval required for the project include mitigation to address potential impacts to Biological Resources, Cultural Resources and Noise and are directly related to the potential impacts which may be probable and a result of implementation of the project. As such these mitigation requirements are calculated to alleviate potential negative impacts resulting from the implementation of the project. For additional information, see Planned Development Permit Finding No. 3 above and Site Development Permit Supplemental Findings B.1 through B.6 above.



**3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features. For additional information, see Planned Development Permit Finding No. 1 above.

The proposed project is consistent with the Local Coastal Program land use plan and complies with all regulation of the certified implementation program. The certified Local Coastal Program land use plan consists of the Torrey Pines Community Plan. Planned Development Permit Finding No. 1 above discusses the projects' conformity with the Torrey Pines Community Plan. The Project also complies with all regulations of the certified Implementation Program, which includes relevant portions of the Land Development Code. Planned Development Permit Findings No. 3 above discusses the project's compliance with the regulations of the Land Development Code.

**4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The Sorrento Pointe project will remove existing cellular facilities visible from public vantage points and construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements. Further, the project will provide protections to valuable sensitive habitat and steep slopes on the property outside of the area devoted to development. The new office buildings will incorporate and implement many features to conserve energy, such as: high efficiency heating, ventilation and air conditioning units, central energy management, and other conservation oriented features. The proposed development is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. Therefore the proposed development will have no impact on the public's ability to access coastal areas open to the public and will have no impact upon the public recreation policies of Chapter 3 of the California Coastal Act and in this way the proposed development is consistent with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 503978, Site Development Permit No. 503979 and Coastal Development Permit No. 503977 is hereby GRANTED by the Planning Commission to the

referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 503978, 503979 and 503977, a copy of which is attached hereto and made a part hereof.



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John S. Fisher  
Development Project Manager  
Development Services

Adopted on: December 8, 2011

Job Order No. 23428829

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23428829

PLANNED DEVELOPMENT PERMIT NO. 503978, SITE DEVELOPMENT PERMIT NO.  
503979 AND COASTAL DEVELOPMENT PERMIT NO. 503977  
**SORRENTO POINTE PROJECT NO. 144031 - [MMRP]**  
PLANNING COMMISSION

This Planned Development Permit No. 503978, Site Development Permit No. 503979 and Coastal Development Permit No. 503977 is granted by the Planning Commission of the City of San Diego to SORRENTO VALLEY HOLDINGS I, L.P., a California limited partnership and SORRENTO VALLEY HOLDINGS II, L.P., a California limited partnership, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0604, 126.0504 and 126.0708. The 14.35 acre site is located at 11965 and 12025 Sorrento Valley Road in the AR-1-2 and IL-3-1 Zones of the Torrey Pines Community Plan area. The project site is legally described as Parcel 2 of Parcel Map No. 18158 filed in the Office of the County Recorder of San Diego County on December 4, 1998; Pueblo Lot 1326 of the Pueblo Lands of San Diego according to Miscellaneous Map No. 36 filed in the Office of the County Recorder of San Diego County; Lot 7 of Section 25, Township 14 South, Range 4 West, San Bernardino Meridian; Lot 4 of Section 30, Township 14 South, Range 3 West, San Bernardino Meridian; All in the City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 8, 2011, on file in the Development Services Department.

The project shall include:

- a. Construction of one two-story 33,368 square foot office building and one three-story 58,970 square foot office building with a courtyard connection between the two



buildings, subterranean and surface parking, landscaping, relocation of existing cellular antenna facilities to within the new buildings and other site improvements;

- b. One deviation is approved: 1) from Land Development Code section 142.0340(e) to allow a maximum twenty-four foot high retaining wall and other retaining walls measuring between twelve feet to sixteen feet high where a maximum wall height of twelve feet is allowed;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

#### **STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. Prior to issuance of any construction permit, a fee shall be deposited with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious



surfaces created by the development. The enhancement fee shall be computed by the Owner/Permittee and verified by the Development Services Department.

5. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
6. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
9. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.
10. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

11. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

12. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

13. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

14. This Permit may be developed in phases.

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

15. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.



16. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 144031 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

17. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 144031 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as described in the MMRP shall be implemented for the following issue areas:

Biological Resources  
Historical Resources (Archaeology)  
Paleontological Resources  
Noise

18. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

#### **ENGINEERING REQUIREMENTS:**

19. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

20. This project proposes to export 15,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

21. The drainage system proposed for this development and outside of the public right-of-way is private, shall be privately maintained and subject to approval by the City Engineer.

22. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

23. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of

San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-009 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-009 DWQ.

24. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

25. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

26. Prior to the issuance of any permits, the Owner/Permittee shall obtain a letter of permission from the southerly property owner for the drainage facilities encroaching into their properties, satisfactory to the City Engineer.

#### **LANDSCAPE REQUIREMENTS:**

27. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards, to the satisfaction of the Development Services Department. All plans shall be in substantial conformance with Exhibit "A."

28. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A." These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

29. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall take into account a forty square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

30. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall install all required landscape and obtain all required landscape inspections.

31. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

32. The Owner/Permittee shall maintain all landscape improvements shown on the approved plans consistent with the Landscape Standards.



33. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

34. The Owner/Permittee shall remove identified invasive species on the premises, which consist of pampas grass (*Cortaderia selloana*), pickleweed (*Carpobrotus edulis* and *C. chilensis*), myoporum tree (*Myoporum laetum*) and African fountain grass (*Pennisetum setaceum*), from the premises per Municipal Code Section 142.045(b)(2). Removal of invasive species which are located outside the limits of development shall be accomplished using hand methods only.

#### **BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

35. The Owner/Permittee shall implement a modified Brush Management Program in accordance with provisions of LDC Sec. 142.0412(j), as documented on Exhibit "A," to include an expanded Zone One of 79 feet with no Zone Two along west and south sides of Buildings 1 and 2. In addition, one of the following options shall be implemented to complete the brush management program along the north-east side of Building 1:

- a) The north-east side of Building 1 shall have a Zone One ranging from 35 feet to 50 feet in width with a corresponding Zone Two ranging from 65 feet to 42 feet in width and include off-site portions of the I-5 Caltrans right-of-way. A seasonal Encroachment Permit shall be obtained from Caltrans for the purposes of implementing Zone 2 brush management; or
- b) The north-east side of Building 1 shall have a Zone One ranging from 35 feet to 50 feet in width. In lieu of providing a corresponding Zone Two, the Owner/Permittee shall fire-rate the north-east side of Building 1 to consist of minimum one-hour construction with 20-minute protected openings; or
- c) The Owner/Permittee may implement measures set forth in a Fire Fuel Load Model Report prepared by a certified Fire Behavior Analyst and deemed acceptable to the Fire Chief. Protective measures shall be consistent with analyses and mitigation measures set forth in the Environmental Document.

36. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

37. Prior to issuance of any Building Permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit "A," one of the options enumerated in condition 35 above, and shall comply with the Landscape Standards and Brush management Regulations as set forth under Land Development Code Section 142.0412.

38. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while non-combustible and/or one-hour fire-rated accessory structures may be approved within the designated Zone One area subject to the approval of the Fire Marshal.

39. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

40. In Zone One, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape and MSCP section staff.

41. Prior to final inspection and issuance of any Certificate of Occupancy, the approved Brush Management Program shall be implemented.

42. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

#### **PLANNING/DESIGN REQUIREMENTS:**

43. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

44. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources and Steep Hillides, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

45. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

46. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

47. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted by the Owner/Permittee to the Development Services Department for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to address all areas where lighting is



proposed within the property and to extend a minimum of fifty feet beyond the limits of work, as shown on the Exhibit "A," construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, model number, visors, prisms, lenses and reflectors to indicate how outdoor lighting will not exceed 14 footcandles anywhere on the site, a lighting plan locating each fixture in plan view and legend, and construction details indicating light standards will not exceed fourteen feet in height. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

48. Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed outside the limits of work as shown on Exhibit "A." Light levels along the perimeter of the limits of work shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the site for safety. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall light levels be allowed to exceed fourteen footcandles anywhere within the site. The Owner/Permittee, or authorized representative, shall provide a luminance meter to measure light levels as required establishing conformance with the standards stated herein during the night inspection. Night inspections may require additional fees as determined by the Development Services Department at the time of inspection.

49. Prior to the issuance of any engineering permit for grading, the Owner/Permittee shall obtain all necessary federal and state permits for development in proximity to wetlands and non-wetland jurisdictional waters. The Owner/Permittee shall provide evidence of all federal and state permits, to the satisfaction of the Development Services Department.

50. Prior to the issuance of any engineering permit for grading and should the federal and state agencies involved in permitting development in proximity to wetlands and non-wetland jurisdictional waters require a greater wetland buffer than is shown on Exhibit "A," the Owner/Permittee shall be required to process and receive approval for a Substantial Conformance Review. Should a Substantial Conformance Review for said changes be denied, an amendment to this permit shall be required.

#### **WIRELESS COMMUNICATION FACILITIES REQUIREMENTS:**

51. Prior to any wireless communication facilities being located in Sorrento Pointe buildings, a Limited Use application for each carrier/Wireless Communication Facility shall be submitted to the Development Services Department Telecom Review section for review and approval.

52. Prior to activation of any Wireless Facilities, a Telecom Planning inspection shall be required to verify each Wireless Communication facility has been installed per approved plans.

53. The building design shall make provisions for and be constructed so that all future wireless communication antennas will be concealed behind radio-frequency transparent materials painted, textured, and designed to match the building. Seams between radio-frequency transparent and non-radio-frequency transparent building materials shall be minimized.

Antennas and associated equipment shall not extend beyond the screen wall and shall not be visible.

54. All cables associated with wireless communication antennas shall be routed internally within the building and shall not be visible.

55. Prior to building permit issuance, construction documents shall be submitted to the Development Services Department Telecom Section for review and approval.

#### **TRANSPORTATION REQUIREMENTS:**

56. A minimum of 305 automobile spaces (including 7 standard accessible spaces, and 1 van accessible space), 28 carpool spaces, 6 motorcycle spaces, 3 bicycle spaces with 3 rack(s) and 1 loading zone are required by the Land Development Code as shown on the Exhibit "A." All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

#### **PUBLIC UTILITY REQUIREMENTS:**

57. The Owner/Permittee is required to install all facilities, as required by the accepted sewer study, necessary to serve this development. All onsite sewer facilities shall be private.

58. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

59. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

60. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities.

61. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of twelve inch public water mains within an existing water easement connecting to the existing water twelve inch main as shown on approved Exhibit "A," in a manner satisfactory to the Director of Public Utilities and the City Engineer.

62. The Owner/Permittee shall grant adequate water easements, including vehicular access to each appurtenance; meters, blow offs, valves, et cetera, for all public water facilities not located within fully improved public rights of way, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

63. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of Public Utilities and the City Engineer. All on-site fire hydrants shall be private.



64. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of any new water service(s) outside of any driveway, and the disconnection at the water main of the existing unused water service, if any, adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

65. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service; domestic, fire and irrigation, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

66. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

67. The Owner/Permittee shall design and construct all proposed public water facilities in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices.

#### **GEOLOGY REQUIREMENTS:**

68. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

69. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services prior to exoneration of the bond and grading permit close-out.

#### **CALTRANS REQUIREMENTS:**

70. Prior to issuance of any grading permit, the Owner/Permittee shall obtain approval from Caltrans to assure no adverse impact to the Caltrans right-of-way. Plans shall be submitted to Caltrans, via the Development Services Department, for review and approval.

71. Prior to issuance of any grading permit, the Owner/Permittee shall coordinate with Caltrans to relocate the existing Caltrans fence to the property line adjacent to the Caltrans right-of-way.

72. Prior to the issuance of any grading permit, the Owner/Permittee shall cooperate with Caltrans in processing a vacation of a portion of the drainage easement. A gate shall be incorporated into the relocated fence along the property line for maintenance access for the portion of the drainage easement that Caltrans will retain.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on December 8, 2011 by Resolution No. [Approved Resolution Number].

Permit Type/PTS Approval No.: PDP No. 503978,  
SDP No. 503979, CDP No. 503977

Date of Approval: December 8, 2011

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
John S. Fisher  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

\_\_\_\_\_  
The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of  
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

SORRENTO VALLEY HOLDINGS I, L.P.,  
a California limited partnership  
Owner/Permittee

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**

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Owner/Permittee

By \_\_\_\_\_

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**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioner Esther Sanchez  
Mailing Address: Oceanside City Council  
City of Oceanside  
300 North Coast Hwy  
Oceanside, CA 92054  
Phone Number: (760) 435-0971

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Diego
2. Brief description of development being appealed: Construction of one two-story, 33,368 sq. ft. office building and one three story, 58,970 sq. ft. office building, both with a 30 ft. maximum height, on an existing 14.35 acre hilltop property, comprised of two separate legal lots zoned as IL-3-I Industrial and AR-1-2 Open Space.
3. Development's location (street address, assessor's parcel no., cross street, etc.):  
11965 and 12025 Sorrento Valley Rd., Torrey Pines, San Diego, San Diego County
4. Description of decision being appealed:  
a. Approval; no special conditions: ☐      b. Approval with special conditions: ☒  
c. Denial: ☐

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

RECEIVED

JAN 13 2012

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 6  
APPLICATION NO.  
**A-6-NOC-12-005**

Appeal Forms

Page 1 of 19

California Coastal Commission

Page 2

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-NOC-12-005

DATE FILED: 1/13/12

DISTRICT: San Diego



5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator      c. ☒ Planning Commission  
b. ☐ City Council/Board of Supervisors      d. ☐ Other

Date of local government's decision: 12/08/12

Local government's file number (if any): 144031

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

Sorrento Valley Holdings I, L.P., and II, L.P.

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.



SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

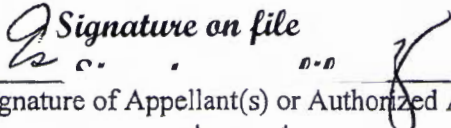
See Attachment "A" dated 1/13/12

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

*Signature on file*  
  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent  
Date: 1/13/2012

Note: If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby  
authorize \_\_\_\_\_

to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioner Mark W. Stone  
Mailing Address: Board of Supervisors  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060  
Phone Number: (831) 454-2200

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Diego
2. Brief description of development being appealed: Construction of one two-story, 33,368 sq. ft. office building and one three story, 58,970 sq. ft. office building, both with a 30 ft. maximum height, on an existing 14.35 acre hilltop property, comprised of two separate legal lots zoned as IL-3-I Industrial and AR-1-2 Open Space.
3. Development's location (street address, assessor's parcel no., cross street, etc.):  
11965 and 12025 Sorrento Valley Rd., Torrey Pines, San Diego, San Diego County
4. Description of decision being appealed:  
a. Approval; no special conditions: ☐      b. Approval with special conditions: ☒  
c. Denial: ☐

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

RECEIVED

JAN 13 2012

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Page 2

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-NOC-12-005

DATE FILED: 1/13/12

DISTRICT: San Diego

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator      c. ☒ Planning Commission  
b. ☐ City Council/Board of Supervisors      d. ☐ Other

Date of local government's decision: 12/08/12

Local government's file number (if any): 144031

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

Sorrento Valley Holdings I, L.P., and II, L.P.

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.



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State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A" dated 1/13/12

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

## SECTION V. Certification

*Signature on file*

Date: 1/13/12

Date:

Attachment A  
Sorrento Pointe Appeal  
11965 and 12025 Sorrento Valley Rd., San Diego  
January 13, 2012

The project as approved and conditioned by the City, would allow for construction of one two-story, 33,368 sq. ft. office building and one three story, 58,970 sq. ft. office building, on an existing 14.35 acre hilltop property, comprised of two separate legal lots zoned as IL-3-I Industrial and AR-1-2 Open Space. The site is located at 11965 and 12025 Sorrento Valley Rd. directly adjacent to and west of Interstate 5, just north of Carmel Mountain Road in the Torrey Pines Community of the City of San Diego.

The subject site is located on an elevated hilltop immediately adjacent to the southbound lanes of the I-5 to the east and upland from the Los Peñasquitos Lagoon to the west. It is separated from the immediate Los Peñasquitos lagoon habitats by Sorrento Valley Rd., which exists as a paved pedestrian/bike trail and is closed to vehicular traffic. The subject site is the last remaining piece of undeveloped land separating existing industrial/office development located immediately to the south from the undeveloped land and lagoon habitats to the west and north. The subject site is outside of designated "preserve" area, but within the Multi-Species Conservation Plan ("MSCP") northern subarea boundary.

The existing property is comprised of 8.31 acres of Southern Maritime Chaparral habitat (SMC), .92 acres of previously hydroseeded Coastal Sage Scrub habitat (CSS), 3.01 acres of non-native grassland, 1.65 acres of disturbed area, and small amounts of mule fat scrub, southern willow scrub, eucalyptus woodland, and ornamental plantings. Two existing cell phone facilities and a large billboard sign are currently present on the site. Steep slopes in excess of 25% grade occur on much of the site. However, the majority of the proposed development will take place on the flatter elevated portion of the site that consists of some previously disturbed area as well as the existing cell phone tower operations.

The project will result in direct impacts to .74 acres of Southern Maritime Chaparral habitat, .28 acres of hydroseeded Coastal Sage Scrub, and .004 acres of an existing drainage channel that the Mitigated Negative Declaration refers to as an "unvegetated non-wetland habitat." The proposed project will involve approximately 25,000 cubic yards of cut grading and require manufactured slopes and 12'-24' high retaining walls on parts of the property adjacent to the I-5 to accommodate the proposed office structures and associated underground parking garage area. A total of 4.91 acres of the property would be graded as part of the project.

The project as approved by the City is inconsistent with the certified LCP (Torrey Pines Community Plan Use Plan and Land Development Code) as it relates to the requirements for protection of environmentally sensitive habitats, steep hillside and visual resources, as well as the City of San Diego's MSCP Subarea Plan and Biology guidelines as they relate



to development adjacent to sensitive habitat areas and habitat impact mitigation requirements, respectively. Specific issues include:

(1) Lack of Information Regarding Proposed Habitat Impacts. It is unclear from the submitted building plans and associated materials where the direct impacts to SMC habitat will occur on the site in relation to the proposed buildings and development. As such, it is difficult to determine why the subject habitat impacts are necessary to accommodate the proposed development and why they cannot be minimized or avoided.

(2) Upland Habitat Mitigation. The City's CDP conditions of approval state that the applicant must mitigate for the .74 acres of Southern Maritime Chaparral habitat impacts associated with the project by either 1) preserving 9.88 acres of existing on-site Southern Maritime Chaparral through a conservation easement; 2) through a monetary contribution for 2.5 acres of habitat to the City of San Diego habitat acquisition fund; or 3) through other off-site mitigation at the ratios stipulated in the City's Environmentally Sensitive Lands Regulations. The City indicated in its CDP that the applicant has chosen to record a conservation easement over the 9.88 acres of existing on-site SMC habitat, designated as environmentally sensitive habitat in the CCC certified Habitat Resource maps, as the mitigation for upland impacts. The submitted building plans for the proposed project indicate the limits and boundary line of this conservation easement area in relation to the proposed building site. In addition, the City's CDP requires the applicant to mitigate for the impacts to the hydroseeded Coastal Sage Scrub, located within a Caltrans Right of Way, through restoration of the impact area at a 1:1 ratio, consistent with past Commission approved mitigation requirements for similar types of hydroseeded habitat areas. The adequacy of the required mitigation is subject to question as to its consistency with the certified LCP.

The language in the City of San Diego Biological Guidelines - Mitigation Methods, which applies to this property, specifically states that mitigation methods for areas preserved on-site but outside of the MHPA (such as the proposed on-site conservation easement area), will only generally be considered acceptable as mitigation if connected to the MHPA by an area more than 400 feet wide for greater than 500 feet long. The regulations state that areas of lesser width and length would be considered isolated, and would not count as mitigation (unless the finding can be made that small endemic habitat communities that are able to maintain viability in isolation, such as vernal pools, exist on site). The City's Multiple Species Conservation Subarea Plan guidelines for mitigation methods outside of the MHPA state:

*(2) Outside MHPA: The on-site preservation of lands outside the MHPA may be considered acceptable as mitigation provided they have long-term biological value. Long-term biological value should be assessed in terms of connectivity to larger areas of planned open space, and any potential current or future indirect impacts associated with the urban interface. As indicated above, areas containing brush management Zone 2 will be considered impact neutral (not considered an impact and not considered acceptable as a mitigation area).*

*(i) Connectivity: Isolated habitat patches have been shown to lack the diversity and resilience of connected systems (Noss 1983, Soule et al. 1988, Temple 1983, Wright and Hubbell 1983). In most cases, the species first to extirpate (disappear) from these isolated areas are rare species that do not adapt well to human influenced environments. Unfortunately, these species are those targeted for conservation by the MSCP.*

*Areas preserved on-site, but outside of the MHPA, will only generally be considered to be acceptable as mitigation if connected to the MHPA. As a general guideline, areas completely surrounded by development and areas connected by native vegetation of less than 400 feet wide for greater than 500 feet long will be considered isolated, and will not count as mitigation [...]*

*Site-specific studies with field observations, which incorporate the best available scientific information and methods, would be necessary to provide a basis for any modification to these standards at the project level. Other factors such as topography (steep slopes), major road systems or other large public facility, and habitat patch size will also be considered in assessing potential isolation of a site.*

*Isolated areas may, on a case-by-case basis, be considered for use as mitigation where it can be reasonably demonstrated that the resource can persist in isolation (e.g. narrow endemics species or unique habitats such as vernal pools) or act as "stepping stones" for wildlife movement between portions of the MHPA.*

*(ii) Urban Interface: [...]*

*Areas outside of MHPA with significant edge effects, as determined by site specific analysis, will generally not be considered acceptable as mitigation.*

Also, the Resource Management and Open Space Element, Industrial Element and Appendix E of the Torrey Pines Community Plan include the following provisions:

***Resource Management and Open Space Element***

*GOAL 5. Preserve, enhance and restore all natural open space and sensitive resource areas, including Los Peñasquitos Lagoon and associated uplands, Torrey Pines State Park and Reserve Extension areas with its distinctive sandstone bluffs and red rock, Crest Canyon, San Dieguito Lagoon and River Valley, the Carroll Canyon Wetland/Wildlife Corridor through Sorrento Valley, [...]  
and all selected corridors providing linkage between these areas.*

*POLICY 1. Land uses adjacent to environmentally sensitive habitats shall not negatively impact those areas.*

*POLICY 2. Development impacts to rare, threatened, endangered, or candidate species shall be minimized or eliminated.*



[...]

*POLICY 6. New development adjacent to and impacting biologically sensitive areas shall be responsible for the restoration and enhancement of that area. In particular, when mitigation areas are needed for public projects, the disturbed areas in Crest Canyon should be revegetated with Coastal Mixed Chaparral and Torrey Pines.*

[...]

*POLICY 13. Conditions of approval for all development that impacts adjacent open space areas should include restoration and enhancement measures for that particular area.*

#### **Industrial Element**

*POLICY 3. Development proposed adjacent to environmentally sensitive resources shall not adversely impact those resources, and shall, where feasible, contribute to the enhancement of the resource.*

#### **Appendix E: Local Coastal Program Policies**

##### Hillsides:

*In the case of those landforms that consist of slopes of 25 percent and over which have been identified as possessing environmentally sensitive habitats or significant scenic amenities or hazards to development (including major undeveloped sites with high erodibility characteristics), the following policy shall apply:*

*1. Slopes of 25 percent grade and over shall be preserved in their natural state, provided a minimal encroachment into the steep slope areas over 25 percent may be permitted as set forth in the following table:*

<b>25 PERCENT SLOPE ENCROACHMENT ALLOWANCE</b>	<b>Maximum Encroachment Allowance</b>
<b>Percentage of Parcel in Slopes of 25 Percent and Over</b>	<b>as Percentage of Area in Slopes of 25 Percent and Over</b>
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

*For the purposes of this ordinance, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures or paving, or is cleared of vegetation[...].*

The subject conservation easement area is far less than 400 feet wide by 500 feet long and is separated from MHPA lands by the existing Sorrento Valley Road. Additionally, there are no conditions on the City's CDP that require restoration or enhancement to the SMC habitat within the proposed conservation easement. The subject site contains slopes

in excess of 25%; however, it is unclear if additional mitigation would be required for encroachment into steep slopes as it is not indicated on the building plans or in the City's CDP where the steep slopes are on the site in specific relation to the boundaries of the proposed development limits. The above cited provisions indicate that suitable mitigation for the subject SMC habitat impacts would consist of restoration and enhancement of biologically sensitive habitat areas on site. They also indicate that the conservation of a seemingly isolated piece of on-site SMC habitat would not qualify as acceptable mitigation pursuant to the City's Biological Guidelines for habitat impacts and mitigation on lands outside of the MHPA. The City did not provide findings in the CDP or in the associated Mitigated Negative Declaration for the project documenting that the proposed conservation easement area has adequate connectivity to MHPA lands such that it would not be considered isolated habitat.

Overall, the City's CDP permit for the proposed development contains no conditions assuring adequate mitigation for the .74 acres of direct impacts to SMC habitat is provided as part of the proposed project, as stipulated by the Torrey Pines Community Plan and the City's Biological Guidelines and Environmentally Sensitive Lands regulations. In addition, and most importantly, if the on-site habitat is deemed to be environmentally sensitive habitat area ("ESHA") under the Coastal Act, impacts to such habitat for industrial development would be questionable. Therefore, a habitat determination remains necessary and a demonstration that all alternatives have been evaluated to avoid impacts to sensitive habitat.

There will also be .004 acres of impacts to an existing drainage channel that is designated in the MND as an unvegetated non-wetland. As such, the standard mitigation requirements for wetland impacts were not applied to this portion of the project impact.

3) Habitat Buffers. A 100 ft. minimum wetland buffer is designated on the building plans to separate the proposed buildings from the existing wetland habitat in the Los Penasquitos lagoon; however, it is unclear what the buffer area will be between the proposed development and the existing wetlands on site. There are a combined .25 acres of on-site Southern Willow Scrub and Mule Fat Scrub designated as wetlands in the MND that will not be directly impacted as part of the proposed project, but which are located near the limits of the proposed building envelope. It is unclear from the plans and the other project materials what the wetland buffer area will be between these on-site wetlands and the proposed development. No upland habitat buffers are mentioned in the submitted project materials or indicated on the buildings plans, raising concerns that no buffer is being proposed or required by the City to separate biological resources on site from the subject industrial development and help prevent against edge effects.

(4) Brush Management. Brush management for development adjacent to MHPA is typically required to include a Zone 1 and Zone 2, unless a low fire hazard severity rating is documented, in which case, no Zone 2 is mandated. The building plans for the proposed development show a small Zone 2 brush management on the eastern portion of the site adjacent to the I-5, but no Zone 2 brush management zone surrounding the development on the remainder of the site. Additionally, the proposed Zone 2 brush



management zone is entirely within the designated CSS habitat area. The building plans state that no Zone 2 is required on the remainder of the site, even where Zone 1 directly abuts existing SMC habitat area that is shown within the proposed easement area. The City has included no findings stating that there is a low fire hazard severity on parts of the site adjacent to SMC or provided any explanation as to why Zone 2 is only proposed on part of the site.

The Resource Management and Open Space Element of the Torrey Pines Community Plan guidelines, which apply to development on the subject site, state:

***Brush Management***

*Because of the abundance of natural open space areas including canyons rich with native vegetation, special brush management consideration and enforcement should be provided within the Torrey Pines planning area.*

*Currently all development within Torrey Pines must comply with the Uniform Fire Code and Section 6 (Brush Management) of the City of San Diego's Landscape Technical Manual. In summary, these codes state that brush or native vegetative growth on steep slopes must be controlled to protect existing and proposed structures from fire hazards.*

[...].

In order to provide an effective fuel modification zone surrounding the proposed building, consistent with the brush management requirements in the applicable LUP, the CSS habitat area on the east side of the site and potentially the SMC chaparral on the western and northern portions of the site will be impacted. As such, the absence of a Brush Management Zone 2 on the majority of the site adjacent to the SMC habitat/proposed conservation easement area could potentially result in further impacts to biologically sensitive habitat on-site that is not mitigated for through the City's current CDP for the subject project. In summary, the City's approval of the proposed development is inconsistent with the policies of the certified LUP relating to protection of sensitive biological resources on site through adequate brush management.

(5) Visual Impacts. The subject site is a prominent and undeveloped upland landform adjacent to the Los Penasquitos Lagoon and any development on the site could potentially impact the existing public viewshed in the area. The development would be highly visible from the public Marsh Trail in the Torrey Pines State Reserve as well as the adjacent public pedestrian/biking trail that borders the western portion of the property (Sorrento Valley Rd.). The project site is also visible from areas of the Los Penasquitos Lagoon, as well as Coast Highway 101 and Carmel Valley Rd, which are both scenic coastal roadways. The proposed development consists of two buildings, which have different elevations depending on which direction the development would be viewed from. The approximate elevations from finished grade, as documented in the submitted building plan, are as follows:

WEST ELEVATION

Building 1: 40'

Building 2: 45'  
NORTH ELEVATION

Building 1: 47'  
Building 2 is not visible from this direction

EAST ELEVATION

Building 1: 50'  
Building 2: 45'

The applicant has indicated that they will use a visually compatible color palette for the structures and utilize native Torrey Pines and Nuttall's scrub oak along the perimeter of the building to screen the development. However, it is unclear what, if any, alternatives or alternate building designs were considered that could minimize potential visual impacts from the two-story and three-story buildings.

### ***Industrial Element***

*Goal 8. Restrict industrial development on steep slopes, wetlands, riparian habitats, and on archaeological sites, and further encroachment into Los Peñasquitos Lagoon and the Carroll Canyon Creek Corridor, and design industrial projects to blend into adjacent open space areas.*

### ***Appendix E: Local Coastal Program Policies***

#### ***Hillsides:***

*Within the Coastal Zone, landforms that consist of slopes of 25 percent grade and over that have not been identified as possessing environmentally sensitive habitats, significant scenic amenities or hazards to developments, may be developed provided the applicant can demonstrate all of the following:*

- 1. To protect the scenic and visual qualities of the site as seen from public vantage points, recreational areas, and roads or highways, the proposed development shall minimize the alteration of natural landforms and create only new slopes that are topographically compatible with natural landforms*

#### ***Visual Resources:***

*The State Coastal Act states that the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. The Torrey Pines community planning area possesses many highly scenic open space areas and dramatic vistas. Torrey Pines also has a number of road segments that have scenic qualities worthy of formal recognition and protection. This Plan contains numerous recommendations, policies and implementing actions focusing on the preservation of these visual resources including:*

- 1. Significant scenic resource areas including San Dieguito River Regional Park, Crest Canyon, Torrey Pines State Reserve Extension, Los Peñasquitos Lagoon, and the Carroll Canyon Creek Corridor have been designated and rezoned to open space.*

- 2. Three road segments possessing dramatic vistas are recommended for a Scenic Route designation including North Torrey Pines Road, Carmel Valley Road, and Sorrento Valley Road.*

*[...]*



- 11. The Plan recommends the preservation of Torrey Pines trees in private as well as public areas, and encourages the planting of Torrey Pines trees in roadways and other landscaped areas. Should Torrey Pines trees require removal, relocation or replacement of the trees shall occur whenever feasible.*
- 12. New residential, commercial, and industrial development shall provide landscape buffers to screen views of the buildings from designated scenic roadways of the surrounding area.*

The subject site is situated to the northwest of the existing line of development in the area and is bordered on the north and west mostly by open space and upland habitat, effectively acting as a physical and visual buffer between sensitive upland and lagoon habitats and industrial development in the area. Additionally, the subject site is elevated above the developed portions of Sorrento Valley to the south and Interstate 5 to the east and, as such, while the proposed structures might be similar in bulk and design as other development in the area, the proposed development will be far more visually obtrusive due to the existing height of the subject site. Due to the existing topography and visual prominence of the subject site, the proposed development would result in impacts to the scenic visual resources of the area that have not been minimized to the degree that they can be found consistent with the provisions in the Torrey Pines Community Plan. There is no information in the City's CDP findings or in the MND to indicate that alternative building designs and configurations were considered that could potentially reduce the visibility of development on the subject site.

**(6). Drainage.**

The City of San Diego's MSCP Subarea Plan lists water drainage as a major issue affecting the Los Peñasquitos Lagoon. The encroachment of development nearby and increase in impervious surfaces has resulted in increased runoff, sedimentation, and pollution in the Los Peñasquitos Lagoon.

The Torrey Pines Community Plan includes the following policies:

***Resource Management and Open Space Element***

***POLICY 12. Maintain regulations that prohibit contaminated runoff from reaching any of the sensitive open space areas designated in this Plan.***

***Carroll Canyon Wetland/Wildlife Corridor***

*This open space corridor runs the length of Sorrento Valley and provides an important linkage between Carroll Canyon and Los Peñasquitos Lagoon. The majority of this corridor is privately owned and consists primarily of wetlands containing riparian vegetation. Some portions of this corridor have been channelized and most of it has experienced urban encroachment. However, this area continues to support riparian habitat and provides a significant linkage for many plant and animal species between two significant open space resource areas.*

- 1. All new development proposed adjacent to this open space corridor shall incorporate the urban design guidelines located within the Industrial Element as appropriate.*

*2. New development proposed adjacent to this open space corridor shall not contribute to increased sediment loading of the wetland, disturbance of its habitat values, or otherwise impair the functional capacity of the wetland.*

*3. New development proposed adjacent to and impacting this open space corridor shall enhance and improve the habitat value of this system.*

The project has been proposed and conditioned to incorporate on-site storm water detention measures as well as storm water and runoff management devices that will reduce the amount of runoff and sediment that reaches the lagoon. Although the City has conditioned the project to require storm water management and water pollution prevention measures be incorporated, there is no monitoring condition on the City CDP that will ensure the effectiveness and long term management of the proposed water and drainage systems. Given the topography of the site and its direct proximity to Los Peñasquitos Lagoon and its environmentally sensitive habitats, the City's CDP for the permit has not been adequately conditioned to ensure consistency with the policies of the Torrey Pines Community Plan that seek to prevent further pollution or sedimentation of the Los Peñasquitos Lagoon.

(7) Avian Collisions. There exists the potential for avian collisions along portions of the two buildings that are oriented towards the open space area and Los Peñasquitos Lagoon. The MND for the project addresses the lighting standards mitigation measure provided under the MSCP subarea plan land use adjacency guidelines mitigation heading (i.e. all lights including street lights and pedestrian walkways should be directed away from and fully shielded so as not to illuminate adjacent biological resource areas of concern), however, the project is not conditioned by the City to require the use of non-reflective glass be used on the exterior of the building or the treatment of building windows to prevent indoor light from shining through and causing bird disorientation. These measures should be incorporated into the MND's mitigation measures and carried forward as conditions (including recordation on construction documents) for the Sorrento Pointe project to reduce the potential for avian collisions as a result of the proposed project.

In summary, the City's approval of the proposed development is inconsistent with the policies of the certified LCP relating to protection of sensitive upland biological resources, public views and lagoon habitats in the Torrey Pines community, as well as the policies of the City of San Diego's Biology guidelines, environmentally sensitive land regulations and the MSCP Subarea Plan regarding habitat impacts and mitigation requirements.



## COASTAL HEIGHT LIMIT (PROPOSITION "D")

THIS PROJECT SHALL COMPLY WITH THE COASTAL HEIGHT LIMIT OVERLAY ZONE AS SPECIFIED WITHIN THE SAN DIEGO MUNICIPAL CODE REQUIREMENTS FOR MAXIMUM HEIGHT OF THE STRUCTURE NOT TO EXCEED 30 FEET AS RESTRICTED

BY SDMG, SECTION 132.0505, THE BASE OF MEASUREMENT OF THE HEIGHT SHALL BE IN ACCORDANCE WITH THE SURFACING CODE OF 1960 (SECTION 132.0505-CO) HIGHEST POINT ON ROOF EQUIPMENT PIPE, VENT, ANTENNAE OR OTHER PROJECTIONS SHALL NOT EXCEED 30 FEET ABOVE GRADE.

## EQUIVALENT FACILITATION PLAN

EQUIVALENT FACILITATION FOR SITE ACCESS SHALL BE PROVIDED BY A VAN SHUTTLE SERVICE WHICH SHALL BE AVAILABLE ON ALL NORMAL BUSINESS DAYS AND DURING BUSINESS HOURS. A SITE TELEPHONE SHALL BE PROVIDED AT THE ACCESS POINT WHICH WILL PERMIT A DISABLED PERSON REQUIRING ASSISTANCE TO REQUEST A PICK-UP BY AN ACCESSIBLE VAN. APPROPRIATE INSTRUCTIONS FOR VAN SHUTTLE SERVICE SHALL BE POSTED ON THE SIGNS ADJACENT TO THE SITE TELEPHONE. OPERATION OF THE SHUTTLE SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

## WIRELESS COMMUNICATIONS FACILITIES (WCF) NOTES

1. ALL EXISTING WCF'S ARE TO BE REMOVED AND NO TEMPORARY WCF'S ARE PROPOSED.
2. ALL CABLES, CONDUITS AND OTHER WIRING ASSOCIATED WITH WCF'S WILL BE ROUTED INTERNALLY WITHIN THE BUILDING OR UNDERGROUND.
3. ALL ANTENNAES SHALL BE CONCEALED BEHIND RADIO-FREQUENCY TRANSPARENT MATERIALS PAINTED, TEXTURED AND DESIGNED TO MATCH THE BUILDING. ANTENNAES AND ASSOCIATED EQUIPMENT SHALL NOT EXTEND BEYOND THE SCREEN WALL AND SHALL NOT BE VISIBLE.
4. SEE ROOF PLAN SHEET 7, DETAIL A\*7 AND EXTERIOR ELEVATIONS SHEET 8 FOR ADDITIONAL NOTES AND LOCATIONS.

## ZONE 2 BRUSH MANAGEMENT NOTE - LOCATED ON NORTH SIDE OF BUILDING 1 ONLY

NOTE: THE APPLICANT MAY CHOOSE TO FIRE-RATE THE NORTH-SIDE OF BUILDING ONE IN LIEU OF OBTAINING AN ENCROACHMENT PERMIT FROM CALTRANS FOR THE FULL BRUSH MANAGEMENT DEFENSIBLE SPACE OR THAT ALTERNATIVE PROTECTIVE MEASURES WOULD BE IMPLEMENTED AS SET FORTH IN A FIRE FUEL LOAD MODEL APPROVED BY THE FIRE CHIEF. THESE INTERCHANGEABLE OPTIONS ARE FURTHER DESCRIBED AS FOLLOWS:

1. PROVIDING FOR THE FULL DEFENSIBLE SPACE.
2. INCORPORATING FIRE-RESISTIVE CONSTRUCTION (1 HR. W/ 45-MIN. PROTECTED OPENINGS).
- 2A) FUSIBLE-LINK SHUTTERS.
- 2B) FIRE-RATED WINDOWS/DOORS WITH SELF-CLOSING MECHANISM FOR OPERABLE COMPONENTS.
3. IMPLEMENTING MEASURES BASED UPON A FIRE FUEL LOAD MODEL REPORT PREPARED BY A CERTIFIED FIRE BEHAVIOR ANALYST AND DEEMED ACCEPTABLE TO THE FIRE CHIEF.

## FIRE NOTES:

1. ALL BUILDINGS SHALL HAVE AN APPROVED FIRE SPRINKLER SYSTEM.
2. TURF BLOCK TO MEET FIRE DEPARTMENT POLICY A-96-9.
3. BRIDGE LOAD SHALL MEET FIRE DEPARTMENT REQUIREMENTS OF 35,000 POUNDS WHEEL LOAD.
4. ALL ON-SITE FIRE ACCESS ROADWAYS SHALL HAVE A 12% SLOPE OR LESS, CONCRETE PAVING GREATER THAN 1200.
5. FIRE ACCESS ROADWAY SIGNS AND CURB STRIPING-LETTERING SHALL BE IN ACCORDANCE WITH "BFLS" POLICY A-96-1.
6. THERE WILL BE BUILDING ADDRESS NUMBERS VISIBLE FROM THE STREET AND ROAD FRONTING PROPERTY (UFC 901.4.4)
7. POST INDICATOR VALVES, FIRE DEPARTMENT CONNECTIONS, AND ALARM BELL WILL BE LOCATED ON THE ACCESS SIDE OF STRUCTURE.

## LEGEND

PROPERTY BOUNDARY	---
LOT LINE	---
LIMITS OF GRADING	---
LIMITS OF WORK	---
OPEN SPACE/COVENANT OF EASEMENT	---
EXISTING EASEMENT	---
WETLANDS BUFFER	---
SETBACK LINE	---
MHPA BOUNDARY	---
LIMITS OF BRUSH MANAGEMENT PER LANDSCAPE PLANS	---
HABITAT RESTORATION AREA PER HABITAT RESTORATION PLAN PREPARED BY RECON ENVIRONMENTAL, DATED 03/09/2011	---
JURISDICTIONAL WATERS MITIGATION AREA PER HABITAT RESTORATION PLAN PREPARED BY RECON ENVIRONMENTAL, DATED 03/09/2011	---
EXISTING CONTOUR ELEV.	---
PROPOSED CONTOUR ELEV.	---
EXISTING SEWER	---
EXISTING WATER	---
EXISTING STORM DRAIN	---
EXIST. OVERHEAD ELECTRICAL	---
EXIST. FIBER OPTIC TELEPHONE CONDUIT	---
EXIST. POWER POLE	---
PROPOSED SLOPE (2%) UNLESS NOTED OTHERWISE	---
RETAINING WALL	---
CURB	---
CURB & GUTTER	---
LINED DITCH	---
SWALE	---

## LEGEND

FIRE LANE	---
ACCESSIBLE PATH OF TRAVEL, 5% MAX. LONGITUDINAL SLOPE, 2% MAX. CROSS-SLOPE	---
NON-ACCESSIBLE PATH OF TRAVEL	---
ACCESSIBLE PARKING SPACES W/ ACCESS AISLE, SIGN AND PAVEMENT SYMBOL	---
INTERNATIONAL SYMBOL OF ACCESSIBILITY	---
NORTH ARROW	---
STANDARD PARKING SPACE NUMBER	---
HANDICAPPED PARKING STALL	---
CARPOOL SPACES	---
LANDSCAPED AREA	---
DETAIL DESIGNATION SHEET NUMBER	---

## BUILDING CONSTRUCTION TYPE ANALYSIS

OCCUPANCIES/CONSTRUCTION TYPE: OFFICE (B) - TYPE II-A-F-S, SUBTERRANEAN GARAGE - TYPE IIA - FS

	OFFICE (B)	SUBTERRANEAN GARAGE BASEMENT
BASE AREA	37,500 SF	39,000 SF
YARD INCREASE	37,500 SF	39,000 SF
FIRE SPRINKLER INCREASE (200%)	112,500 SF	117,000 SF
ALLOWABLE AREA	187,500 SF	195,000 SF
PROPOSED	92,338 SF	60,379 SF
ALLOWABLE HEIGHT	65 FEET	65 FEET
ALLOWABLE STORIES	5	5

## PARKING SUMMARY

	STANDARD SPACES 8'X18'	CARPOOL SPACES 8'X18'	ADA SPACES 9'X18' 5' AISLE	ADA SPACES 9'X18' 8' AISLE	TOTAL	BIKE SPACES 2'X6'	BIKE LOCKERS 3'2"X6"X5'-5" D 4" X 2'-2"	MOTORCYCLE SPACES 3'X8'	LOADING ZONE 12'X35' LONG X 14' WIDE, C/L.R.
SURFACE PARKING	110	28	3	1	142	0	0	0	1
SUBTERRANEAN PARKING	159	0	3	1	163	3	4	6	0
TOTAL	269	28	6	2	305	3	4	6	1

TABLE 142-05F CHAPT 14 SD MUNICIPAL CODE.

- (1) 0.1 LOADING SPACES PER 10,000 GSF X 92,338 GSF = 32,338 (TABLE 142-05F)  
(2) 0.3 CARPOOL SPACES PER 1,000 GSF X 92,338 GSF = 27,777 (SECTION 142.053)  
(3) 0.02 MOTORCYCLES X 305 MINIMUM REQUIRED PARKING SPACES = 6 SPACES  
(4) 0.03 BIKE \* 0.03BIKE LOCKERS PER 1,000 GSF X 92,338 GSF = 6 (3 BIKE \* 3 BIKE LOCKERS)  
\* SEE SUBTERRANEAN GARAGE - SHEET 3

ACCESSIBLE SPACES SHALL BE 9'X18' WITH 5' ACCESS AISLE (8' FOR VANS) AND SHALL HAVE 8'-2" MIN. CLEAR HEADROOM & 2% MAX. SLOPE IN ANY DIRECTION.

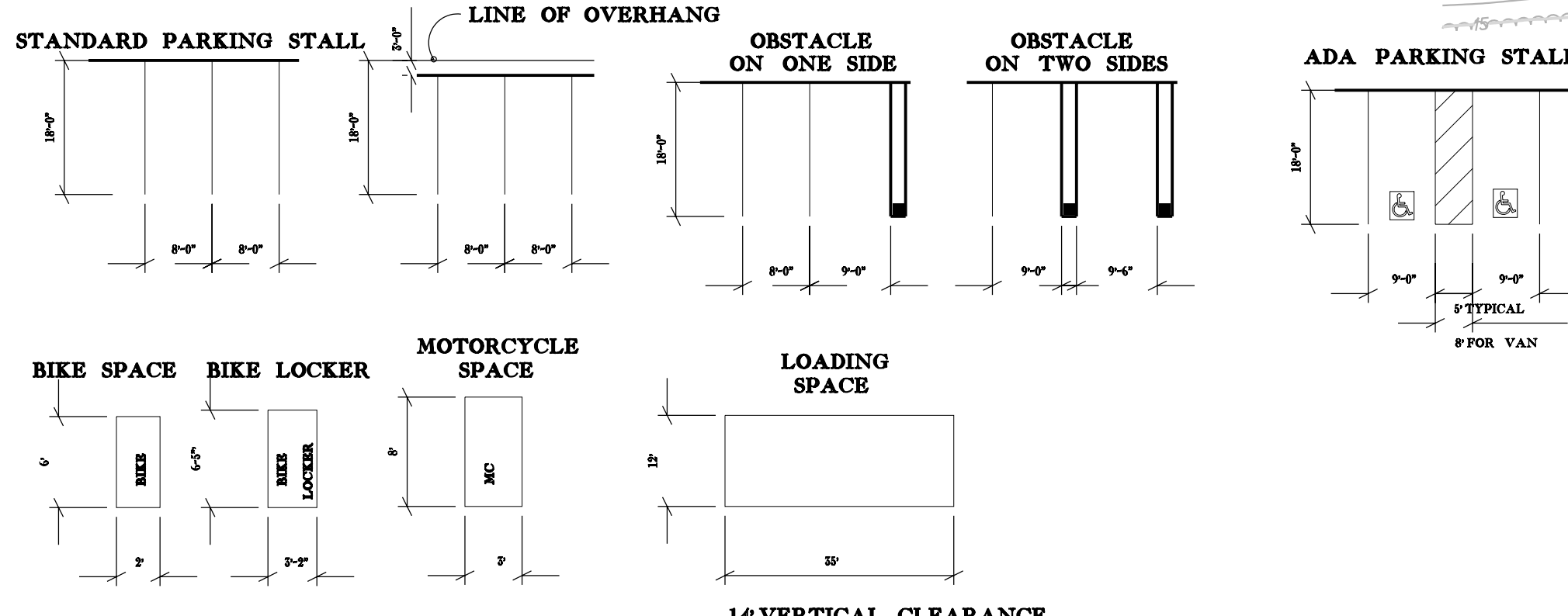
## NOTES:

1. ALL SIGNAGE FOR THIS PROJECT SHALL BE A "DEFERRERED SUBMITTAL" IN CONFORMANCE TO CITY OF SAN DIEGO MUNICIPAL CODE SECTION 101.100 "CITY-WIDE SIGN REGULATIONS."
2. ALL BUILDINGS WILL BE FIRE SPRINKLERED.
3. GRASSCOTTE TO MEET FIRE DEPARTMENT POLICY A-96-3.
4. CONCRETE WILL BE PROVIDED FOR THAT PORTION OF THE ACCESS DRIVE WHICH IS AT 12" OR GREATER GRADE.
5. THERE ARE NO EXISTING FIRE HYDRANTS WITHIN 600 FEET OF THE PROJECT.
6. IN LIEU OF WHEELSTOPS, CURBS AT ALL PARKING SPACES ARE LOCATED TO ALLOW A 2'-0" OVERHANG AT THE HEAD OF EACH SPACE.
7. TRASH AND RECYCLING BINS ARE PROVIDED IN THE SUBTERRANEAN GARAGE OF SEE SUBTERRANEAN GARAGE FLOOR PLANS SHEET 3.
8. THERE ARE NO PROPOSED OR EXISTING BUS+TRANSIT STATIONS WITHIN THE AREA OF THIS PLAN. A BUS+TRANSIT STATION IS PROPOSED AT THE CORNER OF SORRENTO VALLEY ROAD AND CARMEL MOUNTAIN ROAD.
9. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH CITY ORDINANCE 0-1706A, ADOPTED APRIL 18, 1988, REGARDING EROSION CONTROL MEASURES FOR NORTH CITY AREAS DRAINING INTO LOS PENASQUITOS OR SAN DIEGO LAAGON.
10. THE APPLICANT IS RESPONSIBLE FOR THE HALF-WIDTH OF IMPROVEMENTS OF SORRENTO VALLEY ROAD ALONG THE PROJECTS FRONTAGE AND THE APPLICANT WILL COORDINATE WITH THE CITY CAPITAL IMPROVEMENTS SECTION FOR PENDING PROGRAM IMPROVEMENTS, IF ANY, TO SORRENTO VALLEY ROAD.
11. IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO SCHEDULE A PRE-CONSTRUCTION MEETING ON-SITE WITH THE CONTRACTOR AND THE PLANNING AND DEVELOPMENT REVIEW DEPARTMENT TO DISCUSS AND OUTLINE THE IMPLEMENTATION OF THE BRUSH MANAGEMENT PROGRAM.
12. AN ILLUMINATED DIRECTORY, IN ACCORDANCE WITH FHPS POLICY 1-00-6 SHALL BE PROVIDED
13. THESE PLANS SHALL NOT BE CONSIDERED APPROVED FOR THE INSTALLATION OF UNDERGROUND FIRE SERVICE AND/OR PRIVATE FIRE HYDRANTS
14. TEMPORARY STREET SIGNS ARE REQUIRED IN ACCORDANCE WITH UFC 901.4.5
15. PROVIDE FIRE ACCESS ROADWAY SIGNS OR RED CURBS IN ACCORDANCE WITH FHPS POLICY A-00-1
16. OMITTED
17. REFER TO SHEET 19 FOR LIGHTING AND SIGNAGE PLAN
18. BIKE RACKS - SEE SUBTERRANEAN GARAGE PLAN SHEET #3.

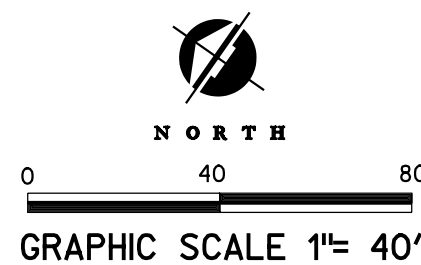
## SITE PLAN

SCALE: 1"=40'

## PARKING STALL DIMENSIONS



## Exhibit #7 A-6-NOC-12-005 Site Plan

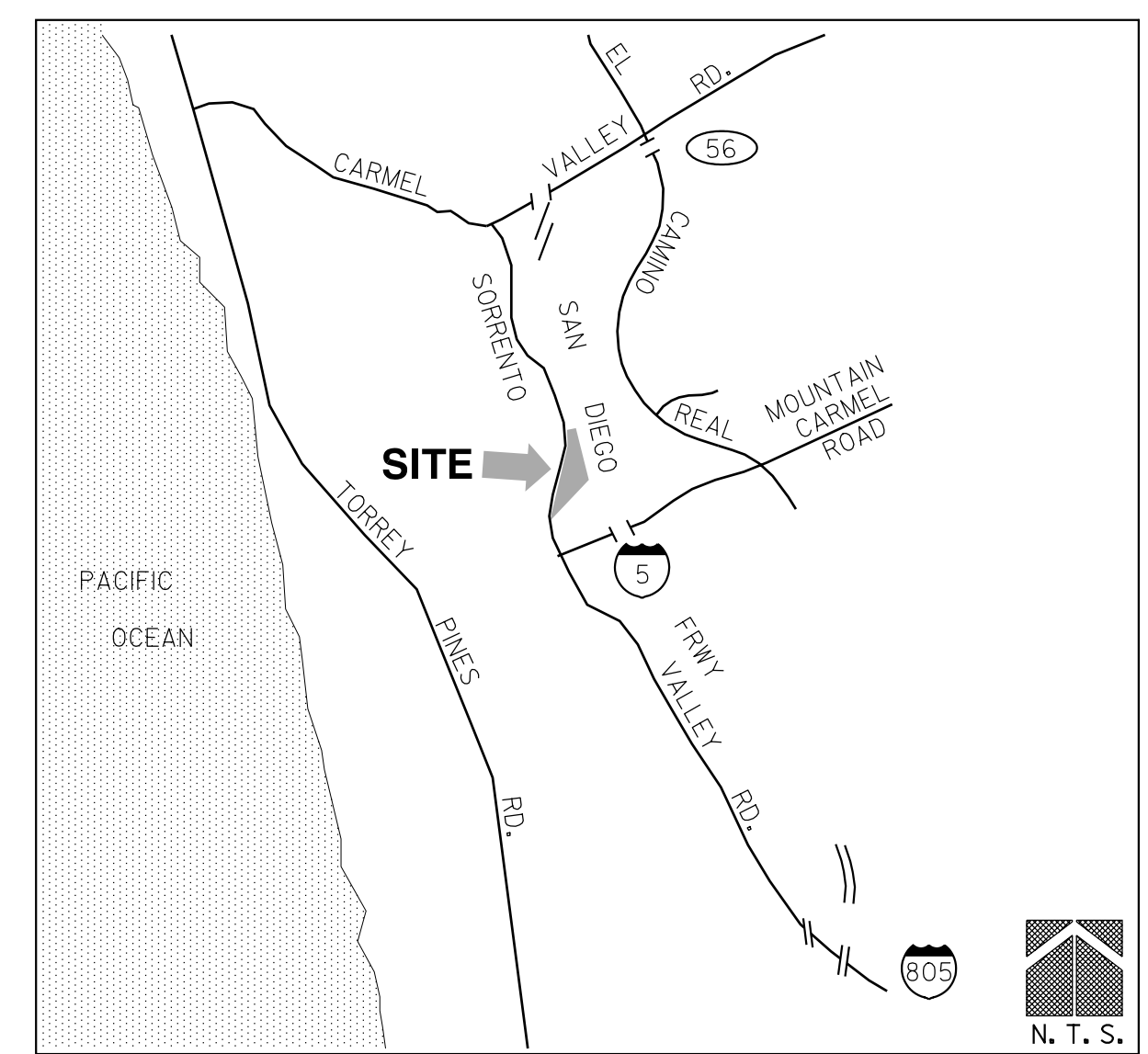


## Development Summary

(Additional Information for the General Project/Phase Application)

1. SUMMARY OF REQUEST	FOR THE CONSTRUCTION OF ONE 3-STORY 58,970 SF BUILDING AND ONE 2-STORY 33,368 SF OFFICE BUILDING WITH SURFACE PARKING AND SUBTERRANEAN PARKING, ON A 14.35 AC. 14.35 ACRE SITE ZONED L-5-1, AR-1-2, AND LOCATED IN THE COASTAL OVERLAY ZONE. COASTAL HEIGHT LIMIT OVERLAY ZONE AND SENSITIVE COASTAL OVERLAY ZONE. WORK SCOPE INCLUDES REMOVAL OF ALL EXISTING WIRELESS COMMUNICATION FACILITIES TO BE PERMANENTLY RELOCATED AND NOT VISIBLE WITHIN THE BUILDING OR UNDERGROUND) AND REMOVAL OF THE EXISTING BILLBOARD TO FOUNDATIONS.
2. STREET ADDRESS	SORRENTO VALLEY APN'S 310-140-14, 310-020-33 & 310-020-34 (Check one) <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W Between INTERSTATE FIVE (I-5) and SORRENTO VALLEY ROAD
3. SITE AREA	Total Site Area (gross): 14.35 ACRES Ac. 625,088 Sq.Ft. Net Site Area: 14.35 ACRES Ac. 625,088 Sq.Ft. Net Site area excludes required streets and public dedications)
4. COVERAGE DATA	Total Building Area (ground floor): 0.80 Ac. 34,720 Sq.Ft. Total Landscape/Open Space Area: 11.61 Ac. 505,891 Sq.Ft. Total Hardscape/Paved Area: 1.84 Ac. 84,517 Sq.Ft. Floor Area Ratio (FAR) 0.148 Gross Floor Area (GFA) 92,338
5. DENSITY (Residential)	Maximum no. dwelling units allowed per zone: N/A Number of existing units to remain on site: N/A Number of proposed dwelling units on site: N/A Total number of units provided on the site: N/A
6. YARD/SETBACK	Street Yard: Required 20' Ft. Proposed 206'-9" min. Ft. Street Side Yard: Required 20' Ft. Proposed N/A Ft. Interior Yard(s): Required 10' Ft. Proposed 310'-9" min. Ft. Rear Yard: Required 15' Ft. Proposed 44'-9" min. Ft.
7. PARKING	Parking Criteria: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other Total number of spaces required by zone: 305 spaces Total number of spaces provided on site: 305 spaces Commercial development: 3.3 spaces per 1,000 Sq.Ft. GFA= 305 spaces

## VICINITY MAP



## Prepared By:

Name: Risk Engineering Company

Address: 5620 Friars Road

San Diego, CA 92118

Phone #: 619-291-0787

Fax #: 619-291-4165

## Project Address:

12025 SORRENTO VALLEY ROAD

SAN DIEGO, CA. 92037

## Legal Description:

PARCEL 2 OF PARCEL MAP NO. 18158 FILED IN THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 4, 1998, AND PORTIONS OF LOT 7 IN SECTION 25, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN; LOT 4 IN SECTION 30, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN; AND PUEBLO LOT 1362 OF THE PUEBLO LANDS OF SAN DIEGO.

## Assessor's Parcel Numbers:

310-140-14, 310-020-33, 310-020-34

## Project Name:

SORRENTO POINTE

## Sheet Title:

## SHEET 2 SITE PLAN PTS #144031

## Revision 14:

Revision 13:

Revision 12:

Revision 11:

Revision 10:

Revision 9:

Revision 8:

Revision 7:

Revision 6:

Revision 5:

Revision 4:

Revision 3:

Revision 2:

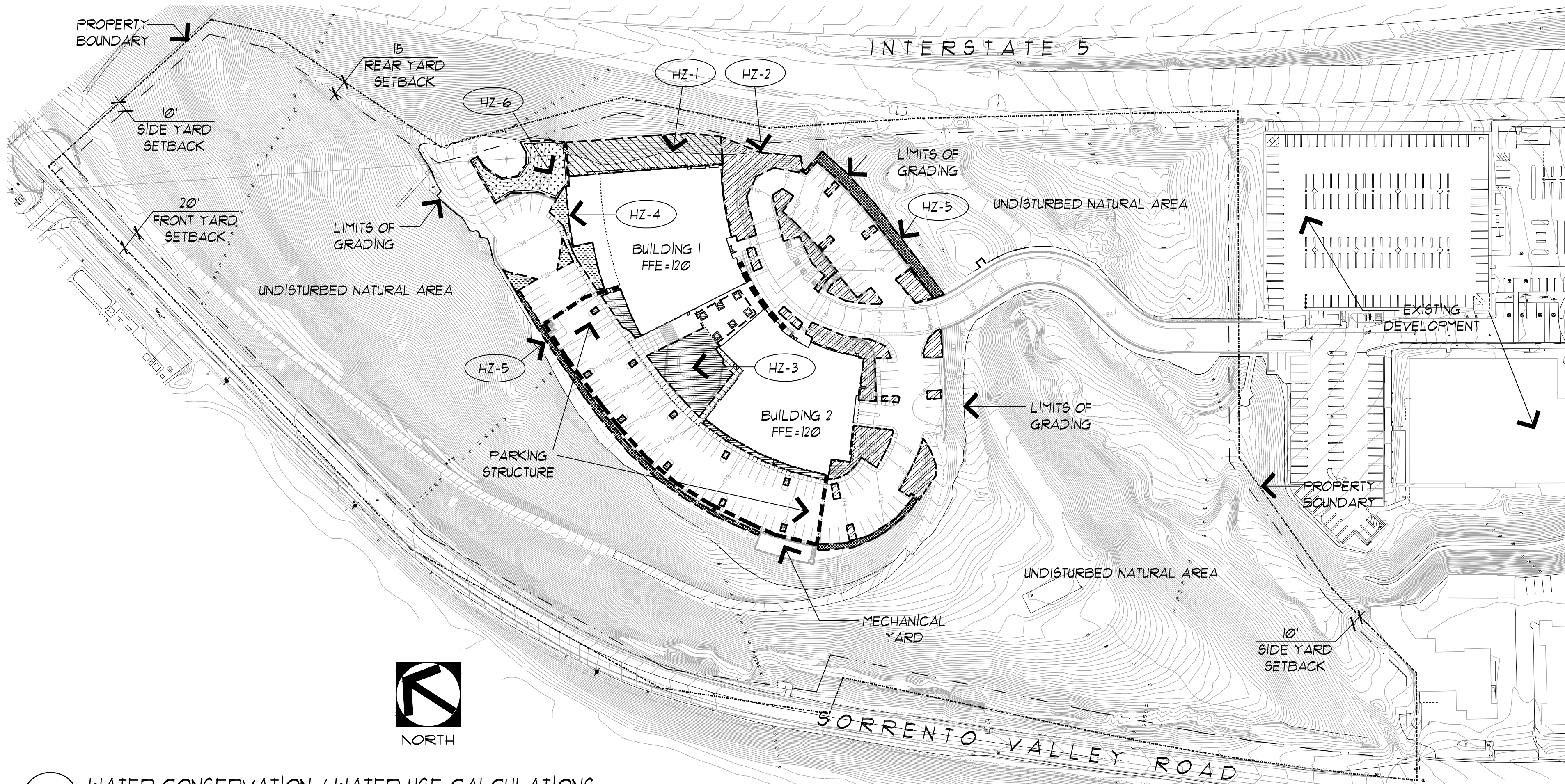
Revision 1:

Original Date:

Sheet 2 of 20

DEP#:





## A WATER CONSERVATION / WATER USE CALCULATIONS

PLAN / SCALE: 1" = 80'

### BRUSH MANAGEMENT NOTE SITE SPECIFIC CRITERIA

THE PROPOSED BRUSH MANAGEMENT PLAN UTILIZES AN INCREASED ZONE 1 DEPTH IN CONJUNCTION WITH THE REDUCTION/ELIMINATION OF BRUSH MANAGEMENT ZONE 2 EXERCISING THE PROVISIONS SET FORTH UNDER 142.041(1) WHICH ALLOWS FOR A DECREASE IN ZONE TWO OF 1-1/2 FEET FOR EVERY 1 FOOT INCREASE IN ZONE ONE.

BRUSH MANAGEMENT ADJACENT THE SOUTH AND WEST SIDE OF THE BUILDINGS ONE AND TWO SHALL INCLUDE A 19' ZONE ONE AND NO ZONE 2.

BRUSH MANAGEMENT ADJACENT THE NORTH AND EAST SIDE OF THE BUILDINGS ONE SHALL INCLUDE A COMBINATION OF ZONE ONE AND ZONE TWO. ZONE ONE SHALL RANGE FROM A STANDARD 35' TO 50' WITH CORRESPONDING ZONE TWO RANGING FROM 65' TO 42'. ALL PORTIONS OF ZONE TWO EXTENDING INTO THE CALTRANS RIGHT-OF-WAY SHALL REQUIRE AN ENCROACHMENT PERMIT ISSUED BY CALTRANS ENCROACHMENT PERMITS BRANCH. CONTACT (619) 688-6158.

TO FURTHER COMPLY WITH THE INTENT OF THE LANDSCAPE REGULATIONS (142.0406(C)(2)), AND TO PROVIDE PLANTER SPACE FOR A SCREENING BUFFER OF EVERGREEN SHRUBS BETWEEN THE PROPOSED PARKING LOT AND THE ADJACENT OPEN SPACE/NATURALIZED AREAS AND PUBLIC VIEW, THE PROPOSED BRUSH MANAGEMENT ZONE ONE WILL EXTEND FOUR FEET BEYOND THE BACK OF CURB AT THE WESTERN PERIMETER OF THE PROPOSED DEVELOPMENT. IN ORDER TO ELIMINATE THE POSSIBILITY OF IRRIGATION OVERSPRAY INTO THE ADJACENT OPEN SPACE/NATURALIZED AREAS, THESE SHRUBS WILL BE IRRIGATED WITH DRIP IRRIGATION AND/OR BUBBLER SYSTEMS.

THERE ARE AREAS ADJACENT TO THE PERIMETER OF THE PROPOSED DEVELOPMENT, BEYOND THE LIMIT OF THE BRUSH MANAGEMENT ZONES, THAT WILL BE AFFECTED BY GRADING OPERATIONS. ALL OF THESE AREAS THAT WILL DISTURBED OR CURRENTLY EXIST IN A NON-NATIVE GRASSLAND CONDITION WILL BE REHABILITATED/ENHANCED WITH A WEED ABATEMENT PROGRAM AND RECEIVE HYDROSEED COMPOSED OF THE NATIVE SPECIES CONTAINED WITHIN THE "SOUTHERN MARITIME CHAPARRAL" PLANT COMMUNITY. SEE THE LANDSCAPE CONCEPT PLAN AND THE BIOLOGY REPORT FOR ADDITIONAL INFORMATION.

### BRUSH MANAGEMENT ZONE DEPTHS

NOTE: PROPERTY IS LOCATED WEST OF I-805 AND EL CAMINO REAL.

ZONE ONE	MODIFIED: DEPTH VARIES PER SITE CONDITIONS: WEST AND SOUTH SIDES OF BUILDINGS 1 AND 2 _____ 79' ADJACENT TO OPEN SPACE NORTH AND EAST SIDE OF BUILDING 1 _____ 35' to 50' ADJACENT TO CALTRANS R.O.W. (1-5' NATIVE PLANTINGS)
ZONE TWO	MODIFIED: DEPTH VARIES PER SITE CONDITIONS: WEST AND SOUTH SIDES OF BUILDINGS 1 AND 2 _____ NONE REQ'D ADJACENT TO OPEN SPACE NORTH AND EAST SIDE OF BUILDING 1 _____ 42' to 65' ADJACENT TO CALTRANS R.O.W. (1-5' NATIVE PLANTINGS)

### BRUSH MANAGEMENT ZONE ONE REQUIREMENTS

- THE REQUIRED ZONE ONE WIDTH SHALL BE PROVIDED BETWEEN NATIVE OR NATURALIZED VEGETATION AND ANY STRUCTURE AND SHALL BE MEASURED FROM THE EXTERIOR OF THE STRUCTURE TO THE VEGETATION.
- ZONE ONE SHALL CONTAIN NO HABITABLE STRUCTURES, STRUCTURES THAT ARE DIRECTLY ATTACHED TO HABITABLE STRUCTURES, OR OTHER COMBUSTIBLE CONSTRUCTION THAT PROVIDES A MEANS FOR TRANSMITTING FIRE TO THE HABITABLE STRUCTURES, STRUCTURES SUCH AS FENCES, WALLS, PALAPAS, PLAY STRUCTURES, AND NONHABITABLE GATEBOGS THAT ARE LOCATED WITHIN BRUSH MANAGEMENT ZONE ONE SHALL BE OF NONCOMBUSTIBLE CONSTRUCTION.
- PLANTS WITHIN ZONE ONE SHALL BE PRIMARILY LOW-GROWING AND LESS THAN 4 FEET IN HEIGHT WITH THE EXCEPTION OF TREES. PLANTS SHALL BE LOW-FUEL AND FIRE-RESISTIVE.
- TREES WITHIN ZONE ONE SHALL BE LOCATED AWAY FROM STRUCTURES TO A MINIMUM DISTANCE OF 10 FEET AS MEASURED FROM THE STRUCTURES TO THE DRIP LINE OF THE TREE AT MATURITY IN ACCORDANCE WITH THE LANDSCAPE STANDARDS OF THE LAND DEVELOPMENT MANUAL.
- PERMANENT IRRIGATION IS REQUIRED FOR ALL PLANTING AREAS WITHIN ZONE ONE EXCEPT AS FOLLOWS:
  - WHEN PLANTING AREAS CONTAIN ONLY SPECIES THAT DO NOT GROW TALLER THAN 24 INCHES IN HEIGHT, OR
  - WHEN PLANTING AREAS CONTAIN ONLY NATIVE OR NATURALIZED SPECIES THAT ARE NOT SUMMER-DORMANT AND HAVE A MAXIMUM HEIGHT AT PLANT MATURITY OF LESS THAN 24 INCHES.
- ZONE ONE IRRIGATION OVERSPRAY AND RUNOFF SHALL NOT BE ALLOWED INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION.
- ZONE ONE SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, CONTROLLING WEEDS, AND MAINTAINING IRRIGATION SYSTEMS.

## B BRUSH MANAGEMENT PROGRAM

### BRUSH MANAGEMENT ZONE TWO REQUIREMENTS

- THE REQUIRED ZONE TWO WIDTH SHALL BE PROVIDED BETWEEN ZONE ONE AND THE UNDISTURBED, NATIVE OR NATURALIZED VEGETATION AND SHALL BE MEASURED FROM THE EDGE OF ZONE ONE THAT IS FARTHEST FROM THE HABITABLE STRUCTURE, TO THE EDGE OF UNDISTURBED VEGETATION.
- NO STRUCTURES SHALL BE CONSTRUCTED IN ZONE TWO.
- WITHIN ZONE TWO, 50 PERCENT OF THE PLANTS OVER 24 INCHES IN HEIGHT SHALL BE CUT AND CLEARED TO A HEIGHT OF 6 INCHES.
- WITHIN ZONE TWO, ALL PLANTS REMAINING AFTER 50 PERCENT ARE REDUCED IN HEIGHT, SHALL BE PRUNED TO REDUCE FUEL LOADING IN ACCORDANCE WITH THE LANDSCAPE STANDARDS IN THE LAND DEVELOPMENT MANUAL. NON-NATIVE PLANTS SHALL BE PRUNED BEFORE NATIVE PLANTS ARE PRUNED.
- THE FOLLOWING STANDARDS SHALL BE USED WHERE ZONE TWO IS IN AN AREA PREVIOUSLY GRADED AS PART OF LEGAL DEVELOPMENT ACTIVITY AND IS PROPOSED TO BE PLANTED WITH NEW PLANT MATERIAL INSTEAD OF CLEARING EXISTING NATIVE OR NATURALIZED VEGETATION:
  - ALL NEW PLANT MATERIAL FOR ZONE TWO SHALL BE NATIVE, LOW-FUEL, AND FIRE-RESISTIVE. NO NON-NATIVE PLANT MATERIAL MAY BE PLANTED IN ZONE TWO EITHER INSIDE THE MHFA OR IN THE COASTAL OVERLAY ZONE, ADJACENT TO AREAS CONTAINING SENSITIVE BIOLOGICAL RESOURCES.
  - NEW PLANTS SHALL BE LOW-GROWING WITH A MAXIMUM HEIGHT AT MATURITY OF 24 INCHES. SINGLE SPECIMENS OF FIRE RESISTIVE NATIVE TREES AND TREE FORM SHRUBS MAY EXCEED THIS LIMITATION IF THEY ARE LOCATED TO REDUCE THE CHANCE OF TRANSMITTING FIRE FROM NATIVE OR NATURALIZED VEGETATION TO HABITABLE STRUCTURES AND IF THE VERTICAL DISTANCE BETWEEN THE LOWEST BRANCHES OF THE TREES AND THE TOP OF ADJACENT PLANTS ARE THREE TIMES THE HEIGHT OF THE ADJACENT PLANTS TO REDUCE THE SPREAD OF FIRE THROUGH LADDER FUELING.
  - ALL NEW ZONE TWO PLANTINGS SHALL BE IRRIGATED TEMPORARILY UNTIL ESTABLISHED TO THE SATISFACTION OF THE CITY MANAGER. ONLY LOW-FLOW, LOW-GALLONAGE SPRAY HEADS MAY BE USED IN ZONE TWO. OVERSPRAY AND RUNOFF FROM THE IRRIGATION SHALL NOT DRIFT OR FLOW INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION. TEMPORARY IRRIGATION SYSTEMS SHALL BE REMOVED UPON APPROVED ESTABLISHMENT OF THE PLANTINGS. PERMANENT IRRIGATION IS NOT ALLOWED IN ZONE TWO.
  - WHERE ZONE TWO IS BEING REVEGETATED AS A REQUIREMENT OF SECTION 142.041(A), REVEGETATION SHALL COMPLY WITH THE SPACING STANDARDS OF THE LAND DEVELOPMENT MANUAL. FIFTY PERCENT OF THE PLANTING AREA SHALL BE PLANTED WITH MATERIAL THAT DOES NOT GROW TALLER THAN 24 INCHES. THE REMAINING PLANTING AREA MAY BE PLANTED WITH TALLER MATERIAL, BUT THIS MATERIAL SHALL BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS FOR EXISTING PLANT MATERIAL IN ZONE TWO.
- ZONE TWO SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, REMOVING INVASIVE SPECIES, AND CONTROLLING WEEDS.
- EXCEPT AS PROVIDED IN SECTION 142.041(1), WHERE THE REQUIRED ZONE ONE WIDTH SHOWN IN TABLE 142.041A CANNOT BE PROVIDED ON PREMISES WITH EXISTING STRUCTURES, THE REQUIRED ZONE TWO WIDTH SHALL BE INCREASED BY ONE FOOT FOR EACH FOOT OF REQUIRED ZONE ONE WIDTH THAT CANNOT BE PROVIDED.

### BRUSH MANAGEMENT PROGRAM ADDITIONAL MAINTENANCE NOTES

- GENERAL MAINTENANCE - REGULAR INSPECTIONS AND LANDSCAPE MAINTENANCE ARE NECESSARY TO MINIMIZE THE POTENTIAL DAMAGE OR LOSS OF PROPERTY FROM BRUSH FIRES AND OTHER NATURAL HAZARDS. SUCH AS EROSION AND SLOPE FAILURES. BECAUSE EACH PROPERTY IS UNIQUE ESTABLISHING A PRECISE MAINTENANCE SCHEDULE IS NOT FEASIBLE. FOR EFFECTIVE FIRE AND WATERSHED MANAGEMENT, HOWEVER, PROPERTY OWNERS SHOULD EXPECT TO PROVIDE MAINTENANCE ACCORDING TO EACH BRUSH MANAGEMENT ZONE:
  - YEAR-ROUND MAINTENANCE
  - SEASONAL MAINTENANCE
- BRUSH MANAGEMENT ZONE 1 - THIS IS THE MOST CRITICAL AREA FOR FIRE AND WATERSHED SAFETY. ALL ORNAMENTAL PLANTINGS SHOULD BE KEPT WELL WATERED AND ANY IRRIGATION RUN-OFF SHOULD DRAIN TOWARD THE STREET. RAIN GUTTERS AND DRAINAGE PIPES SHOULD BE CLEANED REGULARLY AND ALL LEAVES REMOVED FROM THE ROOF BEFORE THE FIRE SEASON BEGINS. ALL PLANTING, PARTICULARLY NON-IRRIGATED NATIVES AND LARGE TREES SHOULD BE REGULARLY PRUNED TO ELIMINATE DEAD FUEL, TO REDUCE EXCESSIVE FUEL AND TO PROVIDE ADEQUATE SPACE BETWEEN PLANTS AND STRUCTURES.
- BRUSH MANAGEMENT ZONE 2 - SEASONAL MAINTENANCE IN THIS ZONE SHOULD INCLUDE REMOVAL OF DEAD WOODY PLANTS. ERADICATION OF WEEDY SPECIES AND PERIODIC PRUNING AND THINNING OF TREES AND SHRUBS. REMOVAL OF WEEDS SHOULD NOT BE DONE WITH HAND TOOLS SUCH AS HOES, AS THIS DISTURBS VALUABLE SOIL. THE USE OF WEED TRIMMERS OR OTHER TOOLS WHICH RETAIN SHORT STUBBLE THAT PROTECTS THE SOIL IS RECOMMENDED. NATIVE SHRUBS SHOULD BE PRUNED IN THE SUMMER AFTER THE MAJOR PLANT GROWTH OCCURS. WELL PRUNED HEALTHY SHRUBS SHOULD TYPICALLY REQUIRE SEVERAL YEARS TO BUILD UP EXCESSIVE LIVE AND DEAD FUEL. ON SLOPES ALL DRAINAGE DEVICES MUST BE KEPT CLEAR. RE-INSPECT AFTER EACH MAJOR STORM SINCE MINOR SOIL SLIPS CAN BLOCK DRAINS. VARIOUS GROUNDCOVERS SHOULD BE PERIODICALLY SHEARED AND THATCH REMOVED. DISEASED AND DEAD WOOD SHOULD BE PRUNED FROM TREES. FERTILIZING TREES AND SHRUBS IS NOT TYPICALLY RECOMMENDED AS THIS MAY STIMULATE EXCESSIVE GROWTH.
- LONG-TERM MAINTENANCE RESPONSIBILITY - ALL LANDSCAPING / BRUSH MANAGEMENT WITHIN THE BRUSH MANAGEMENT ZONE(S) AS SHOWN ON THESE PLANS AND THE MAINTENANCE RESPONSIBILITY OF THE BRUSH MANAGEMENT ZONE(S) SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION.

### ALTERNATIVE TO MEET BRUSH MANAGEMENT ZONE TWO REQUIREMENTS

NOTE: THE APPLICANT MAY CHOOSE TO FIRE-RATE THE NORTH-SIDE OF BUILDING ONE IN LIEU OF OBTAINING AN ENCROACHMENT PERMIT FROM CALTRANS FOR THE FULL BRUSH MANAGEMENT DEFENSIBLE SPACE OR THAT ALTERNATIVE PROTECTIVE MEASURES WOULD BE IMPLEMENTED AS SET FORTH IN A FIRE FUEL LOAD MODEL REPORT APPROVED BY THE FIRE CHIEF. THESE INTERCHANGEABLE OPTIONS ARE FURTHER DESCRIBED AS FOLLOWS:

- PROVIDING FOR THE FULL DEFENSIBLE SPACE
- INCORPORATING FIRE-RESISTIVE CONSTRUCTION (1) HR. W/ 45-MIN. PROTECTED OPENINGS)
  - FUSIBLE-LINK SHUTTERS
  - FIRE-RATED WINDOWS/DOORS WITH SELF-CLOSING MECHANISM FOR OPERABLE COMPONENTS
- IMPLEMENTING MEASURES BASED UPON A FIRE FUEL LOAD MODEL REPORT PREPARED BY A CERTIFIED FIRE BEHAVIOR ANALYST AND DEEMED ACCEPTABLE TO THE FIRE CHIEF

### ESTIMATED TOTAL WATER USE (ETWU)

NOTE: 'PF' = PLANT FACTOR / 'HA' = HYDROZONE AREA / 'IE' = IRRIGATION EFFICIENCY

BASE FORMULA:

$$ETWU = [(ETO) / (0.62)] [(PF \times HA / IE) \times SLA]$$

HYDROZONE NUMBER	DESCRIPTION / LOCATION (IRRIGATION TYPE)	ESTIMATED TOTAL WATER USE (ETWU)	GALLONS/YEAR	PERCENT OF L/S AREA
HZ-1	LOW WATER USE / NORTH SIDE OF BLDG. (MP ROTATORS)	$[(41) / (0.62)] [(7.3) \times 5,250 / (.75) \times 0]$	53,382.0	11.03%
HZ-2	LOW-MODERATE WATER USE / SOUTH WEST SIDE OF BLDG. (SPRAY HEADS)	$[(41) / (0.62)] [(5) \times 11,574 / (.6) \times 0]$	245,175.9	31.68%
HZ-3	LOW-MODERATE WATER USE / WEST SIDE OF BLDG. ON STRUCTURE (DRIP)	$[(41) / (0.62)] [(5) \times 5,357 / (.8) \times 0]$	85,103.3	11.45%
HZ-4	LOW-MODERATE WATER USE / NORTH-WEST SIDE OF BLDG. (DRIP)	$[(41) / (0.62)] [(5) \times 2,073 / (.8) \times 0]$	32,934.1	6.75%
HZ-5	LOW-MODERATE WATER PERIMETER PLANTING STRIP / WALLS (DRIP)	$[(41) / (0.62)] [(5) \times 3,049 / (.8) \times 0]$	48,440.9	9.93%
HZ-6	LOW WATER USE / NORTH-WEST SIDE OF BLDG. (MP ROTATORS)	$[(41) / (0.62)] [(1.4) \times 3,410 / (.75) \times 0]$	46,230.5	11.10%
TOTALS			30,713 SQ. FT. LANDSCAPE AREA 511,213.3 GAL/YR.	100.0%

### LANDSCAPE WATER REQUIREMENTS WORKSHEET

PROJECT NAME: SORRENTO POINTE	PROJECT NO. 144031
PROJECT ADDRESS: 13025 SORRENTO VALLEY DRIVE	
SAN DIEGO, CA	
WORKSHEET COMPLETED BY: MW FELTZ + ASSOC., INC.	
PHONE NUMBER: 858.481.0888	

### WATER BUDGET (WB) CALCULATION

NOTE: 'LA' = LANDSCAPE AREA / 'SLA' = SPECIAL LANDSCAPE AREA  
'ETO' = EVAPOTRANSPIRATION RATE (INCHES/YEAR)

BASE FORMULA:

$$WB = (ETO) / (0.62) [(0.7) / (LA) + (0.3) / (SLA)]$$

SITE SPECIFIC FORMULA:

$$WB = (41) / (0.62) [(0.7) / (30,713) + (0.3) / (0)]$$

$$\text{SITE WATER BUDGET} = 546,501.12 \text{ GAL/YR}$$

\* LANDSCAPE AREA CALCULATION INCLUDES ENTIRE SITE, MINUS BUILDING FOOTPRINTS, NON-IRRIGATED PORTIONS OF PARKING LOTS, DRIVEWAYS, HARDSCAPE AND AREAS DESIGNATED FOR HABITAT PRESERVATION OR BRUSH MANAGEMENT ZONE 2.

### SUMMARY

TOTAL LANDSCAPE AREA = 30,713 SQ. FT.  
SITE WATER BUDGET = 546,501.12 GAL/YR.  
ESTIMATED TOTAL WATER USE = 511,213.3 GAL/YR.  
TOTAL WATER SAVINGS = 352,333.82 GAL/YR.

### EXISTING TREE LEGEND

TREE SYMBOL	BOTANICAL NAME COMMON NAME	CALIPER	HEIGHT	WIDTH	REMAIN/ REMOVE
①	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	28"	40'	25'	REMAIN
②	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	20"	40'	20'	REMAIN
③	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	(MULTI) 18'6"8'	35'	25'	REMAIN
④	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	30"	30'	20'	REMAIN
⑤	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	18"	25'	15'	REMAIN
⑥	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	(MULTI) 18'12"	30'	30'	REMAIN
⑦	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	(MULTI) 36'30'10"	45'	30'	REMAIN
⑧	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	(MULTI) 12'10'8'10"	25'	30'	REMAIN
⑨	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	28"	40'	20'	REMAIN
⑩	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	28"	40'	20'	REMAIN
⑪	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	28"	40'	20'	REMAIN
⑫	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	28"	40'	20'	REMAIN
⑬	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	28"	40'	20'	REMAIN

TREE SYMBOL	BOTANICAL NAME COMMON NAME	CALIPER	HEIGHT	WIDTH	REMAIN/ REMOVE
⑭	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	22"	30'	20'	REMAIN
⑮	FINUS TORREYANA TORREY FINE	5"	12'	6'	REMOVE OR RELOCATE
⑯	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	(MULTI) 6 X 6"E.A.	30'	25'	REMOVE
⑰	FINUS TORREYANA TORREY FINE	32"	45'	35'	REMOVE (SEE NOTES)
⑱	SCHINUS MOLLE CALIFORNIA PEPPER	(MULTI) 6 X 6"E.A.	20'	25'	REMOVE
⑲	SCHINUS MOLLE CALIFORNIA PEPPER	18"	25'	20'	REMOVE
⑳	FINUS TORREYANA TORREY FINE	24"	35'	30'	REMAIN
㉑	FINUS TORREYANA TORREY FINE	36"	45'	35'	REMAIN
㉒	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	26"	25'	20'	REMOVE
㉓	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	18"	35'	20'	REMOVE
㉔	EUCALYPTUS CITRIODORA LEMON-SCENTED GUM	12"	20'	15'	REMOVE
㉕	FINUS ELIDARICA AFGHAN FINE	16"	30'	20'	REMOVE

NOTE: TREE #11 (FINUS TORREYANA) IS IN POOR HEALTH AND FORM. SEE PHOTOS THIS PAGE FOR ADDITION REFERENCE.



(TREE #11)  
EXISTING TORREY PINE TO BE REMOVED



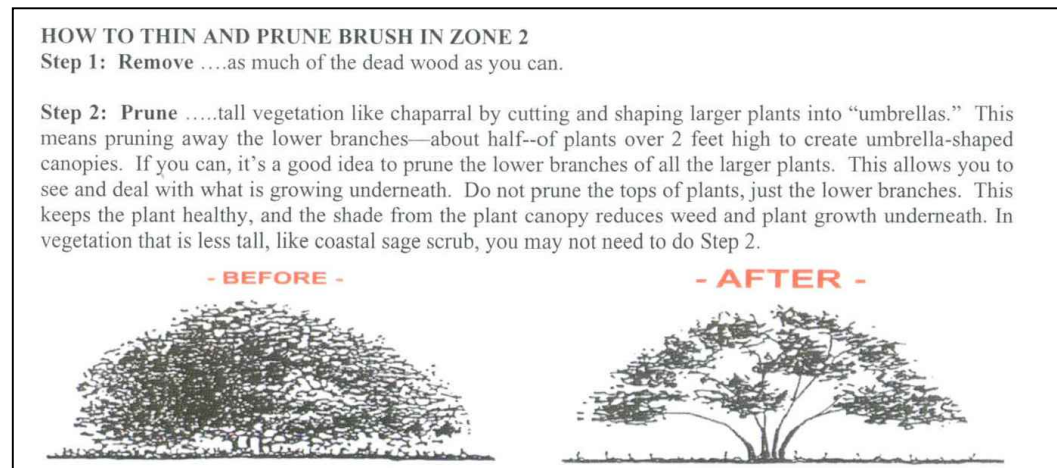
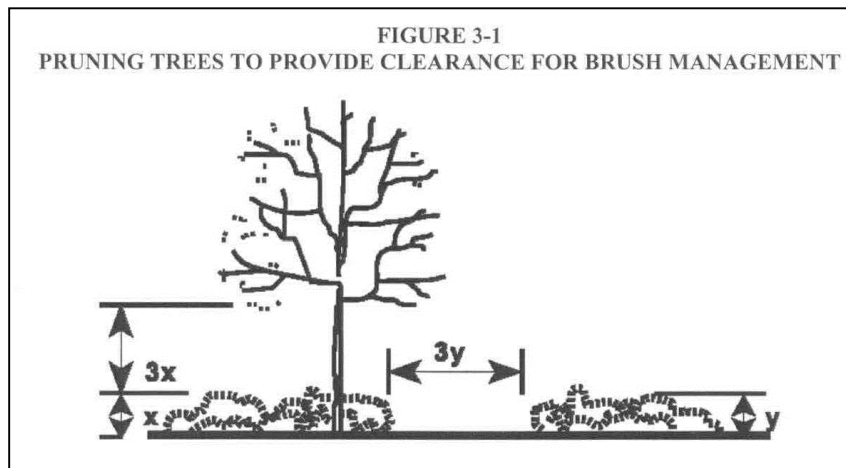
(TREE #17)  
CLOSE-UP OF DECAYING TRUNK



(TREE #17)  
CLOSE-UP OF DECAYING TRUNK  
AND LOSS OF MAJOR LIMB

## C EXISTING TREE LEGEND

### BRUSH MANAGEMENT EXHIBITS



### Exhibit #8

A-6-NOC-12-005

### Brush Management Plan

L-3  
MW  
PA

### Prepared By:

Name: MW FELTZ + ASSOCIATES

Address: 143 S. Cedros Ave., Suite B-104

San Diego, CA 92105

Phone #: 858-481-0888

Fax #: 858-481-0808

### Project Address:

13025 SORRENTO VALLEY ROAD

SAN DIEGO, CA

### Legal Description:

PARCEL 2 OF PARCEL MAP NO. 18158 FILED IN THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 4, 1998, AND PORTIONS OF LOT 7 IN SECTION 25, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, LOT 4 IN SECTION 30, TOWNSHIP 14 SOUTH, RANGE 3, SAN BERNARDINO MERIDIAN, AND PUEBLO LOT 1922 OF THE PUEBLO LANDS OF SAN DIEGO.

### Assessor's Parcel Numbers:

301-140-14, 310-020-33, 310-020-34

### Project Name:

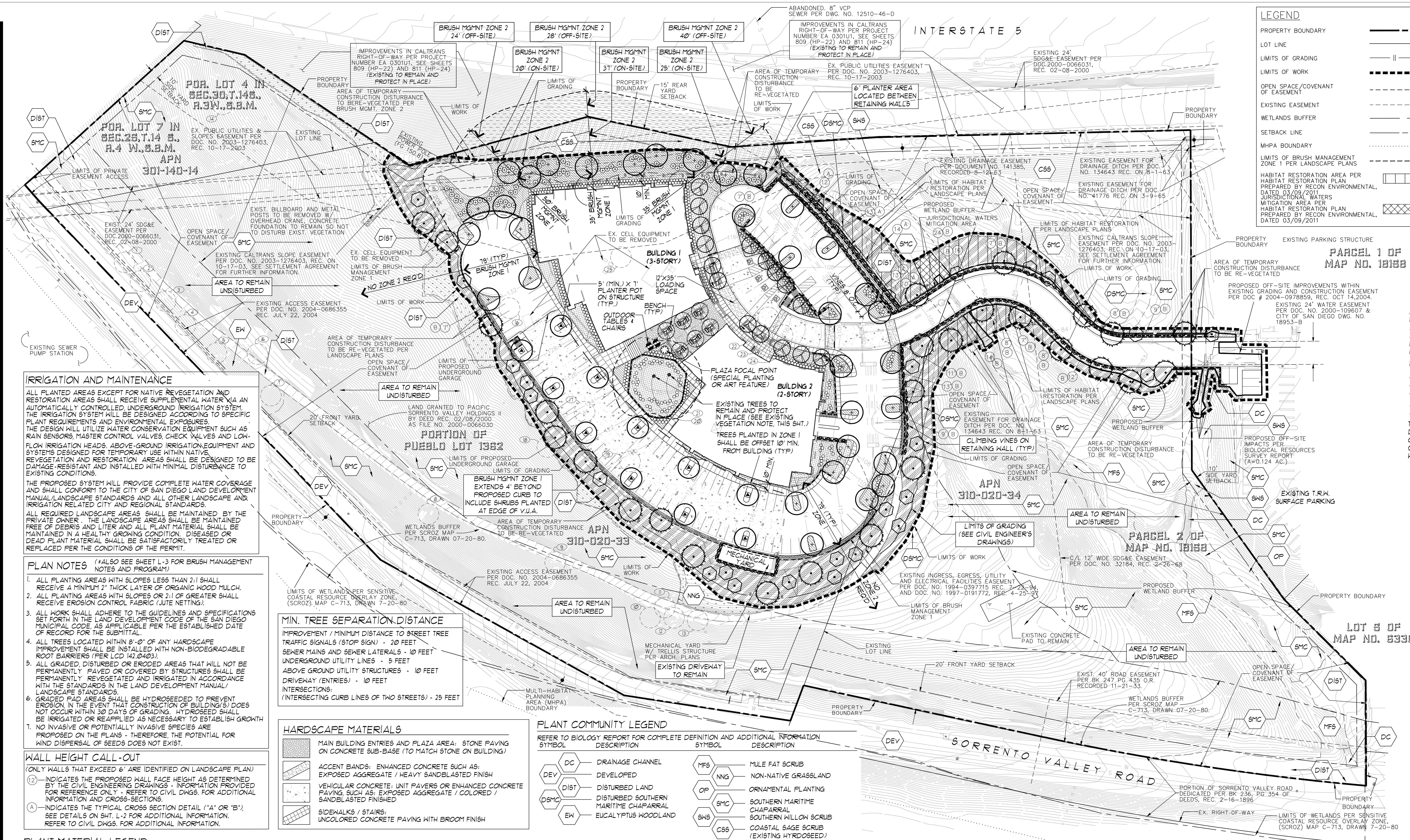
SORRENTO POINTE

### Sheet Title:

SHEET 12  
BRUSH MANAGEMENT + WATER CONSERVATION  
PTS #144031

Revision 14:	
Revision 13:	
Revision 12:	
Revision 11:	
Revision 10:	
Revision 9:	
Revision 8:	
Revision 7:	
Revision 6:	JUNE 29, 2011
Revision 5:	MAY 11, 2011
Revision 4:	MARCH 10, 2011
Revision 3:	SEPTEMBER 10, 2010
Revision 2:	MAY 3, 2010
Revision 1:	NOVEMBER 30, 2009
Original Date:	SEPTEMBER 12, 2008
Sheet	12 of 20
DATE:	





**IRRIGATION AND MAINTENANCE**

ALL PLANTED AREAS EXCEPT FOR NATIVE REVEGETATION AND RESTORATION AREAS SHALL RECEIVE SUPPLEMENTAL WATER VIA AN AUTOMATICALLY CONTROLLED UNDERGROUND IRRIGATION SYSTEM. THE IRRIGATION SYSTEM WILL BE DESIGNED ACCORDING TO SPECIFIC PLANT REQUIREMENTS OF THE PLANT COMMUNITY LEGEND. THE DESIGN WILL UTILIZE WATER CONSERVATION EQUIPMENT SUCH AS RAIN SENSORS, MASTER CONTROL VALVES, CHECK VALVES AND LOW-FLOW IRRIGATION HEADS. ABOVE-GROUND IRRIGATION EQUIPMENT AND SYSTEMS DESIGNED FOR TEMPORARY USE WITHIN NATIVE REVEGETATION AND RESTORATION AREAS SHALL BE DESIGNED TO BE DAMAGE-RESISTANT AND INSTALLED WITH MINIMAL DISTURBANCE TO EXISTING CONDITIONS.

THE PROPOSED SYSTEM WILL PROVIDE COMPLETE WATER COVERAGE AND SHALL CONFORM TO THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL/LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE AND IRRIGATION RELATED CITY AND REGIONAL STANDARDS.

ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY THE PRIVATE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.

- PLAN NOTES** (ALSO SEE SHEET L-3 FOR BRUSH MANAGEMENT NOTES AND PROGRAM)
- ALL PLANTING AREAS WITH SLOPES LESS THAN 2:1 SHALL RECEIVE A MINIMUM 2" THICK LAYER OF ORGANIC WOOD MULCH.
  - ALL PLANTING AREAS WITH SLOPES OR 2:1 OF GREATER SHALL RECEIVE EROSION CONTROL FABRIC (JUTE NETTING).
  - ALL WORK SHALL ADHERE TO THE GUIDELINES AND SPECIFICATIONS SET FORTH IN THE LAND DEVELOPMENT CODE OF THE CITY OF SAN DIEGO MUNICIPAL CODE, AS APPLICABLE PER THE ESTABLISHED DATE OF RECORD FOR THE SUBMITTAL.
  - ALL TREES LOCATED WITHIN 8'-0" OF ANY HARDSCAPE IMPROVEMENT SHALL BE INSTALLED WITH NON-BIODEGRADABLE ROOT BARRIERS (PER LCO 141, 0403).
  - ALL GRADED, DISTURBED OR ERODED AREAS THAT WILL NOT BE PERMANENTLY PAVED OR COVERED BY STRUCTURES SHALL BE PERMANENTLY REVEGETATED AND IRRIGATED IN ACCORDANCE WITH THE STANDARDS IN THE LAND DEVELOPMENT MANUAL/LANDSCAPE STANDARDS.
  - GRADED PAD AREAS SHALL BE HYDROSEED TO PREVENT EROSION. IN THE EVENT THAT CONSTRUCTION OF BUILDING(S) DOES NOT OCCUR WITHIN 30 DAYS OF GRADING, HYDROSEED SHALL BE IRRIGATED OR REAPPLIED AS NECESSARY TO ESTABLISH GROWTH.
  - NO INVASIVE OR POTENTIALLY INVASIVE SPECIES ARE PROPOSED ON THE PLANS. THEREFORE, THE POTENTIAL FOR WIND DISPERSAL OF SEEDS DOES NOT EXIST.

**WALL HEIGHT CALL-OUT**

(ONLY WALLS THAT EXCEED 6' ARE IDENTIFIED ON LANDSCAPE PLAN)

⑫ INDICATES THE PROPOSED WALL FACE HEIGHT AS DETERMINED BY THE CIVIL ENGINEERING DRAWINGS. INFORMATION PROVIDED FOR REFERENCE ONLY. REFER TO CIVIL DWGS. FOR ADDITIONAL INFORMATION AND CROSS-SECTIONS.

① INDICATES THE TYPICAL CROSS SECTION DETAIL ("A" OR "B"). SEE DETAILS ON SHT. L-2 FOR ADDITIONAL INFORMATION. REFER TO CIVIL DWGS. FOR ADDITIONAL INFORMATION.

**PLANT MATERIAL LEGEND** NOTE: ALL PROPOSED PLANT SPECIES PROVIDED IN THE PLANT MATERIAL LEGEND ARE SUBJECT TO USE WITHIN 100 FEET OF THE COVENANT OF EASEMENT AREA

TREE FOR NATIVE AND REVEGETATION AREAS such as: ONCE ESTABLISHED	15% @ 24" BOX SIZE 75% @ 36" BOX SIZE QUANTITY: PER PLAN	QUANTITY: 600 PLANTS (MIN.)
QUERCUS DUNOSA (MATURE HEIGHT 6'-10" X 10'-10" WIDE)	NUTTALL'S SCRUB OAK	
Pinus Torreyana (MATURE HEIGHT 40'-60' X 30'-50' WIDE)	TORREY PINE	
LARGE SHADE TREE such as: (MATURE HEIGHT 40'-60' X 40'-10" WIDE)	75% @ 24" BOX SIZE 25% @ 36" BOX SIZE QUANTITY: PER PLAN	
* INDICATES TREE PLANTED IN 5' (MIN.) X 1' POT ON STRUCTURE		
PODOCARPUS GRACILIOR QUERCUS SPECIES GELERA PARVIFLORA MYRTICA CALIFORNICA UMBRELLARIA CALIFORNICA OLEA EUROPEA	YEW PINE OAK AUSTRALIAN WILLOW PACIFIC MAX MYRTLE CALIFORNIA BAY LAUREL FRUITLESS OLIVE	
SMALL ACCENT TREE such as: (MATURE HEIGHT 20' X 20'-1)	100% @ 48" BOX SIZE QUANTITY: PER PLAN	
ARbutus UNEDO CERCIS OCCIDENTALIS	STRAWBERRY TREE WESTERN REDBUD	
CLIMBING / SCREENING VINE ON WALLS (SPREADING TO 10'-1)	100% @ 1 GALLON SIZE PLANT @ 8" O.C.	
Ficus Religiosa QTY: 30 PLANTS (MIN.) Vitis 'ROGER'S RED' QTY: 100 PLANTS (MIN.)	CREeping Ficus CALIFORNIA WILD GRAPE	

**HARDSCAPE MATERIALS**

MAIN BUILDING ENTRIES AND PLAZA AREA: STONE PAVING ON CONCRETE SUB-BASE (TO MATCH STONE ON BUILDING)

ACCENT BANDS: ENHANCED CONCRETE SUCH AS:  
EXPOSED AGGREGATE / HEAVY SANDBLASTED FINISH

VEHICULAR CONCRETE: UNIT PAVERS OR ENHANCED CONCRETE PAVING, SUCH AS: EXPOSED AGGREGATE / COLORED / SANDBLASTED FINISHED

SIDEWALKS / STAIRS:  
UNCOLORED CONCRETE PAVING WITH BROOM FINISH

**PLANT COMMUNITY LEGEND**

REFER TO BIOLOGY REPORT FOR COMPLETE DEFINITION AND ADDITIONAL INFORMATION

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
DC	DRAINAGE CHANNEL	MFS	MULE FAT SCRUB
DEV	DEVELOPED	NNG	NON-NATIVE GRASSLAND
DIST	DISTURBED LAND	OP	ORNAMENTAL PLANTING
DSMC	DISTURBED SOUTHERN MARITIME CHAPARRAL	SMC	SOUTHERN MARITIME
EW	EUCALYPTUS WOODLAND	SNB	SOUTHERN WILLOW SCRUB
		CSS	COASTAL SAGE SCRUB (EXISTING HYDROSEED)

**FLOWERING SHRUB / GROUND COVER such as:**  
(MATURE HEIGHT 18'-36')

BOUGAINVILLEA SPECIES  
KALANCHOE SPECIES  
ROSEMARINUS OFFICINALIS 'PROSTRATUS'  
SENECIO CINERARIA  
ROSA CALIFORNICA  
MULLENBERGIA RIGENS  
SISYRINCHIUM SPECIES  
ALOE SPECIES  
FESTUCA GLAUCA  
ACHILLEA SPECIES

**PERIMETER SHRUB / GROUND COVER such as:**  
(MATURE HEIGHT 18'-36')

CEANOTHUS SPECIES  
COMPROBOSMA KIRKII  
BACCHARIS FILULARIS  
CISTUS SUNSET  
MYOPORUM PARVIFOLIUM  
ROSA CALIFORNICA  
ROSEMARINUS SPECIES

**NATIVE AND NATURALIZED VEGETATION (NO SYMBOL)**

THE PROJECT SITE SUPPORTS FIVE NATIVE PLANT COMMUNITIES: SOUTHERN MARITIME CHAPARRAL, COASTAL SAGE SCRUB (HYDROSEED AREAS), BACCHARIS SCRUB, MULE FAT SCRUB, AND WILLOW SCRUB. OTHER AREAS ON THE SITE INCLUDE NON-NATIVE GRASSLAND, EUCALYPTUS WOODLAND, AND DISTURBED LAND. THE DISTRIBUTION OF THESE EXISTING PLANT COMMUNITIES AND LAND USES ARE DESCRIBED IN SECTION 4.2 'BIOLOGICAL RESOURCES' AND FIGURE 4 OF THE 'BIOLOGICAL RESOURCE SURVEY' REPORT FOR THE SORRENTO VALLEY PROJECT, SAN DIEGO, CALIFORNIA LDR 93-0611 DATED MARCH 9, 2011

**NATIVE REVEGETATION WITHIN LIMIT OF WORK / GRADED AREAS**  
(INCLUDES BRUSH MANAGEMENT ZONE 2, SDG&E UTILITY EASEMENT, HABITAT RESTORATION AREAS AND TEMPORARY CONSTRUCTION DISTURBANCE AREAS)

100% @ 1 GALLON SIZE PLANT @ 30" O.C. (MAX.)

BOUGAINVILLEA SPECIES  
KALANCHOE SPECIES  
ROSEMARINUS OFFICINALIS  
DUSTY MILLER  
CALIFORNIA WILD ROSE  
DEER GRASS  
BLUE/YELLOW EYED GRASS  
ALOE SPECIES  
BLUE FESCUE  
YARROW

**OVER DISTURBED / GRADED AREAS SHALL CONSIST OF NATIVE, FIRE-RESISTIVE AND LOW-FUEL VEGETATION. ALL NEW PLANTINGS SHALL BE TEMPORARILY IRRIGATED UNTIL ESTABLISHED. PERMANENT IRRIGATION IS NOT PERMITTED. ONLY LOW-FLOW, LOW-GALLONAGE SPRAY HEADS MAY BE USED IN NATIVE REVEGETATION AREAS. OVERSPRAY AND RUNOFF FROM THE IRRIGATION SHALL NOT DRIFT OR FLOW INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION. THE NATIVE REVEGETATION AREAS SHALL BE MAINTAINED ON A REGULAR BASIS AS DICTATED PER THE CONDITIONS OF APPROVAL FOR THE PROJECT.**

**PLANT SPECIES FOR SDG&E UTILITY UNDERGROUNDING LIMIT OF WORK SHALL BE AS RECOMMENDED BY PROJECT BIOLOGIST, AND SHALL PROVIDE COMPLETE COVERAGE OVER ALL DISTURBED AREA. THE PLANTED AREAS SHALL RECEIVE TEMPORARY IRRIGATION AS DIRECTED BY THE CITY OF SAN DIEGO AND/OR THE PROJECT BIOLOGIST.**

**EXISTING NON-NATIVE GRASSLAND (NNG) AND DISTURBED (DIST) AREAS TO RECEIVE 'ENHANCEMENT' THROUGH A NEED ABATEMENT PROGRAM AND SUPPLEMENTAL HYDROSEED TO PROMOTE REVEGETATION AND EROSION CONTROL, AS DIRECTED / REQUIRED BY THE CITY OF SAN DIEGO.**

**SOUTHERN MARITIME CHAPARRAL (MATURE HEIGHT VARIES)**

100% NON-IRRIGATED HYDROSEED MIX

REFER TO SOUTHERN MARITIME CHAPARRAL HYDROSEED MIX, THIS SHEET FOR ADDITIONAL INFORMATION (SEE RIGHT FOR DESCRIPTION). TOTAL LBS./ACRE = 8.0

**JURISDICTIONAL WATERS MITIGATION AREA (MATURE HEIGHT TO 8' TALL)**

100% @ 1 GALLON SIZE PLANT @ 30" O.C. (MAX.)

BACCHARIS SALICIFOLIA  
MULE FAT

**SOUTHERN MARITIME CHAPARRAL CONTAINER STOCK**

NOTE: SEE DETAIL 'B', SHEET L-2 FOR TYPICAL PLANT SPECIES DISTRIBUTION/MOSAIC SEE ALSO THE CONCEPTUAL HABITAT RESTORATION PLAN REPORT FOR NON-WETLAND EPHEMERAL WATER AND ADJACENT UPLANDS, PREPARED BY RECON.

BOTANICAL NAME	COMMON NAME	SIZE	NUMBER PER ACRE
ADENOSTOMA FASCICULATUM	CHAMISE	1 GALLON	100
MILVUS AURANTIACUS	LOW BUSH MONKEY FLOWER	1 GALLON	100
ERIGONUM FASCICULATUM	FLAT-TOPPED BUCKWHEAT	1 GALLON	100
MALORNA LAURINA	LAUREL SUMAC	1 GALLON	25
RUBUS INTEGRIFOLIA	LEMONADEBERRY	1 GALLON	25
HYPERICUM AFRUTIFOLIA	TOYON	1 GALLON	25
RHAMNUS CROCEA	RED BERRY	1 GALLON	25
SALVIA MELIPEIRA	BLACK SAGE	1 GALLON	50
TOTAL NUMBER OF PLANTS PER ACRE = 450			

**SOUTHERN MARITIME CHAPARRAL HYDROSEED MIX**

NOTE: SEE DETAIL 'B', SHEET L-2 FOR TYPICAL PLANT SPECIES DISTRIBUTION/MOSAIC SEE ALSO THE CONCEPTUAL HABITAT RESTORATION PLAN REPORT FOR NON-WETLAND EPHEMERAL WATER AND ADJACENT UPLANDS, PREPARED BY RECON.

BOTANICAL NAME	COMMON NAME	LBS. PER ACRE
CALIFORNIA BISTORTA	CALIFORNIA BUNCUP	1.0
ERIGONUM FASCICULATUM	GOLDEN YARROW	1.0
LASTHENIA CALIFORNICA	GOLDFIELDS	0.5
ESCHSCHOLZIA CALIFORNICA	CALIFORNIA POPPY	1.0
LUPINUS BICOLOR	MINIATURE LUPINE	0.5
SALVIA MELIPEIRA	BLACK SAGE	1.0
MILVUS AURANTIACUS	LOW BUSH MONKEY FLOWER	1.0
ERIGONUM FASCICULATUM	FLAT-TOPPED BUCKWHEAT	1.0
TOTAL LBS. PER ACRE = 8.0		

NOTE: 50% MIN. PLANTING WITH DEEP-ROOTING GROUND COVERS

**LEGEND**

PROPERTY BOUNDARY	---
LOT LINE	---
LIMITS OF GRADING	==
LIMITS OF WORK	---
OPEN SPACE COVENANT OF EASEMENT	---
EXISTING EASEMENT	---
WETLANDS BUFFER	---
SETBACK LINE	---
MHPA BOUNDARY	---
LIMITS OF BRUSH MANAGEMENT ZONE 1 PER LANDSCAPE PLANS	---
HABITAT RESTORATION AREA PER HABITAT RESTORATION PLAN PREPARED BY RECON ENVIRONMENTAL, DATED 03/09/2011	---
JURISDICTIONAL WATERS MITIGATION AREA PER HABITAT RESTORATION PLAN PREPARED BY RECON ENVIRONMENTAL, DATED 03/09/2011	---

**EXISTING TREE NOTES:**

① REFER TO THE EXISTING TREE LEGEND ON SHT. L-3 FOR SPECIFIC INFORMATION ON EACH TREE AS IDENTIFIED WITH THE NUMBERED SYMBOL SHOWN ON THE PLAN.

**TREE PROTECTION NOTES:**

- A CERTIFIED CONSULTING ARBORIST SHALL BE RETAINED TO OVERSEE AND DIRECT CONSTRUCTION ACTIVITIES IN AND AROUND EXISTING TREES DESIGNATED TO BE RETAINED, PROTECTED IN PLACE.
- PRIOR TO ANY DISTURBANCE TO THE SITE, THE OWNER/PERMITTEE SHALL MAKE ARRANGEMENTS FOR A FREE-CONSTRUCTION MEETING WITH THE CITY OF SAN DIEGO MITIGATION MONITORING COORDINATION SECTION (MMC), THE RESIDENT ENGINEER (RE) AND/OR BUILDING INSPECTOR, CERTIFIED CONSULTING ARBORIST, CONSTRUCTION MANAGER AND LANDSCAPE PROFESSIONAL TO ENSURE THE FOLLOWING:
  - A BRIGHT YELLOW OR ORANGE TEMPORARY FENCE WILL BE PLACED AROUND EXISTING TREES AT THE DRIP LINE.
  - STOCKPILING, TOPSOIL DISTURBANCE, CONSTRUCTION MATERIAL STORAGE, VEHICLE USE, FOOT TRAFFIC, AND STORAGE OF ANY KIND IS PROHIBITED WITHIN THE DRIP LINE.
  - ROOT SYSTEMS OF EXISTING TREES ON SITE WILL BE PROTECTED FROM FLOODING, EROSION, CHEMICAL SPILLS, AND EXCESSIVE HEATING AND DRYING DURING DEMATERING.
  - THE EXISTING GRADE WILL BE MAINTAINED WITHIN THE DRIP LINE OF EXISTING TREES ON SITE.
  - ROOTS OF EXISTING TREES ON SITE WILL BE CUT APPROXIMATELY 6 INCHES BACK FROM ANY CONSTRUCTION AND ALL CUTS WILL BE SEALED WITH WOOD PAINT AS MANUFACTURED BY FLINTKOTE OR APPROVED EQUAL. F) MAINTAIN AND DOCUMENT A TREE WATERING SCHEDULE DURING CONSTRUCTION.
  - ALL DAMAGED TREES SHALL BE REPLACED WITH ONE OF EQUAL OR GREATER SIZE AND/OR QUALITY.

**ZONE 2 BRUSH MANAGEMENT - LOCATED ON NORTH SIDE OF BUILDING ONE IN LIEU OF OBTAINING AN ENCROACHMENT PERMIT FROM CALTRANS FOR THE FULL BRUSH MANAGEMENT DEFENSIBLE SPACE OR THAT ALTERNATIVE PROTECTIVE MEASURES WOULD BE IMPLEMENTED AS SET FORTH IN A FIRE FUEL LOAD MODEL REPORT APPROVED BY THE FIRE CHIEF. THESE INTERCHANGEABLE OPTIONS ARE FURTHER DESCRIBED AS FOLLOWS:**

- PROVIDING FOR THE FULL DEFENSIBLE SPACE
- INCORPORATING FIRE-RESISTIVE CONSTRUCTION (1 HR. W/ 45-MIN. PROTECTED OPENINGS)
- FUSIBLE-LINK SHUTTERS
- FIRE-RATED WINDOWS/DOORS WITH SELF-CLOSING MECHANISM FOR OPERABLE COMPONENTS

THE REQUIRED OFFSETS FOR ZONE TWO BRUSH MANAGEMENT OCCUR UNDER THREE SEPARATE SCENARIOS, AS DESCRIBED BELOW. ANY AND ALL DISTURBED AREAS LOCATED WITHIN THE ZONE TWO BRUSH MANAGEMENT SHALL BE REPLACED WITH HYDROSEED AND CONTAINER STOCK (SOUTHERN MARITIME CHAPARRAL) AS REQUIRED TO RESTORE TO EXISTING CONDITIONS - SEE 'NATIVE REVEGETATION WITHIN LIMIT OF WORK / GRADED AREAS' THIS SHEET, FOR ADDITIONAL INFORMATION.

**SYMBOL DESCRIPTION**

---	LANDSCAPE IMPROVEMENTS PER CALTRANS PLANS LOCATED WITHIN THE PROPOSED PROPERTY'S BOUNDARY. ALL DISTURBED AREAS SHALL BE REPLACED WITH HYDROSEED AND CONTAINER STOCK (SOUTHERN MARITIME CHAPARRAL) AS REQUIRED TO ACHIEVE A COMPARABLE LEVEL OF LANDSCAPING TO THAT SHOWN ON CALTRANS PLANS, EA 030101, SHEETS HP-22, 24, 71, AND 73. THESE AREAS ARE SHOWN TO BE PROTECTED IN PLACE AND BECOME PART OF THE REQUIRED ZONE 2 BRUSH MANAGEMENT FOR PROJECT.
---	AREAS OF BRUSH MANAGEMENT ZONE TWO LOCATED OUTSIDE THE PROPOSED PROJECT'S BOUNDARY CONSISTING OF EXISTING COASTAL SAGE SCRUB HYDROSEED, INSTALLED BY CALTRANS PROJECT. AREAS SHOWN TO BE PROTECTED IN PLACE AND BECOME PART OF THE REQUIRED ZONE 2 BRUSH MANAGEMENT FOR PROJECT.
---	AREAS OF BRUSH MANAGEMENT ZONE TWO LOCATED WITHIN THE PROPOSED PROJECT'S BOUNDARY THAT WILL BE AFFECTED BY PROPOSED GRADING OPERATIONS AND RESTORED TO MATCH AREA WITH SIMILAR PLAN SYMBOL DESCRIBED AS NATIVE REVEGETATION WITHIN LIMIT OF WORK / GRADED AREAS. THESE AREAS SHALL BE REPLACED WITH SOUTHERN MARITIME CHAPARRAL AND SHALL BE INSTALLED WITH BOTH HYDROSEED AND CONTAINER STOCK. SEE REQUIREMENTS AND EXACT SPECIES DESCRIPTION UNDER NATIVE REVEGETATION CATEGORY THIS SHEET AND SEE DETAIL 'B' SHEET L-2 FOR TYPICAL PLANT SPECIES DISTRIBUTION/MOSAIC FOR ADDITIONAL INFORMATION.

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**Project Address:**  
1005 SORRENTO VALLEY ROAD  
SAN DIEGO, CA

**Legal Description:**  
PARCEL 2 OF PARCEL MAP NO. 18188 FILED IN THE COUNTY CLERK OF SAN DIEGO COUNTY ON DECEMBER 4, 1998, AND PORTIONS OF LOT 7 IN SECTION 25, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, LOT 4 IN SECTION 30, TOWNSHIP 14 SOUTH, RANGE 3, SAN BERNARDINO MERIDIAN AND PUEBLO LOT 1962 OF THE PUEBLO LANDS OF SAN DIEGO.

**Assessor's Parcel Numbers:**  
301-140-14, 310-020-33, 310-020-34

**Project Name:**  
SORRENTO POINTE

**Sheet Title:**

**SHEET 10**  
**LANDSCAPE CONCEPT PLAN**  
**PTS #144031**





AREA DIAGRAM LEGEND

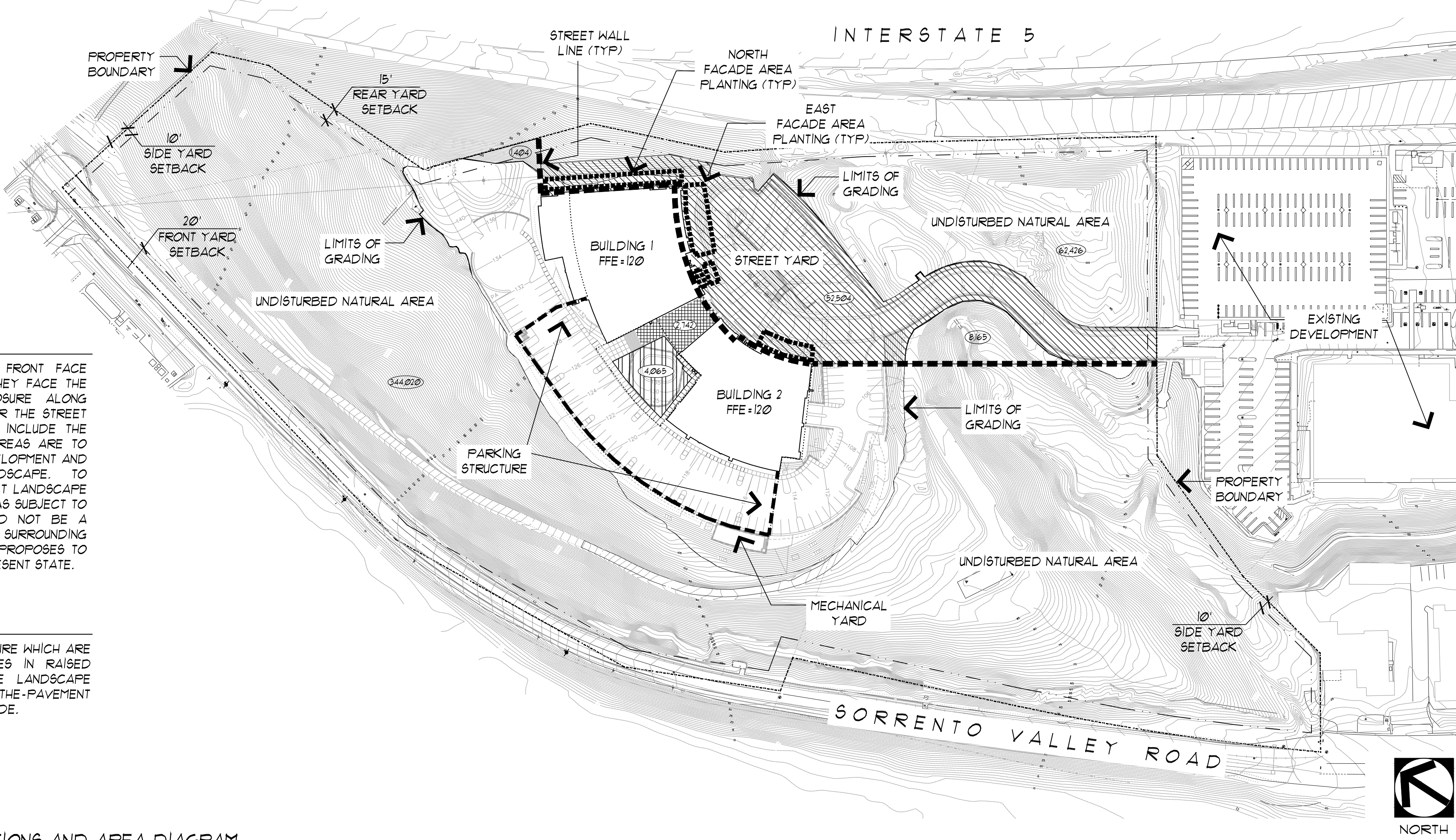


DESCRIPTION

THE STREET YARD IS DEFINED BY THE FRONT FACE (ENTRANCE DRIVE) OF THE BUILDINGS AS THEY FACE THE NEAREST, AND HIGHEST TRAVELED EXPOSURE ALONG INTERSTATE 5. THE AREA CALCULATIONS FOR THE STREET YARD AND THE REMAINING YARD DO NOT INCLUDE THE UNDISTURBED NATURAL AREAS AS THESE AREAS ARE TO REMAIN UNTOUCHED BY THE PROPOSED DEVELOPMENT AND CONTAIN ESTABLISHED/MATURE NATIVE LANDSCAPE. TO INCLUDE THESE AREAS IN THE TOTAL PROJECT LANDSCAPE AREA CALCULATIONS (AND MAKE THESE AREAS SUBJECT TO NEW LANDSCAPING AND IRRIGATION) WOULD NOT BE A BENEFIT TO THE ADJACENT NATURAL AREAS SURROUNDING THE PROJECT SITE. THE LANDSCAPE PLAN PROPOSES TO MAINTAIN THESE NATURAL AREAS IN THEIR PRESENT STATE.

PARKING STRUCTURE

THE TOP PORTIONS OF THE PARKING STRUCTURE WHICH ARE EXPOSED WILL BE PROVIDED WITH TREES IN RAISED PLANTER POTS AS ILLUSTRATED ON THE LANDSCAPE CONCEPT PLAN TO ACHIEVE SHADE-OVER-THE-PAVEMENT CRITERIA DESCRIBED IN THE LANDSCAPE CODE.



LANDSCAPE CALCULATIONS

PROPERTY ZONING: IL-3-1 (INDUSTRIAL)

STREET YARD

TOTAL AREA (EXISTING TO REMAIN)	11,840 SQ. FT.
TOTAL AREA (WITHIN LIMIT OF GRADING)	52,504 SQ. FT.
PLANTING AREA REQUIRED (25%)	13,126 SQ. FT.
PLANTING AREA PROVIDED	16,940 SQ. FT.
EXCESS PLANTER AREA PROVIDED	3,814 SQ. FT.

PLANTING POINTS REQUIRED (.05/SF)	6,563 POINTS
PLANTING POINTS PROVIDED	3,130 POINTS
SHRUBS / GROUNDCOVERS	2,840 POINTS
PROPOSED TREES	6,510 POINTS
EXCESS POINTS PROVIDED	1 POINTS

REMAINING YARD

PLANTING AREA REQUIRED:  
NOTE: THE SIDE AND REAR YARD SETBACKS ARE LOCATED WITHIN OPEN SPACE EASEMENTS AND ARE NATURALLY VEGETATED.

FACADE PLANTING REQUIREMENT

TOTAL LENGTH OF STREET WALL	270'
EAST FACADE	154'
NORTH FACADE	424'

SQUARE FEET OF PLANTER AREA REQUIRED (50% OF STREET WALL X 5')	1,908 SQ. FT.
PLANTER AREA PROVIDED	2,223 SQ. FT.

VEHICULAR USE AREA INSIDE STREET YARD

TOTAL VUA INSIDE STREET YARD	29,667 SQ. FT.
PLANTING AREA REQUIRED (5%)	1,483 SQ. FT.
PLANTING AREA PROVIDED	2,006 SQ. FT.
EXCESS AREA PROVIDED	518 SQ. FT.
PLANTING POINTS REQUIRED (.05/SF)	1,483 POINTS
PLANTING POINTS PROVIDED	1,630 POINTS
EXCESS POINTS PROVIDED	147 POINTS

VEHICULAR USE AREA OUTSIDE STREET YARD

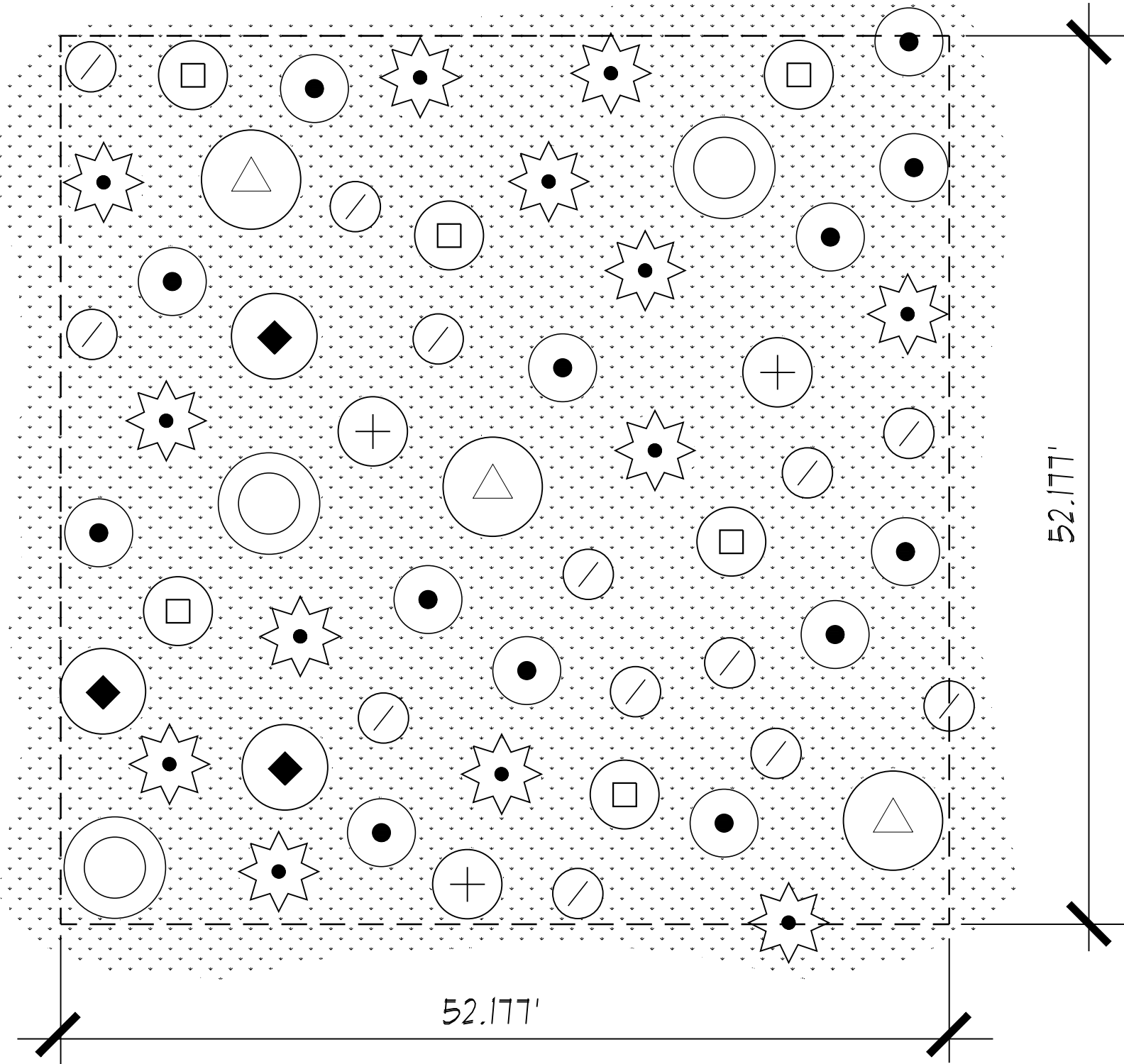
TOTAL VUA OUTSIDE STREET YARD (EXCLUDES PARKING STRUCTURE)	11,588 SQ. FT.
PLANTING AREA REQUIRED (3%)	348 SQ. FT.
PLANTING AREA PROVIDED	284 SQ. FT.
EXCESS AREA PROVIDED	336 SQ. FT.
PLANTING POINTS REQUIRED (.03/SF)	348 POINTS
PLANTING POINTS PROVIDED	1,603 POINTS
EXCESS POINTS PROVIDED	1,255 POINTS

LANDSCAPE CALCULATIONS AND AREA DIAGRAM

PLAN / SCALE: 1" = 80'

"TYPICAL" PLANT  
DISTRIBUTION MOSAIC  
1/8 ACRE (5,445 SQ. FT.)

NOTE: THIS DETAIL IS  
PROVIDED FOR REFERENCE  
ONLY. SEE SHEET 10 FOR  
COMPLETE INFORMATION ON  
SOUTHERN MARITIME  
CHAPARRAL AND THE  
PROPOSED LOCATIONS PER  
PLAN.

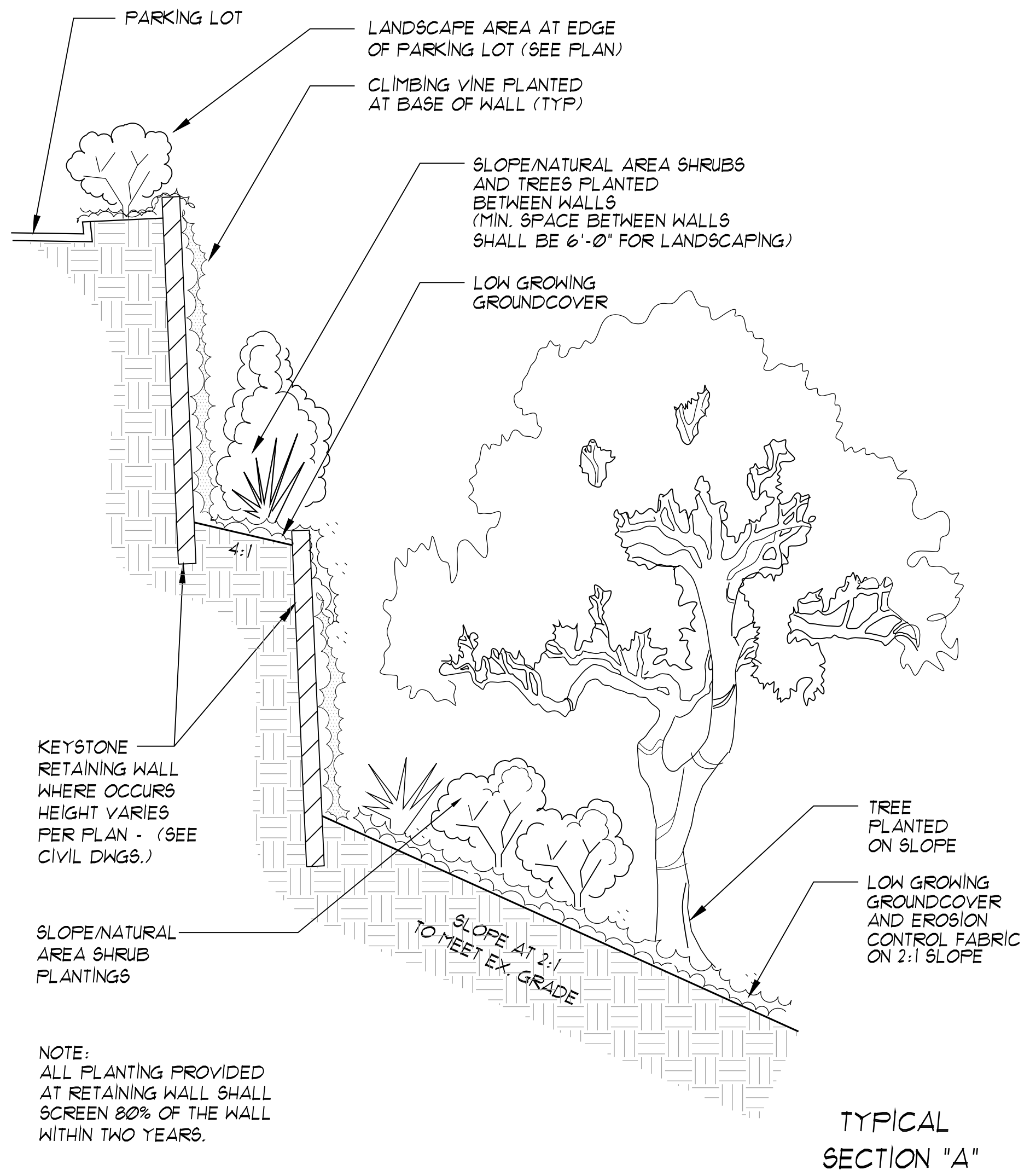


PLANT MATERIALS LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	DISTRIBUTION RATE (PER ACRE)	APPROX. NUMBER OF PLANTS 1/8 ACRE (5,445 SQ. FT.) (PER MOSAIC)
	ADENOSTOMA FASCICULATUM	CHAMISE	1 GALLON	100	12.5
	MIMULUS AURANTIACUS	LOW BUSH MONKEY FLOWER	1 GALLON	100	12.5
	ERIOGONUM FASCICULATUM	FLAT-TOPPED BUCKWHEAT	1 GALLON	100	12.5
	MALOSMA LAURINA	LAUREL SUMAC	1 GALLON	25	3
	RHUS INTEGRIFOLIA	LEMONADEBERRY	1 GALLON	25	3
	HETEROMELES ARBUTIFOLIA	TOYON	1 GALLON	25	3
	RHAMNUS CROCEA	REDBERRY	1 GALLON	25	3
	SALVIA MELLIFERA	BLACK SAGE	1 GALLON	50	6
	SOUTHERN MARITIME CHAPARRAL NATIVE SEED MIX	SEE SHEET L-1 FOR HYDROSEED MIX RATE	SEED	100% COVERAGE	--

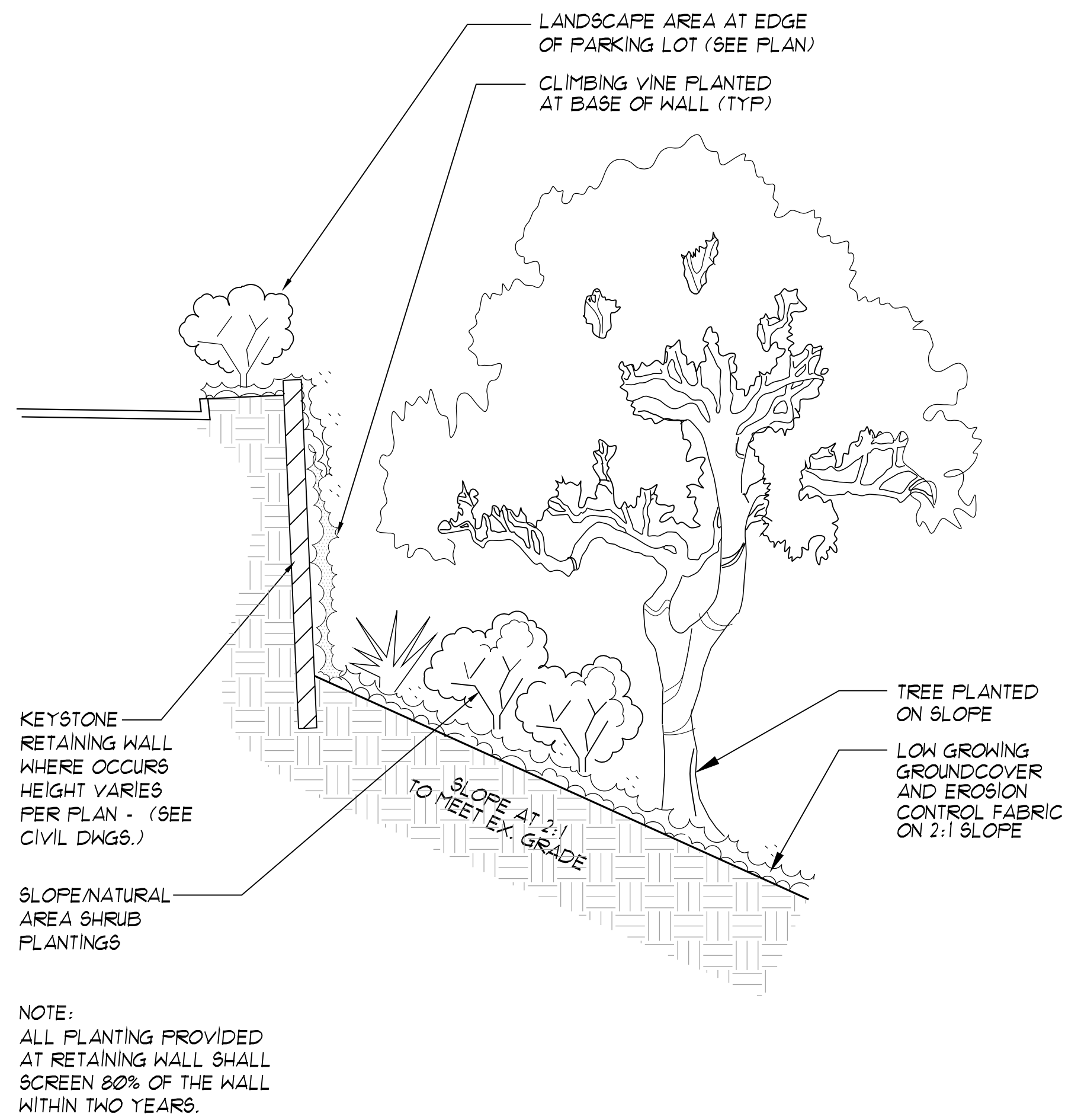
TYPICAL PLANT SPECIES DISTRIBUTION / MOSAIC - SOUTHERN MARITIME CHAPARRAL

PLAN / SCALE: 1/8" = 1'-0"



WALL PLANTING DETAIL (TYPICAL TERRACED WALL APPLICATION)

SECTION / SCALE: 1/4" = 1'-0"



WALL PLANTING DETAIL (TYPICAL SINGLE WALL APPLICATION)

SECTION / SCALE: 1/4" = 1'-0"

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12025 SORRENTO VALLEY ROAD

SAN DIEGO, CA

Legal Description:

PARCEL 2 OF PARCEL MAP NO. 18158 FILED IN THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 4, 1998, AND PORTIONS OF LOT 7 IN SECTION 25, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, LOT 4 IN SECTION 30, TOWNSHIP 14 SOUTH, RANGE 3, SAN BERNARDINO MERIDIAN, AND PUEBLO LOT 192 OF THE PUEBLO LANDS OF SAN DIEGO.

Assessor's Parcel Numbers:

301-140-14, 310-020-33, 310-020-34

Project Name:

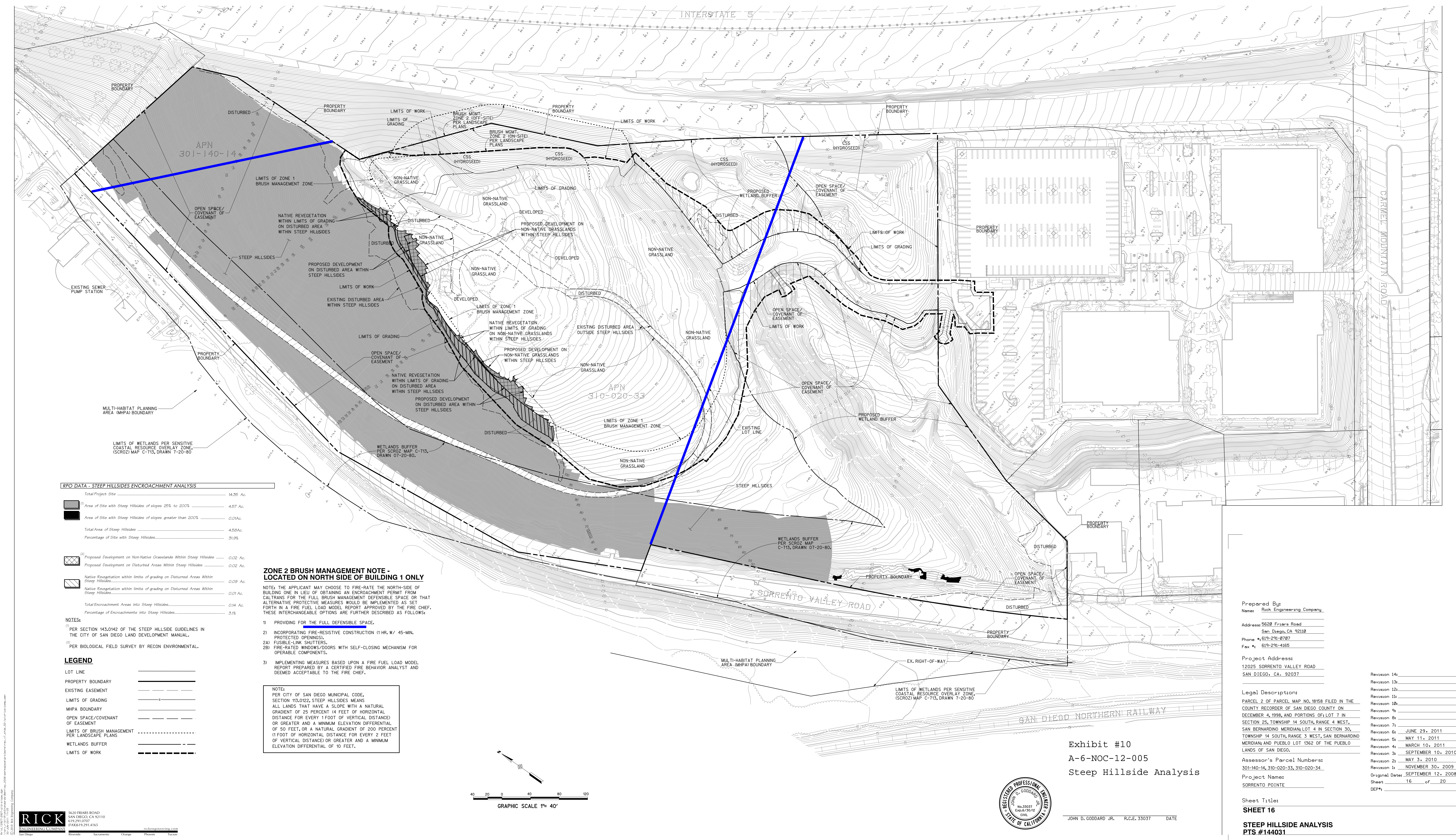
SORRENTO POINTE

Sheet Title:

SHEET 11  
LANDSCAPE CALCULATIONS, DETAILS + NOTES  
PTS #144031

Revision 14:	
Revision 13:	
Revision 12:	
Revision 11:	
Revision 10:	
Revision 9:	
Revision 8:	
Revision 7:	JUNE 29, 2011
Revision 6:	MAY 11, 2011
Revision 5:	MARCH 10, 2011
Revision 4:	SEPTEMBER 10, 2010
Revision 3:	MAY 3, 2010
Revision 2:	NOVEMBER 30, 2009
Revision 1:	SEPTEMBER 12, 2008
Original Date:	SEPTEMBER 12, 2008
Sheet	11 of 20
DEPI:	





**RPO DATA - STEEP HILLSIDES ENCROACHMENT ANALYSIS**

Total Project Site .....	14,350 Ac.
(1) Area of Site with Steep Hillsides of slopes 25% to 200% .....	4,57 Ac.
Area of Site with Steep Hillsides of slopes greater than 200% .....	0.01Ac.
Total Area of Steep Hillsides .....	4,58Ac.
Percentage of Site with Steep Hillsides .....	31.9%
(2) Proposed Development on Non-Native Grasslands Within Steep Hillsides .....	0.02 Ac.
Proposed Development on Disturbed Areas Within Steep Hillsides .....	0.02 Ac.
(3) Native Revegetation within limits of grading on Disturbed Areas Within Steep Hillsides .....	0.09 Ac.
Native Revegetation within limits of grading on Disturbed Areas Within Steep Hillsides .....	0.01 Ac.
Total Encroachment Areas into Steep Hillsides .....	0.14 Ac.
Percentage of Encroachments into Steep Hillsides .....	3.1%

- NOTES:
- PER SECTION 143.0142 OF THE STEEP HILLSIDE GUIDELINES IN THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL.
  - PER BIOLOGICAL FIELD SURVEY BY RECON ENVIRONMENTAL.

**LEGEND**

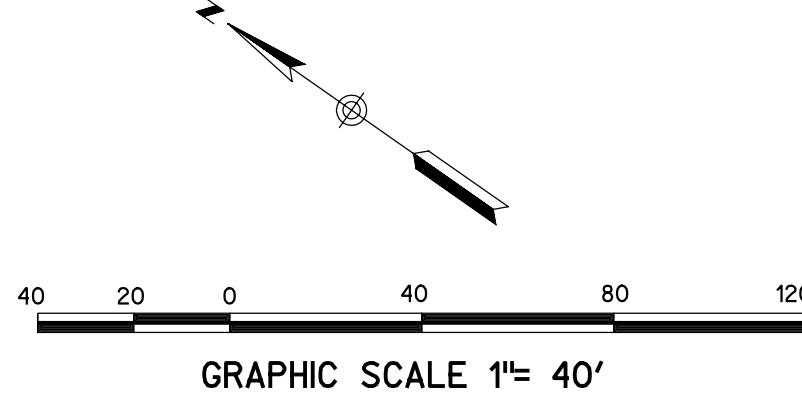
LOT LINE .....	---
PROPERTY BOUNDARY .....	---
EXISTING EASEMENT .....	---
LIMITS OF GRADING .....	---
MHPA BOUNDARY .....	---
OPEN SPACE/COVENANT OF EASEMENT .....	---
LIMITS OF BRUSH MANAGEMENT PER LANDSCAPE PLANS .....	---
WETLANDS BUFFER .....	---
LIMITS OF WORK .....	---

**ZONE 2 BRUSH MANAGEMENT NOTE - LOCATED ON NORTH SIDE OF BUILDING 1 ONLY**

NOTES: THE APPLICANT MAY CHOOSE TO FIRE-RATE THE NORTH-SIDE OF BUILDING ONE IN LIEU OF OBTAINING AN ENCROACHMENT PERMIT FROM CALTRANS FOR THE FULL BRUSH MANAGEMENT DEFENSIBLE SPACE OR THAT ALTERNATIVE PROTECTIVE MEASURES WOULD BE IMPLEMENTED AS SET FORTH IN A FIRE FUEL LOAD MODEL REPORT APPROVED BY THE FIRE CHIEF. THESE INTERCHANGEABLE OPTIONS ARE FURTHER DESCRIBED AS FOLLOWS:

- PROVIDING FOR THE FULL DEFENSIBLE SPACE.
- INCORPORATING FIRE-RESISTIVE CONSTRUCTION (1 HR. W/ 45-MIN. PROTECTED OPENINGS).
- FIRE-RATED WINDOWS/DOORS WITH SELF-CLOSING MECHANISM FOR OPERABLE COMPONENTS.
- IMPLEMENTING MEASURES BASED UPON A FIRE FUEL LOAD MODEL REPORT PREPARED BY A CERTIFIED FIRE BEHAVIOR ANALYST AND DEEMED ACCEPTABLE TO THE FIRE CHIEF.

NOTE:  
PER CITY OF SAN DIEGO MUNICIPAL CODE, SECTION 113.0122, STEEP HILLSIDES MEANS ALL LANDS THAT HAVE A SLOPE WITH A NATURAL GRADIENT OF 25 PERCENT (4 FEET OF HORIZONTAL DISTANCE FOR EVERY 1 FOOT OF VERTICAL DISTANCE) OR GREATER AND A MINIMUM ELEVATION DIFFERENTIAL OF 50 FEET, OR A NATURAL GRADIENT OF 200 PERCENT (1 FOOT OF HORIZONTAL DISTANCE FOR EVERY 2 FEET OF VERTICAL DISTANCE) OR GREATER AND A MINIMUM ELEVATION DIFFERENTIAL OF 10 FEET.



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Legal Descriptions:  
PARCEL 2 OF PARCEL MAP NO. 18158 FILED IN THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 4, 1998, AND PORTIONS OF LOT 7 IN SECTION 25, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN; LOT 4 IN SECTION 30, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN; AND PUEBLO LOT 1362 OF THE PUEBLO LANDS OF SAN DIEGO.

Assessor's Parcel Numbers:  
301-140-14, 310-020-33, 310-020-34

Project Name:  
SORRENTO POINTE

Revision 14: \_\_\_\_\_  
Revision 13: \_\_\_\_\_  
Revision 12: \_\_\_\_\_  
Revision 11: \_\_\_\_\_  
Revision 10: \_\_\_\_\_  
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Revision 7: JUNE 29, 2011  
Revision 6: MAY 11, 2011  
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Revision 4: SEPTEMBER 10, 2010  
Revision 3: MAY 3, 2010  
Revision 2: NOVEMBER 30, 2009  
Original Date: SEPTEMBER 12, 2008  
Sheet 16 of 20  
DEP#:

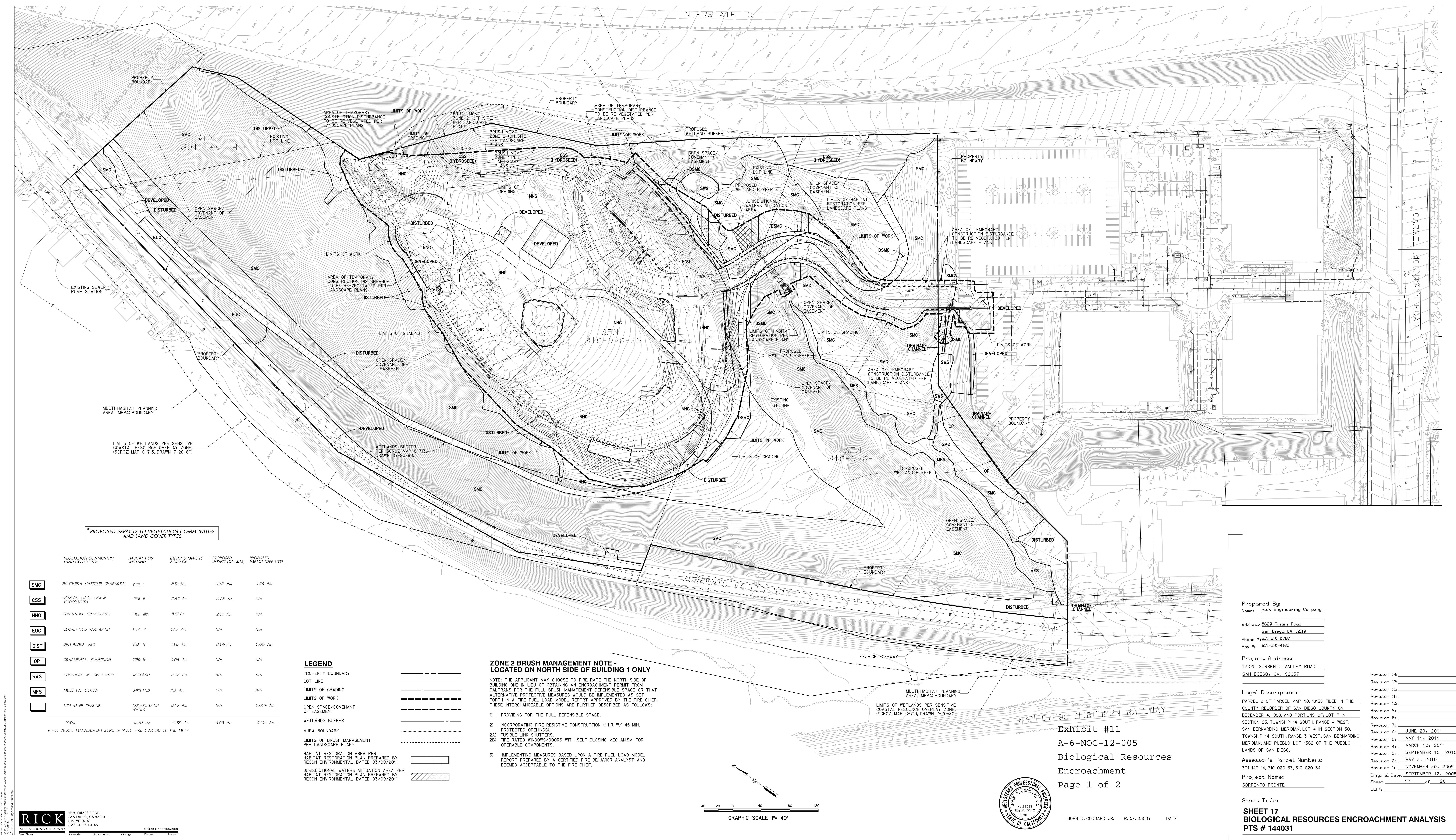
Sheet Title:  
**SHEET 16**  
**STEEP HILLSIDE ANALYSIS**  
**PTS #144031**

Exhibit #10  
A-6-NOC-12-005  
Steep Hillside Analysis



JOHN D. GODDARD JR., R.C.E. 33037 DATE \_\_\_\_\_





\* PROPOSED IMPACTS TO VEGETATION COMMUNITIES AND LAND COVER TYPES

	VEGETATION COMMUNITY/ LAND COVER TYPE	HABITAT TIER/ WETLAND	EXISTING ON-SITE ACREAGE	PROPOSED IMPACT (ON-SITE)	PROPOSED IMPACT (OFF-SITE)
<div>SMC</div>	SOUTHERN MARITIME CHAPARRAL	TIER I	8.31 Ac.	0.70 Ac.	0.04 Ac.
<div>CSS</div>	COASTAL SAGE SCRUB (HYDROSEED)	TIER II	0.32 Ac.	0.28 Ac.	N/A
<div>NNG</div>	NON-NATIVE GRASSLAND	TIER IIIB	3.01 Ac.	2.97 Ac.	N/A
<div>EUC</div>	EUCALYPTUS WOODLAND	TIER IV	0.10 Ac.	N/A	N/A
<div>DIST</div>	DISTURBED LAND	TIER IV	1.65 Ac.	0.64 Ac.	0.06 Ac.
<div>OP</div>	ORNAMENTAL PLANTINGS	TIER IV	0.09 Ac.	N/A	N/A
<div>SWS</div>	SOUTHERN WILLOW SCRUB	WETLAND	0.04 Ac.	N/A	N/A
<div>MFS</div>	MULE FAT SCRUB	WETLAND	0.21 Ac.	N/A	N/A
<div></div>	DRAINAGE CHANNEL	NON-WETLAND WATER	0.02 Ac.	N/A	0.004 Ac.
	TOTAL	14.35 Ac.	14.35 Ac.	4.59 Ac.	0.104 Ac.

\* ALL BRUSH MANAGEMENT ZONE IMPACTS ARE OUTSIDE OF THE MHFA

LEGEND

PROPERTY BOUNDARY	---
LOT LINE	---
LIMITS OF GRADING	---
LIMITS OF WORK	---
OPEN SPACE/COVENANT OF EASEMENT	---
WETLANDS BUFFER	---
MHPA BOUNDARY	---
LIMITS OF BRUSH MANAGEMENT PER LANDSCAPE PLANS	---
HABITAT RESTORATION AREA PER HABITAT RESTORATION PLAN PREPARED BY RECON ENVIRONMENTAL, DATED 03/09/2011	---
JURISDICTIONAL WATERS MITIGATION AREA PER HABITAT RESTORATION PLAN PREPARED BY RECON ENVIRONMENTAL, DATED 03/09/2011	---

ZONE 2 BRUSH MANAGEMENT NOTE - LOCATED ON NORTH SIDE OF BUILDING 1 ONLY

NOTES: THE APPLICANT MAY CHOOSE TO FIRE-RATE THE NORTH-SIDE OF BUILDING ONE IN LIEU OF OBTAINING AN ENCROACHMENT PERMIT FROM CALTRANS FOR THE FULL BRUSH MANAGEMENT DEFENSIBLE SPACE OR THAT ALTERNATIVE PROTECTIVE MEASURES WOULD BE IMPLEMENTED AS SET FORTH IN A FIRE FUEL LOAD MODEL REPORT APPROVED BY THE FIRE CHIEF. THESE INTERCHANGEABLE OPTIONS ARE FURTHER DESCRIBED AS FOLLOWS:

- PROVIDING FOR THE FULL DEFENSIBLE SPACE.
- INCORPORATING FIRE-RESISTIVE CONSTRUCTION (1 HR. W/ 45-MIN. PROTECTED OPENINGS, 24) FUSIBLE-LINK SHUTTERS, 28) FIRE-RATED WINDOWS/DOORS WITH SELF-CLOSING MECHANISM FOR OPERABLE COMPONENTS.
- IMPLEMENTING MEASURES BASED UPON A FIRE FUEL LOAD MODEL REPORT PREPARED BY A CERTIFIED FIRE BEHAVIOR ANALYST AND DEEMED ACCEPTABLE TO THE FIRE CHIEF.

Prepared By:  
Name: Risk Engineering Company

Address: 5620 Friars Road  
San Diego, CA 92118  
Phone #: 619-291-0787  
Fax #: 619-291-4165

Project Address:  
12025 SORRENTO VALLEY ROAD  
SAN DIEGO, CA. 92037

Legal Descriptions:  
PARCEL 2 OF PARCEL MAP NO. 18158 FILED IN THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 4, 1998, AND PORTIONS OF LOT 7 IN SECTION 25, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN; LOT 4 IN SECTION 30, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN; AND PUEBLO LOT 1362 OF THE PUEBLO LANDS OF SAN DIEGO.

Assessor's Parcel Numbers:  
301-140-14, 310-020-33, 310-020-34

Project Name:  
SORRENTO POINTE

Sheet Title:

**SHEET 17  
BIOLOGICAL RESOURCES ENCROACHMENT ANALYSIS  
PTS # 144031**

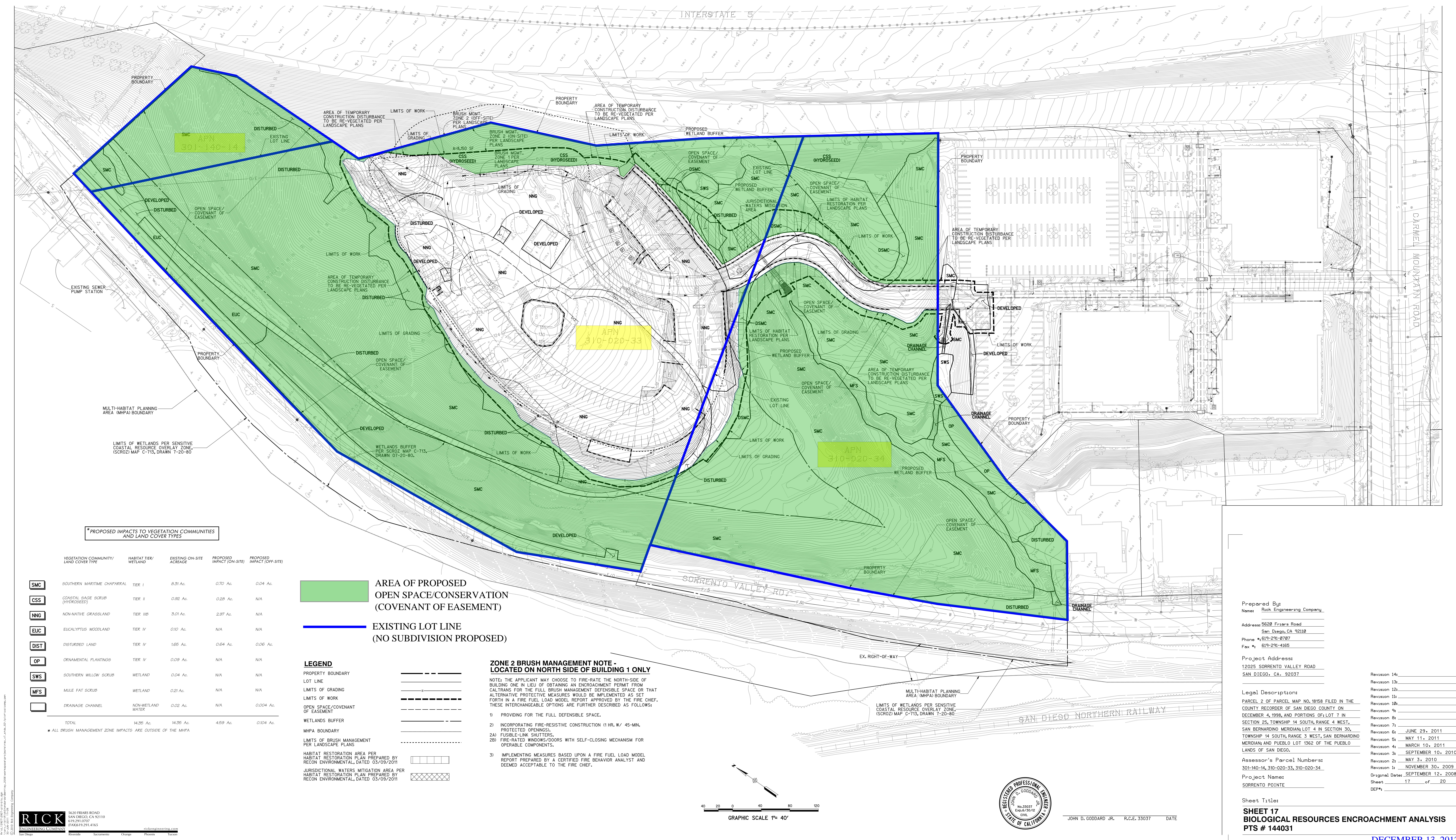
Revision 14:	
Revision 13:	
Revision 12:	
Revision 11:	
Revision 10:	
Revision 9:	
Revision 8:	
Revision 7:	
Revision 6:	JUNE 29, 2011
Revision 5:	MAY 11, 2011
Revision 4:	MARCH 10, 2011
Revision 3:	SEPTEMBER 10, 2010
Revision 2:	MAY 3, 2010
Revision 1:	NOVEMBER 30, 2009
Original Date:	SEPTEMBER 12, 2008
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DEP#:	

Exhibit #11  
A-6-NOC-12-005  
Biological Resources  
Encroachment  
Page 1 of 2



JOHN D. GODDARD JR., R.C.E. 33037 DATE





\*PROPOSED IMPACTS TO VEGETATION COMMUNITIES AND LAND COVER TYPES

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	TOTAL	14.35 Ac.	14.35 Ac.	4.59 Ac.	0.104 Ac.

\* ALL BRUSH MANAGEMENT ZONE IMPACTS ARE OUTSIDE OF THE MHFA

AREA OF PROPOSED  
OPEN SPACE/CONSERVATION  
(COVENANT OF EASEMENT)

EXISTING LOT LINE  
(NO SUBDIVISION PROPOSED)

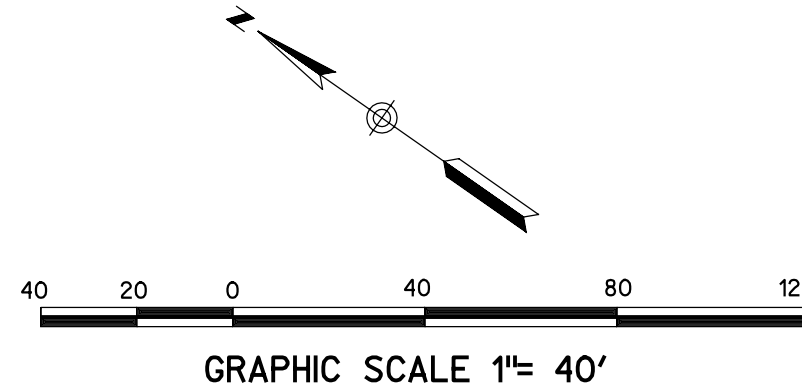
LEGEND

PROPERTY BOUNDARY	---
LOT LINE	---
LIMITS OF GRADING	---
LIMITS OF WORK	---
OPEN SPACE/COVENANT OF EASEMENT	---
WETLANDS BUFFER	---
MHPA BOUNDARY	---
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JOHN D. GODDARD JR., R.C.E. 33037 DATE

Prepared By:  
Name: Rick Engineering Company  
Address: 5620 Friars Road  
San Diego, CA 92118  
Phone #: 619-291-0787  
Fax #: 619-291-4165

Project Address:  
12025 SORRENTO VALLEY ROAD  
SAN DIEGO, CA. 92037

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Assessor's Parcel Numbers:  
301-140-14, 310-020-33, 310-020-34

Project Name:  
SORRENTO POINTE

Sheet Title:

**SHEET 17**  
**BIOLOGICAL RESOURCES ENCROACHMENT ANALYSIS**  
**PTS # 144031**

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Sheet	17 of 20
DEP#:	

DECEMBER 13, 2012



5620 FRIARS ROAD  
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San Diego Riverside Sacramento Orange Phoenix Tucson



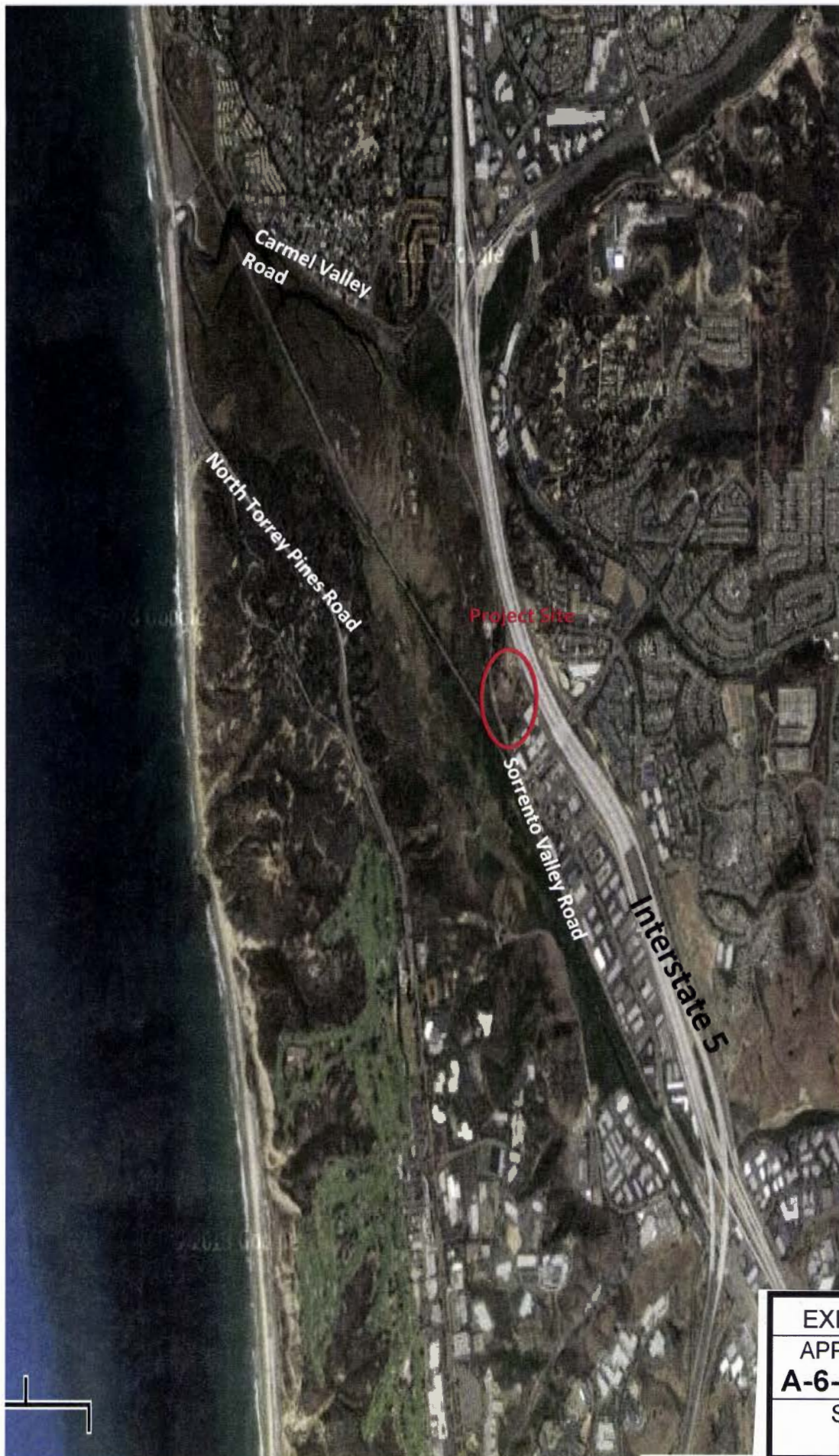
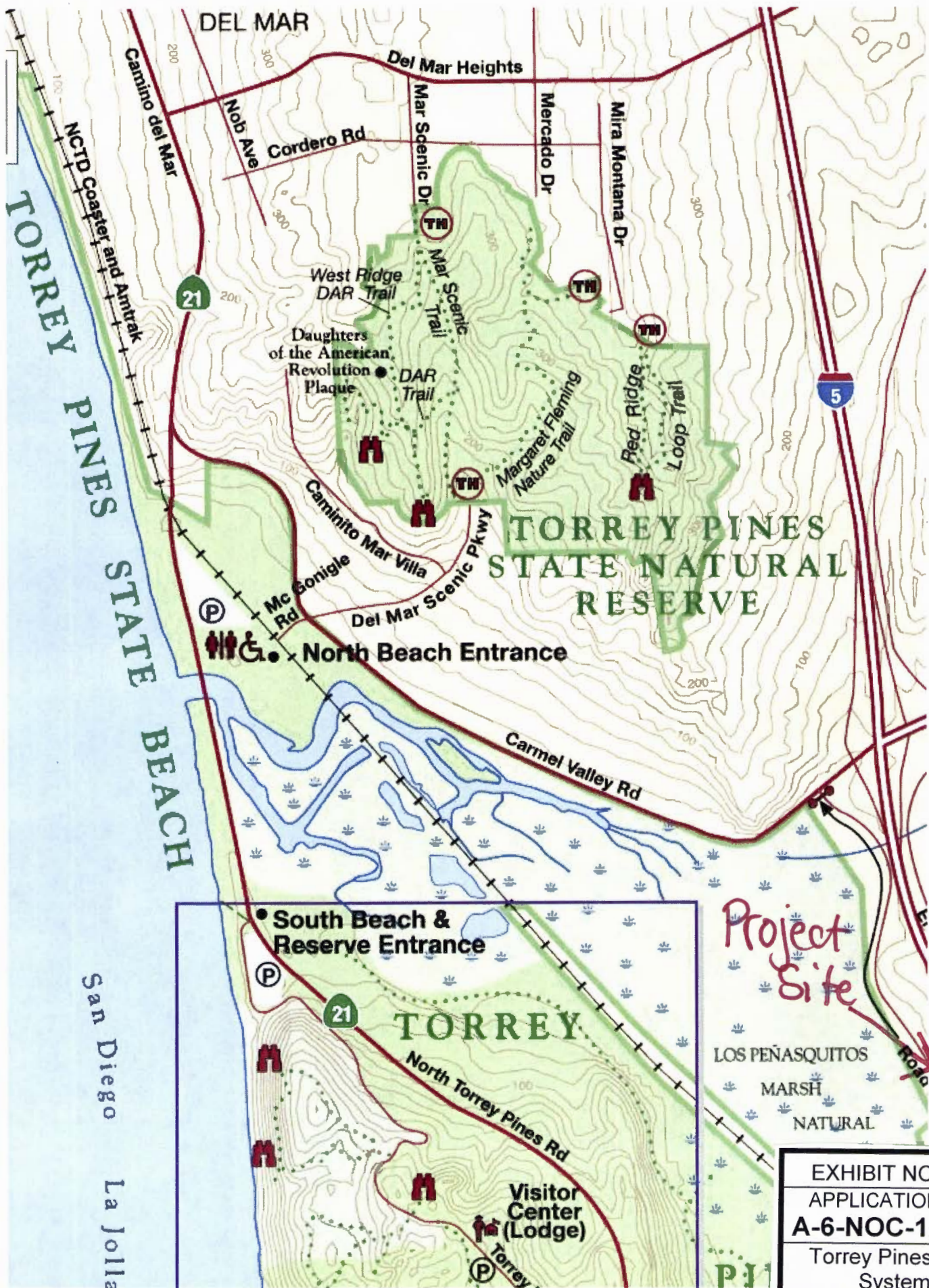


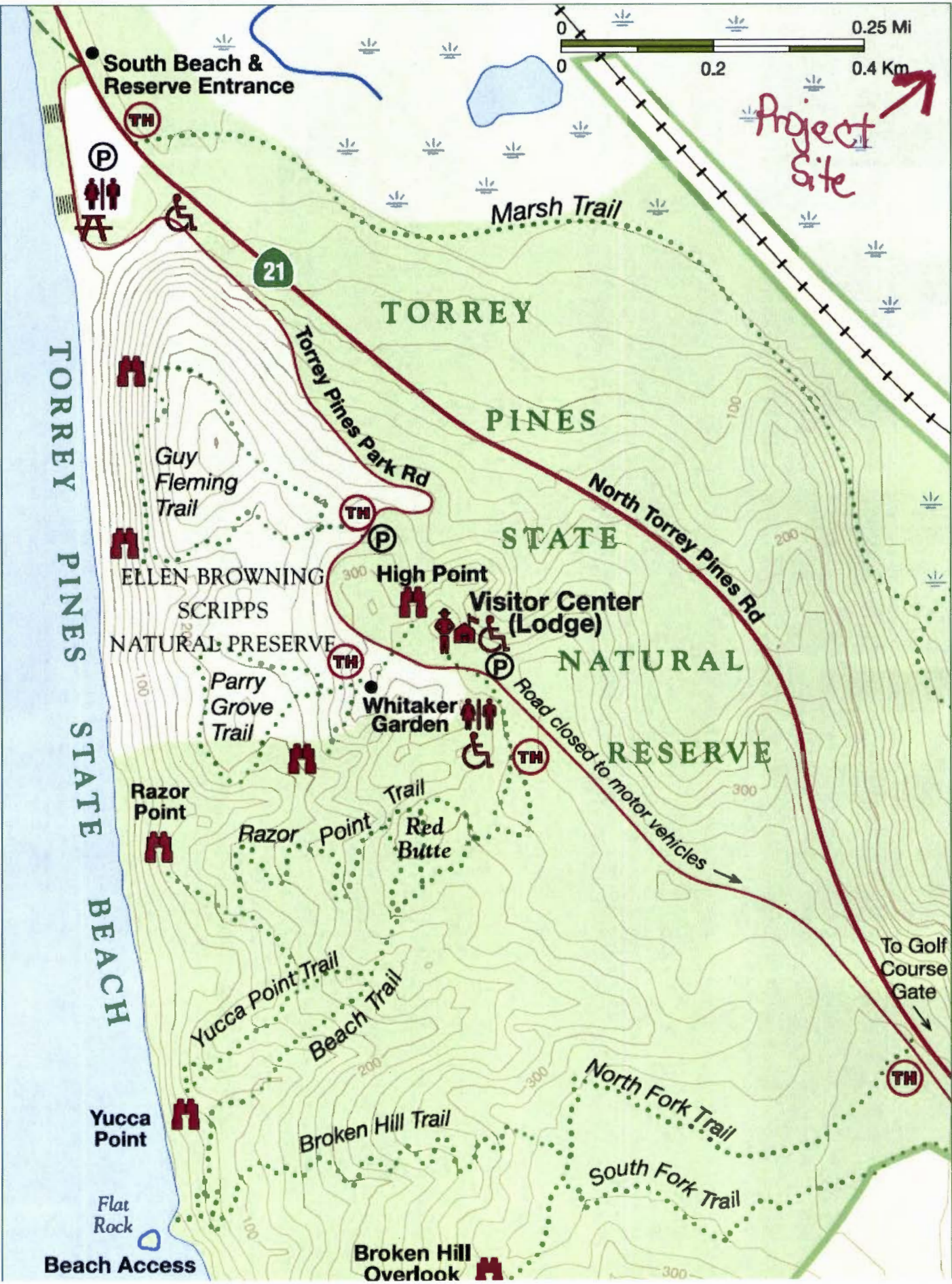
EXHIBIT NO. 12  
APPLICATION NO.  
**A-6-NOC-12-005**

Surrounding  
Roadways











1927 Fifth Avenue  
San Diego, CA 92101  
P 619.308.9333  
F 619.308.9334  
www.reconenvironmental.com

2033 East Grant Road  
Tucson, AZ 85719  
P 520.325.9977  
F 520.293.3051

1504 West Fifth Street  
Austin, TX 78703  
P 619.308.9333  
F 619.308.9334

2027 Preisker Lane, Ste. G  
Santa Maria, CA 93454  
P 619.308.9333  
F 619.308.9334



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MAR 16 2012

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

March 14, 2012

Sherilyn Sarb  
Deputy Director  
California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108

Deborah Lee  
District Manager  
California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108


Reference: California Coastal Commission Appeal No. A-6-NOC-12-005  
(Sorrento Pointe I and II, L.P.)

Dear Ms. Sarb and Ms. Lee:

The City of San Diego (City) approved the Sorrento Pointe Project Planned Development Permit No. 503978, Site Development Permit No. 503979, and Coastal Development Permit No. 503977 (Approved Permit) with special conditions on December 8, 2011. On January 13, 2012, two California Coastal Commissioners (Esther Sanchez and Mark W. Stone) appealed this decision. Each issue identified by the Coastal Commission Appeal (January 13, 2012) is addressed below.

**Appeal Issue 1: Lack of Information Regarding Proposed Habitat Impacts**

The discussion of biological resource impacts in the Mitigated Negative Declaration (MND) was based on the *Biological Resource Survey Report for the Sorrento Pointe Project* (RECON 2011) (Biological Resources Report) that was incorporated by reference into the MND (California Environmental Quality Act Guidelines §15150) and available for review during the public review draft of the MND. Specifically, as indicated in the MND (page 29 of the Conclusions), the document, along with other Initial Study materials, were available for review at the City Entitlements Division. The report includes Figure 7 on page 32, which shows the impacts to vegetation communities on the project site. As apparent on that figure and described on page 1 of the Biological Resource Report, project impacts to southern maritime chaparral sensitive habitats were minimized by locating the development within the meadow area of the site. As indicated in the MND, impacts to southern maritime chaparral could be avoided due to the need for site access and would be mitigated in compliance with the Multiple Species Conservation Subarea Plan (MSCP). Also, areas temporarily

EXHIBIT NO. 14
APPLICATION NO.
<b>A-6-NOC-12-005</b>
Letter of Response to Appeal
Page 1 of 13
 California Coastal Commission



construction activities would be revegetated and impacts would be mitigated in compliance with the City's MSCP. The Biological Resources Report is included in this letter as Attachment 1.

It is also important to note that the project has been redesigned several times to minimize impacts to sensitive habitats. Attachment 2 illustrates the previous 1998, 1999, 2004, 2005, 2007, and 2008 designs in addition to the current 2011 design. Note that due to changes over time and changes in mapping, the existing habitat communities have fluctuated throughout these years and existing sensitive habitat has increased. Below is the history of project changes completed to reduce impacts to sensitive habitats.

- The first submittal in 1998 included three, two-story buildings (120,000 square feet [sf]) with access from Sorrento Valley Road at the southwest corner of the site. This 1998 project included impacts to approximately 7.5 acres (50 percent) of the site. Biological impacts of the 1998 project were not quantified at the time; however, it is apparent from the project footprint that a significant amount of sensitive upland and wetlands would be impacted.
- In 1999, the project was revised to reduce impacts to 6.6 acres of the site (43.7 percent), and the access was revised to be from both Sorrento Valley Road and the development to the south. Per the 1999 biological resources encroachment analysis, the 1999 project would encroach into 2.36 acres of sensitive habitats consisting of 0.12 acre of southern maritime chaparral, 2.18 acres of coastal sage scrub, 0.05 acre of mule fat scrub, and 0.01 acre of jurisdictional non-wetland water.
- The 2004 project buildings and access was similar to the 1999 project, but redesigned in a manner that would result in impacts to 6.7 acres of the site (46.7 percent). Note that the total site acreage changed due to the Interstate 5 (I-5) California Department of Transportation (Caltrans) improvements. The 2004 project was determined to impact 1.84 acre of sensitive habitats consisting of 0.22 acre of southern maritime chaparral, 1.58 acres of coastal sage scrub, 0.03 acre of mule fat scrub, and 0.01 acre of jurisdictional non-wetland water.
- The 2005 version of the project would impact the same acreage as the 2004 project, and the existing habitats remained the same.
- The 2007 project was also similar to the 2004/2005 version; however, the project would grade 7.07 acres of the site (49.3 percent). This design would impact a total of 1.69 acres of sensitive habitat consisting of 0.01 acre of southern maritime chaparral, 1.60 acres of coastal sage scrub, 0.03 acre of baccharis scrub, 0.01 acre of sandstone bluff, 0.02 acre of southern willow scrub, and 0.02 acre of mule fat scrub.
- The 2008 version of the project substantially reduced the buildings, retaining walls and grading to 3.99 acres of the site (27.8 percent). This project included a three story, 57,113-sf building; a two-story, 27,800-sf building; and a 7,425-sf building bridge. This project would only take access from the development to the south, and the Sorrento Valley Road vehicle access was eliminated. This design minimizes impacts to biological resources by reducing the building and parking lot footprints and revising the site access to avoid wetlands and reduce impacts to sensitive habitats to 0.28 acre consisting of 0.24 acre of coastal sage scrub, 0.01 acre of baccharis scrub, 0.01 acre of sandstone bluff, 0.01 acre of southern willow scrub, and 0.01 acre of mule fat scrub. This minimizes impacts to the drainage course on the southwest of the site and alters the building perimeter to retain two large mature Torrey pines (*Pinus torreyana*).

- Similar to the 2008 version, the current approved project includes one two-story and one three-story building (92,338 sf total), with access from the development to the south only. The 2011 project would grade 4.13 acres (28.8 percent of the site). While this is slightly increased from the 2008 version, changes include temporary construction disturbance areas to be revegetated and restored and also were necessary to avoid additional wetland areas. Natural habitat changes and vegetation mapping updates resulted in an increase in the existing on-site southern maritime chaparral acreage. Considering this mapping change, the 2011 project impacts would include 0.74 acre of southern maritime chaparral, 0.28 acre of coastal sage scrub, and 0.004 acre of jurisdictional non-wetland water. The remaining 2.97 acres of impacts would consist of non-native grassland.

Overall from 1998 to 2011, the project has been redesigned to reduce grading by 3.37 acres and to minimize impacts to sensitive habitats. Most importantly, impacts to wetlands have been avoided. To illustrate this, the 2011 project was overlaid onto the 1998 project (Attachment 3). As ultimately proposed, the project encroaches as minimally as possible and adequately mitigates all biological impacts, including habitat impacts.

#### **Appeals Issue 2: Upland Habitat Mitigation**

The area of southern maritime chaparral to be preserved on-site ranges in width from approximately 120 feet to over 400 feet and reaches 1,630 feet in length. The preserve is separated from the Multi-Habitat Planning Area (MHPA) by the Sorrento Valley Road right-of-way; however, it is considered functionally connected to the MHPA along the entire 1,630-foot length of the preserve. This section of vacated road is closed to vehicular access and is only open to pedestrian and bicycle access. As indicated in the California Coastal Commission recommendation for this roadway closure, wildlife did cross this area even when it was open to vehicular traffic (California Coastal Commission 2003). With the closure of the roadway, it is likely that wildlife usage of the area has increased. As determined by the project's qualified biologist, the road would not be considered a significant barrier to wildlife movement between the preserved habitat on-site and the adjacent MHPA lands, and is essentially connected to the large area of native habitat within the MHPA. Furthermore, the southern maritime chaparral on-site has persisted in its current condition for several decades and, given the relatively large 9.88-acre covenant of easement area, the project biologist reasonably assumes that it will continue to persist under the post-project condition.

The project will restore and enhance the southern maritime chaparral on-site through the revegetation of post-construction disturbed areas with native southern maritime chaparral plant species. The project would not significantly impact the remaining southern maritime chaparral on- or off-site and, thus, is not required to restore or enhance those areas.

The 0.004 acre of impact to non-wetland drainage channel that would occur off-site due to the installation of a road storm drain would be mitigated through 1:1 restoration of the drainage channel feature in Segment A (page 26 of the Initial Study). A 1:1 mitigation ratio was determined to be appropriate by the City based on the Biological Resources Report due to "the small acreage of impact, limited resource values affected, avoidance of wetland impacts, and an on-site mitigation location." As indicated in the City's Biology Guidelines (pages 13-14), "[m]itigation must be determined on a case-by-case basis" and "[m]itigation for specific projects may differ depending on site-specific conditions as supported by the project-level analysis." Thus, the mitigation measures identified in the Final MND (Mitigation Monitoring and Reporting Program [MMRP]) and Permit Conditions (Conditions 15-18) are appropriate, are in compliance with the City's Municipal Code, and would fully mitigate project habitat impacts.



### **Appeals Issue 3: Habitat Buffers**

The project wetland buffers are shown on Figure 9, page 38, of the Biological Resources Report, and the associated buffer analysis is provided on pages 37-39 and pages 46-47 of the same. Wetland buffers are also described in the Initial Study (pages 26- 27). Thus, habitat buffer information was included in available documents. A summary of the buffer information within these documents is provided below.

Per the Biological Resources Report, buffers provided between the on-site drainage and the proposed parking lot would range in width from 22 feet at the I-5 culvert outfall to over 100 feet. Where the proposed access road would travel over the non-wetland drainage, it would have an 88-foot separation from the wetland area to the north and a 53-foot separation from the wetland area to the south. The proposed access road storm water improvement at the southern project boundary would be separated from the wetland habitat by 15 feet.

Per the City Biology Guidelines, "The width of the buffer may be either increased or decreased as determined on a case-by-case basis, in consultation with the California Department of Fish and Game (CDFG), the U.S. Fish and Wildlife Service (USFWS) and the Army Corps of Engineers (USACE), taking into consideration the type and size of development, the sensitivity of the wetland resources to detrimental edge effects, natural feature such as topography, the functions and values of the wetland and the need for upland transitional habitat." As described in the Biological Resources Report,

*A wetland buffer is being provided to protect and maintain the existing functions and values of the jurisdictional waters on the site. There would not be a significant loss of wetland habitat functions and values, and the proposed buffer would not restrict current species utilization of the habitats associated with the drainage courses any more than existing conditions. This support is based in part on measures being taken to avoid, minimize, and mitigate impacts to sensitive biological resources on the property, the condition of the on-site biological resources, and the existing site constraints. The jurisdictional waters on the site are limited by existing topographical constraints, hydrology that is largely from urban storm water runoff, and narrow, steep-sided drainage courses.*

*The proposed wetland buffers allow for the maintenance of the current wetland functions and values on-site by providing a buffer of existing native southern maritime vegetation between the developed portions of the site and the drainage courses and associated habitat. Restoration of areas disturbed during grading within the proposed buffer area (e.g., recompaction of the geo-remedial area) to native wetland and upland habitats will replace functions and values to these areas. This horizontal wetland buffer, in conjunction with vertical separation, is considered sufficient to preserve the existing habitat functions and values of the jurisdictional waters and wetlands on the site, buffer these jurisdictional waters from potential edge effects, and maintain species utilization of these areas equal to the existing condition.*

*Reductions from the 100-foot wetland buffer requirement in the coastal overlay zone require approval by the USACE, USFWS, and CDFG per Section 143.0141 a-b of the San Diego Municipal Code. A meeting was held with the resource agencies in December 2010 to discuss the proposed wetland buffers. The U.S. Army Corps of Engineers, Biological Resource Survey Report for the Sorrento Pointe Project California Department of Fish and Game, and U.S. Fish and Wildlife representatives at this meeting did not raise any objections to the proposed deviations in the wetland buffer as described below (Attachment 4), and will review the project during the permit process.*

As indicated in Permit Conditions (Conditions 15-18) and associated Final MND (MMRP), the wildlife agencies would be consulted and associated subsequent permits would be required prior to project implementation.

**Appeals Issue 4: Brush Management**

As indicated in the City's Municipal Code §142.0412(i-j), modification to the brush management program requirements are allowed under certain conditions in areas of low fire hazard severity ratings.

**§142.0412**

- (i) In consideration of the topography, existing and potential fuel load, and other characteristics of the site related to fire protection, the Fire Chief may modify the requirements of this Section, and where applicable with the approval of the Building Official, may require building features for fire protection in addition to those required in accordance with Chapter 14, Article 5, Division 7 (Chapter 7A of the California Building Code as adopted and amended) if the following conditions exist:
  - (1) In the written opinion of the Fire Chief, based upon a fire fuel load model report conducted by a certified fire behavior analyst, the requirements of Section 142.0412 fail to achieve the level of fire protection intended by the application of Zones One and Two; and
  - (2) The modification to the requirements achieves an equivalent level of fire protection as provided by Section 142.0412, other regulations of the Land Development Code, and the minimum standards contained in the Land Development Manual; and
  - (3) The modification to the requirements is not detrimental to the public health, safety, and welfare of persons residing or working in the area.
- (j) If the Fire Chief approves a modified plan in accordance with this section as part of the City's approval of a *development permit*, the modifications shall be recorded with the approved permit conditions.

The project includes a modified brush management program in compliance with Municipal Code §142.0412. Permit Condition 34 excerpted from the Approved Permit provides an adequate level of fire protection in compliance with Municipal Code §142.0412(i). The brush management plan is also consistent with the Torrey Pines Community Plan and the City's Local Coastal Program.

- 34. The Owner/Permittee shall implement a modified Brush Management Program in accordance with provisions of LDC Sec. 142.0412(j), as documented on Exhibit "A," to include an expanded Zone One of 79 feet with no Zone Two along west and south sides of Buildings 1 and 2. In addition, one of the following options shall be implemented to complete the brush management program along the north-east side of Building 1:
  - a) The north-east side of Building 1 shall have a Zone One ranging from 35 feet to 50 feet in width with a corresponding Zone Two ranging from 65 feet to 42 feet in width and include off-site portions of the I-5 Caltrans right-of-way. A seasonal Encroachment Permit shall be obtained from Caltrans for the purposes of implementing Zone 2 brush management; **[Per the provisions of Section 142.0412(j) Zone Two Decrease = 65'-0" - (50'-0" - 35'-0") x 1.5 = 42'-6". See also Detail B – Brush Management Zones – Sheet 13 – Exhibit A. ]** or



- b) The north-east side of Building 1 shall have a Zone One ranging from 35 feet to 50 feet in width. In lieu of providing a corresponding Zone Two, the Owner/Permittee shall fire-rate the north-east side of Building 1 to consist of minimum one-hour construction with 20-minute protected openings; **[Note that this option is also addressed in Fire Prevention Bureau Policy B-08-1-VII Fire Protection Requirements – Structures (A) Fire-resistive Construction [SDMC Section 142.0412(i) thru (j)] – when the full brush management zone(s) cannot be provided, alternative means of obtaining equivalent fire protection shall be required. (See subsection B below for exemptions.) The Fire-Rescue Department will identify the required fire protection based on the structure's proximity to native or naturalized vegetation and extent of fuel load. This option is also identified on Sheet 10 – Landscape Concept Plan – Zone Two - Brush Management Notes, Sheet 12 – Detail B- Alternative to Meet Brush Management Zone Two Requirement in Exhibit "A".]** or
- c) The Owner/Permittee may implement measures set forth in a Fire Fuel Load Model Report prepared by a certified Fire Behavior Analyst and deemed acceptable to the Fire Chief. Protective measures shall be consistent with analyses and mitigation measures set forth in the Environmental Document. **[This option is also identified on Sheet 10 – Landscape Concept Plan – Zone Two - Brush Management Notes, Sheet 12 – Detail B- Alternative to Meet Brush Management Zone Two Requirement in Exhibit "A".]**

The project's modified brush management plan meets the conditions of the Municipal Code by achieving an adequate level of fire protection as approved the Fire Chief. No additional brush management beyond that included in the approved permits would be required to provide adequate fire protection or meet regulations and guidelines. Therefore, the project would not incur additional brush management impacts to biological resources, and additional mitigation would not be required. A letter from the Fire Chief verifying this has been attached (Attachment 4).

This appeal issue also notes that the project includes brush management Zone Two within the hydroseed coastal sage scrub habitat. The City of San Diego Biology Guidelines (page 6) indicates that brush management Zone Two is considered "impact neutral" and is not considered part of the proposed development area. Thus, as identified in the Biological Resources Report and Initial Study, brush management Zone Two would not result in significant habitat impacts.

#### **Appeals Issue 5: Visual Impacts**

##### **Background Visual Information**

The subject site consists of a knoll that is visible from surrounding locations. The site generally consists of native habitat around the base of the knoll and a disturbed area on the top of the knoll. The top of the knoll was previously occupied by a farmhouse and was cleared of vegetation. Over time, five cell phone facilities and two large billboard signs were installed at the top of the knoll. Freeway widening resulted in the removal of the southerly billboard, grading on the eastern portion of the site, and subsequent revegetation with a coastal sage scrub hydroseed mix. The remaining billboard facing the southbound lanes of I-5 and its metal support posts will be removed with an overhead crane, but its concrete foundation will remain in place so as not to disturb existing surrounding vegetation. The cell phone facilities will be moved to within the proposed building envelope for complete concealment from view. An existing access paved trail from Sorrento Valley Road wraps around the knoll to the top, which will be maintained as a non-vehicular, pedestrian/bike-only link to the Sorrento Valley Road public pedestrian/biking trail. Another existing dirt road connects from the knoll to the southern areas near the Caltrans right-of-way. A drainage from an I-5 culvert outlet flows onto the property from the east, under this road through the site to the southwest.



A Viewshed Analysis (RECON 2010) was prepared to document the visual impacts from the project and incorporated by reference in the MND (RECON 2011). This document was available for review during the public review period for the MND. The MND acknowledges that the project would be visible from surrounding locations, and concludes that significant impacts would not occur. It is recognized that the development will be visible from the public Marsh Trail in the Torrey Pines State Reserve as well as the adjacent public pedestrian/biking trail that borders the western portion of the property (Sorrento Valley Road). The Marsh Trail is approximately a third of a mile away from the site and includes the site in the background view (Attachment 5 - Visual Simulation 5). The adjacent trail is approximately 85 feet below the first floor of both buildings and a minimum of 230 feet from edge of pavement to the exterior walls of the building. Sightlines are naturally softened and screened from view by the existing steep slopes, mature heavy growth of southern maritime chaparral, and existing mature lemon-scented gum trees (*Eucalyptus citriodora*). With the exception of the site's vehicular access, which is taken through an existing commercial development to the south, the proposed development will take place within the boundaries of previously disturbed area of the site, or approximately 4.91 acres of the 14.35-acre property.

Building materials were specifically selected to complement the tranquil scenic refuge of the lagoon and natural site features. Building opaque finish materials and colors will be darker earth tones, incorporating rugged stacked ledger accent stone consisting of dark browns, blacks, grays, and flecks of rust that subtly contrast with the medium brown with flecks of tan travertine stone veneer field stone. Medium bronze storefront, roof overhangs, and panels complete the opaque palette. Tinted "evergreen" glazing blends and complements the transparent green foliage of the existing and proposed tree canopies, as well as minimizing reflectivity.

The landscaping design incorporates a variety of new trees in landscaped areas located at the perimeter of the building, within the parking areas, and along the slopes adjacent to the proposed project that soften and provide additional visual texture to the architecture as well as reduce potential glare from the windows and other surfaces. The proposed trees consist of non-invasive, evergreen species. Specifically, the trees proposed for the perimeter slopes around the project are exclusively limited to Torrey pines (27 new two to three foot box sizes) and Nuttall's scrub oaks (*Quercus dumosa*). In addition, the two large, existing, mature Torrey pines and a majority of the existing eucalyptus trees (*Eucalyptus* sp.) located on the property will remain in place. The project also includes a variety of non-invasive shrubs, vines, and groundcovers, all of which will aid in blending the project into the natural surroundings.

The proposed development consists of two buildings that step along with natural topography and with the northernmost building nestling into the existing hillside to present a two-story building elevation from viewpoints from Los Peñasquitos Lagoon, Coast Highway 101, and Carmel Valley Road. Views of the open space, buffering, and screening the west side of the site will be preserved through the elimination of the proposed driveway access to Sorrento Valley Road and by only taking vehicular access from Carmel Mountain Road through an existing development to the south. The approximate elevations from finished grade were taken from a point five feet out from the building perimeter area, as documented on the Building Exterior Elevations – Sheet 8 of Exhibit A. These approximate elevations are as follows:

**WEST ELEVATION:**

Building One: Top of Roof: 159.65 feet  
Lowest Adjacent Grade: 126.5 feet  
**Height: 33.15 feet**

Building Two: Top of Roof: 147.50 feet  
Lowest Adjacent Grade: 118.3 feet  
**Height: 29.2 feet**



**NORTH ELEVATION:**

Building One: Top of Roof: 159.65 feet  
Lowest Adjacent Grade: 122.20 feet  
**Height: 37.45 feet**

Building Two: Not Visible from the North

**EAST ELEVATION:**

Building One: Top of Roof: 159.65 feet  
Lowest Adjacent Grade: 126.5 feet  
**Height: 33.15 feet**

Building Two: Top of Roof: 147.50 feet  
Lowest Adjacent Grade: 118.3 feet  
**Height: 29.2 feet**

**SOUTH ELEVATION:**

Building One: Top of Roof: 159.65 feet  
Lowest Adjacent Grade: 119.50 feet  
Height: 39.75 feet

Building Two: Top of Roof: 147.50 feet  
Lowest Adjacent Grade: 107.85 feet  
**Height: 39.92 feet**

**Notes:**

1. Building One: approximately 40 percent of the first floor wall area is below grade and nestled into the existing hillside.
2. Building Two is 39.2' high measured from the entrance to the underground parking structure that provides 54 percent of the required 305 parking spaces hidden from view underground.

**Alternatives**

The Final MND analysis determined the project will have a less than significant visual impact and would be consistent with the Torrey Pines Community Plan visual guidelines; thus, alternatives or alternate building designs to reduce visual impacts are not warranted. Refer to the Final MND Initial Study (pages 11 to 14) and response to comments (Letter 8, Response 3; Letter 11, Response 3; and Letter 13, Response 3) regarding visual resources and consistency with the Torrey Pines Community Plan. Also, refer to the "Torrey Pines Community Plan - Visual Resources" section below.

While alternatives to further reduce visual impacts are not warranted, it is notable that the approved project has been redesigned and scaled down from previous versions to reduce environmental impacts. For example, the first submittal in 1998 included three two-story buildings, 120,000 sf, 172 surface parking spaces, and 228 parking spaces in two exposed parking structures with access from Sorrento Valley Road and Torrey Reserve West (Access Easement). This 1998 project included impacts to 50 percent of the site, with a floor to area ratio (FAR) of 19.2 percent, and would remove all existing Torrey Pines. The current project includes one two-story and one three-story building, 92,338 sf, 142 surface parking spaces, and 163 fully concealed subterranean parking spaces with access only through the development to the south to Carmel Mountain Road. The proposed project was redesigned from previous versions to include the three-story building nestled into the hillside to reduce the visibility of the structure, retain existing Torrey pine trees, and include substantial landscaping screening between the structures and the area to the west. Thus, the project has been redesigned to reduce and avoid environmental impacts, including visual impacts.

### **Industrial Element Goal 8**

The project would comply with Industrial Element Goal 8. The proposed commercial development has been designed to develop within the boundaries of the existing disturbed area to the extent feasible; however, it is not possible to provide adequate site access via the existing disturbed area (see the Biological Resources Report Figure 7). As detailed in the MND, impacts to steep slopes, wetlands, riparian habitats, and archeological sites would be minimized and reduced to less than significant levels through mitigation. Thus, the project development would be "restricted" in compliance with Goal 8 of the Industrial Element. The project would not encroach into Los Peñasquitos Lagoon and the Carroll Canyon Creek Corridor. The stepping of the buildings, nestling into the existing hillside, proposed landscaping, and selection of darker earth-tone building materials help to blend the project into the adjacent open space areas (Final MND response to comments Letter 11, Response 3).

### **Local Costal Program Policy: Hillsides**

The proposed development would occur within land zoned as IL-3-1, which allows for light industrial uses and is not intended for open space preservation (Final MND response to comments Letter 1, Response 1). The proposed project will protect the scenic and visual qualities of the site as seen from the public vantage points (including recreational areas, roads and highways) by complementing and blending the building pads and new slopes with the natural landforms and topography (Final MND and associated photo simulations). Thus, the project would be consistent with the Local Costal Program Policy regarding hillsides.

### **Torrey Pines Community Plan - Visual Resources**

As detailed in the Final MND Initial Study (pages 11 to 14) and response to comments (Letter 8, Response 3; Letter 11, Response 3; and Letter 13, Response 3), the project will have a less than significant visual impact to views and is consistent with the Torrey Pines Community Plan. The project would not impact the scenic visual resources identified in the Torrey Pines Community Plan since the project site is not located within an identified visual resource area. Relevant photograph simulations are attached (Attachment 5) to this letter. While this information is already included in the Final MND and on plans, each of the Torrey Pines Community Plan visual resource items listed in the appeal area are addressed further below:

1. The proposed development is not within the Los Peñasquitos Lagoon, Torrey Pines State Reserve Extension, San Dieguito River Regional Park, Crest Canyon, or the Carroll Canyon Creek Corridor, and is not zoned for open space. However, the site is visible from Los Peñasquitos Lagoon.

Views from the Los Peñasquitos Lagoon are represented by photo simulation 5 (Attachment 5). As shown in that simulation, the project would appear in the background view along the horizon at the same horizontal plane as the existing development. Relative to the other development along the horizon, the proposed development design is unique, considering it has been designed to be as visually unobtrusive as possible. The buildings have been designed to fit into the existing topography and to reduce how tall the structures appear. Also, the project includes underground parking instead of surface parking like other developments in the vicinity. Torrey Reserve West located directly to the south has an FAR of 38.3 percent, and 11839-11688 Sorrento Valley Road to the southwest have an FAR of 66 percent. To address visual impacts, the proposed project has an FAR of 14.8 percent. Torrey Reserve West has a total landscape/open space area of 36 percent, and 11839-11688 Sorrento Valley Road 33 percent of the site. Also to reduce the visual impact, the proposed project has a total landscape /open space area of over 80 percent of the site. The landscaping would screen the development, and the existing natural vegetation adjacent to the open space to the west would be retained as a visual buffer. Overall, the project has been designed to minimize visual impacts to the views within the Los Peñasquitos Lagoon.



2. The project would be visible from the three road segments considered to possess dramatic vistas which are recommended for scenic route designation (North Torrey Pines Road, Carmel Valley Road, and Sorrento Valley Road). However, due to the project's location, the project would not block views of visual resources from these roadways. Viewers on these roadways would not look over the project site to the only identified visual resource in the viewshed (Los Peñasquitos Lagoon). Thus, the project site does not have the potential to block views of a significant visual resource from these recommended scenic route roadways. Further, while the project site may appear intermittently in the background views of North Torrey Pines Road and Carmel Valley Road, the views already include development in the background and the project would not result in a significant impact to the overall scenic quality. The project development is located approximately ½ mile from North Torrey Pines Road and ¾ mile from Carmel Valley Road. As illustrated in photo simulation 3 (Attachment 5) and discussed above, the project has been designed to blend in with the existing topography and is screened by existing vegetation and proposed landscaping. The project would not be visually obtrusive. Sorrento Valley Road is no longer open to vehicular traffic and is not eligible to be a scenic route (URS 2003, page 4-116). Ultimately, these roadways are only recommended for designation and are not actually designated as scenic routes.
11. Originally, five Torrey pines were located on-site; however, two of them were damaged by fire and disease. The two damaged trees would have to be removed due to their current state. One tree on the north portion of the site near an existing billboard would be removed due to project development. Two existing healthy mature Torrey pines, one with a trunk caliper of 24 inches and one with a trunk caliper of 36 inches, have not only been preserved, but have been designed to be the focal point of the courtyard that links the two buildings, and would remain visible from locations to the east and west of the site. The project includes the planting of 27 Torrey pines (two- and three-foot box sizes) along the west, north, and south edges of the project to provide a visual landscape buffer for the project. This would more than replace the trees lost.
12. The development would provide native trees, shrubs, and vines throughout the development, including a relatively solid strip of native Torrey pines and Nuttall's scrub oak along the westernmost portions of the site. This landscaping would screen the buildings, which are stepped and nestled into the hillside. In addition, the existing intervening vegetation would also provide screening. Thus, views from the Peñasquitos Lagoon, Torrey Pines State Reserve, and Sorrento Valley Road (closed to vehicular traffic, but open to recreational use) and other public views would be screened. See the photo simulations (Attachment 5) for a visual depiction.

Due to compliance with all applicable Visual Resource Items in the Torrey Pines Community Plan, it was determined that the project would result in a less than significant visual impact.

Consistency with the Torrey Pines Community Plan is further enforced by the fact that the project was unanimously approved by the Torrey Pines Community Planning Board, as documented in the December 9, 2010 Torrey Pines Community Planning Board Meeting Minutes.

#### **Appeals Issue 6: Drainage**

The project has been conditioned by the Approved Permit (Conditions 21 and 24) to provide long-term maintenance of the proposed storm water and drainage systems to ensure their permanent efficiency and operation. Both of these conditions state the following: "The drainage system proposed for this development and outside of the public right-of-way is private, shall be privately maintained and subject to approval by the City Engineer" and "Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent best management practices maintenance, satisfactory to the City Engineer."

To reduce impacts to the surrounding environment during construction, the project has also been conditioned (Condition 22) to comply with "all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB."

Furthermore, proof of mechanisms for long-term maintenance of the proposed stormwater and drainage systems will be provided during the construction permit review/approval process as required by the City Storm Water Standards. The requirements of the Storm Water Standards define the framework which will ultimately outline in detail the necessary steps and actions to ensure that stormwater and drainage systems are maintained in perpetuity, including the formal transfer of operation and maintenance responsibility to the site owner or occupant and identification of the financial instruments required to secure against lack of maintenance performance or design flaws in design or construction. Secondary to the requirements in the City's Storm Water Standards, but equally important, a Storm Water Management and Discharge Control Maintenance Agreement with its accompanying Operation and Maintenance (O&M) Plan, recorded in the San Diego County Recorder's Office, will provide even more detailed information to ensure that stormwater and drainage systems are maintained in perpetuity. Also, as noted in the Final MND response to comments (Letter 7, Response 3), the approved Water Quality Technical Report (Rick Engineering 2011) becomes a part of the City-issued permit for the project. This report includes an O&M Plan that requires Pacific Sorrento Valley Holdings, LLC to provide maintenance of the proposed stormwater improvements, subject to inspections by the City.

Overall, through implementation of the project's conditions of approval, and through regulatory compliance as described above, long-term maintenance of the proposed stormwater and drainage systems will occur.

With respect to the project's consistency with the policies of the Torrey Pines Community Plan, the following mitigation measures are incorporated in the design of proposed stormwater and drainage systems:

- Three separate underground stormwater flow-control (detention) facilities are proposed and designed to mitigate increases in storm runoff discharge volumes generated by the project. Post-development flows will be detained so as to discharge storm runoff at pre-development flow rates during the 10-year storm event (Runoff will be detained down to pre-project flow rates), as well as maintain pre-project drainage patterns.
- Rip-rap energy dissipators are also proposed at the storm drain outlet/outfall locations and will be designed to discharge runoff at non-erosive velocities and constructed in such a way as to minimize impacts to receiving waters.
- Third, to mitigate for potential increases in sediment generated by the project, a hydrodynamic (vortex) separator and inlet filter inserts are proposed. The vortex separator is a mechanical separator that physically reduces sediment, as well as petroleum hydrocarbons (oil and grease), trash, debris, and pesticides that attach to sediment. The inlet filter inserts are designed to reduce and contain sediment, as well as petroleum hydrocarbons, pesticides, debris, and trash from runoff.



- Low Impact Development (LID) integrated management practices (IMPs) will be incorporated into the final engineering design to the maximum extent practicable to minimize impact to Los Peñasquitos Lagoon. LID IMPs such as downspout to swale and curb cuts along perimeter parking areas will facilitate draining rooftops, sidewalks, and parking areas to adjacent landscaping via swales, shown on the project plans, allowing for "polishing and infiltration of runoff." Area drains and inlets upstream of the water quality treatment best management practices devices will properly drain landscape areas in close proximity to proposed buildings and surface improvements in order to protect their structural/foundation integrity, while removing storm water pollutants of concern.
- By detaining project-related storm runoff down to the pre-project condition levels, designing the rip-rap to minimize erosion, by incorporating low impact development IMP's and storm water treatment units, and by allowing detention facilities to help capture sediment upstream of the vortex separator, sediment contributions and impacts to Los Peñasquitos Lagoon will be minimized to the maximum extent practicable.

#### **Appeals Issue 7: Avian Collisions**

The avian collision appeal issue is addressed in the Final MND response to comments (Letter 7, Response 2).

*[T]he project would install low-reflectivity glazing and other window and lighting treatments that would serve to minimize the potential for avian disorientation and to reduce the potential of avian collisions. These measures are proposed to achieve compliance with the U.S. Green Building Council's LEED Platinum rating. These design measures would be identified as conditions on the building permit and included in the construction drawings, and are discussed below.*

*Glass on the exterior of the proposed two buildings would be low emissivity (low e coated) tinted insulated glass with an Outdoor Visible Light Reflectivity not to exceed 11 percent. Based on reflectivity municipal ordinance research (LEED Specialist, Engineering 350), an industry standard threshold for the maximum limit of Outdoor Visible Light Reflectivity for glazing is 20 percent. As a point of comparison, typical Outdoor Visible Light Reflectivity for "reflective" glazing can be in the mid to high thirties percentage and uncoated glass provides an Outdoor Visible Light Reflectance of 15 percent (LEED Specialist, Engineering 350).*

*To further minimize the potential for avian disorientation at dusk or after dark, indoor light control would be designed so as not to create an outward directional flux. This would be achieved via the use of a pendant upright system that removes any outward directional component. In addition, in the pursuit of LEED Credit 8 – Light Pollution Reduction, the design team would produce a light trespass simulation showing that the amount of indoor light trespass meets the threshold value.*

*The proposed project would reduce avian collision impacts through measures consistent with MHPA Land Use Adjacency Guidelines and City lighting ordinance required as project conditions and in the MMRP, as well as measures included to obtain LEED Platinum that would be identified as conditions on the building permit and included in the construction drawings. Thus, avian collision impacts would be less than significant.*

The use of non-reflective "evergreen tinted" glass is a project feature, as indicated in Elevation Legend of Exhibit A Drawings sheet 8 – Exterior Elevations that indicates the glass type. Lighting requirements are included as Permit Conditions 46 to 48 to reduce outward directional flux, as described above. Thus, inclusion as mitigation in the Final MND is not required. The ultimate outcome will be the avoidance of avian collision.

In addition to the measures indicated in the Final MND response, the project will demonstrate best practice by voluntarily meeting the following Bird Safe Building performance indicators:

- (1) The recently adopted Section 139 of the San Francisco Planning Code, "Standards for Bird Safe Buildings," and
- (2) The LEED Pilot Credit 55: Bird Collision Deterrence.

Preliminary compliance with these two best practice indicators is attached for reference (Attachment 6).

If you have any further questions or comments, please contact John Chamberlain to arrange a meeting with Sorrento Pointe I and II, L.P. consultants and attorneys within a reasonable period of time in an effort to resolve all issues identified in the above referenced appeal.

Thank you for your attention to this matter.

Sincerely,



Lee Sherwood  
Principal

LAS:sjg

cc: Melissa Ahrens, California Coastal Commission  
John Chamberlain, American Assets  
Greg Sanders, Nossaman LLP

**Attachments:**

- (1) Biological Resource Survey Report
- (2) Previous Project Designs
- (3) 1998 and 2011 Projects Compared
- (4) Fire Chief Letter
- (5) Photo Simulations
- (6) Avian Collision Memo

**References:**

California Coastal Commission  
2003 Staff Recommendation on City of San Diego Major Amendment No. 1-03B (Sorrento Valley Road Closure). September 18.

RECON Environmental (RECON)  
2010 Viewshed Analysis for the Sorrento Pointe Project. September 10.

2011 Sorrento Pointe Final Mitigated Negative Declaration, PTS No. 144031, SAP No. 23428829, SCH 1999071058. November 22.

Rick Engineering  
2011 Water Quality Technical Report for Sorrento Pointe. March 8.

URS Corporation (URS)  
2003 Sorrento Valley Road Reuse Final Environmental Impact Report, LDR No. 42-0026, SCH No. 2002021081. January 3.





  Project Boundary

#### **Vegetation and Land Cover Types**

- Coastal Sage Scrub (hydroseed)
- Drainage Channel
- Eucalyptus Woodland
- Mule Fat Scrub
- Non-native Grassland
- Southern Maritime Chaparral

- Dist. S. Maritime Chap.
- Willow Scrub
- Ornamental
- Disturbed
- Developed

#### **Sensitive Species**

- Del Mar Sand-aster
- Nuttall's scrub oak
- Orange-throated whiptail
- San Diego barrel cactus
- Torrey pine
- Wart-stemmed ceanothus
- Del Mar Sand-aster

0 Feet 200

Exhibit #15

A-6-NOC-12-005

Original Biology Vegetation Communities and Sensitive Species Locations Map

**FIGURE 4**

**RECON**

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- Project Boundary**
- Restoration Area**
- Jurisdictional Waters Mitigation Area
  - Upland Restoration Area
- Project Impacts**
- Proposed Development
  - Proposed Access Road

- Vegetation and Land Cover Types**
- Coastal Sage Scrub (hydroseed)
  - Drainage Channel
  - Eucalyptus Woodland
  - Mule Fat Scrub
  - Non-native Grassland
  - Southern Maritime Chaparral

- Dist. S. Maritime Chap.
- Southern Willow Scrub
- Ornamental
- Disturbed
- Developed

Exhibit #16  
A-6-NOC-12-005  
Original Restoration  
Plan

FIGURE 3

Vegetation Communities and  
Location of Habitat Restoration Areas



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Gregory W. Sanders  
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gsanders@nossaman.com

Refer To File #: 500253-0001



August 21, 2012

Toni Ross, Staff Analyst  
California Coastal Commission  
San Diego Area  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421

Re: Sorrento Pointe Office Complex Project (Appeal No. A-6-NOC-12-005) - Revised  
Vegetation Map and Gnatcatcher Protocol Survey


Dear Ms. Ross:

We continue to represent Sorrento Pointe I and II, L.P. ("Sorrento Pointe") with regard to all matters pertaining to appeal of approval by the City of San Diego of a commercial office complex in the North San Diego area. Per our most recent telephone conference, we have spoken with Coastal Commission staff biologist John Dixon regarding the need to have a revised vegetation map of the Sorrento Pointe property prepared that reflects the presence of coastal sage scrub on the property. Mr. Dixon requested that the revised map be prepared. Gerry Scheid of RECON was commissioned to prepare the revised map. The revised vegetation map is enclosed. RECON also completed a gnatcatcher protocol survey which has been reported to the U.S. Fish and Wildlife Service. The revised vegetation map and results of the protocol survey are enclosed.

We believe that mitigation for the coastal sage scrub is already provided for in the conditions of approval imposed on the Sorrento Pointe project by the City of San Diego. As we previously discussed, the City imposed mitigation measures for protection of the maritime chaparral on the property. The coastal sage scrub on the property was previously identified as maritime chaparral. As we further discussed, maritime chaparral requires a higher level of protection than coastal sage scrub.

We would like to get this matter and any other issues that haven't been addressed to your satisfaction resolved as soon as possible. As you know, this appeal has been pending since January 13 of this year. We need to have a hearing date set for the earliest possible time and work on any unresolved issues.

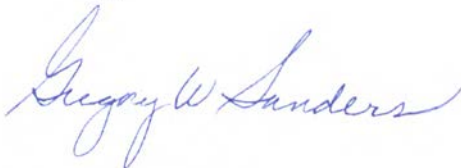
EXHIBIT NO. 17
APPLICATION NO.
<b>A-6-NOC-12-005</b>
Updated Bio Report

Page 1 of 19
 California Coastal Commission

Toni Ross, Staff Analyst  
August 21, 2012  
Page 2

Thank you for your attention to this matter. If you would like to discuss anything pertaining to the appeal, you can reach me at my home office (805.927.4765) or the Orange County office (949.833.7800).

Sincerely,



Gregory W. Sanders  
of Nossaman LLP

GWS/cjm



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*An Employee-Owned Company*

August 8, 2012

Ms. Susie Tharratt  
U.S. Fish and Wildlife Service  
Carlsbad Field Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, CA 92011-4219

Reference: Post-survey Notification of Focused Surveys for Coastal California Gnatcatcher for the Sorrento Pointe Project (RECON Number 2925-1)

Dear Ms. Tharratt:

This letter describes the results of U.S. Fish and Wildlife Service (USFWS) protocol surveys for the federally threatened coastal California gnatcatcher (*Poliophtila californica californica*) conducted for the Sorrento Pointe Project (project). The project is located off Sorrento Valley Road, west of Interstate 5 and south of State Route 56, in the city of San Diego, California. The project is located in the 7.5-minute topographical map series, Del Mar, Pueblo Lands of San Diego land grant in San Diego County (U.S. Geological Survey 1994; Figures 1, 2 and 3).

#### **Project Description**

The project totals approximately 14.4 acres. Undeveloped land and a pump station are located north of the project, a parking lot and business buildings are located south of the project, Sorrento Valley Road and Los Peñasquitos Lagoon are located west of the project, and Interstate 5 is located east of the project. Of the total project area, 9.3 acres were identified as being potentially suitable habitat for the coastal California gnatcatcher; thus, the survey effort was focused within this area.

#### **Methods**

RECON biologist Erin McKinney conducted the USFWS protocol surveys for coastal California gnatcatcher in July 2012 under USFWS Endangered/Threatened Species Permit TE-797665. The 14.4-acre project area is not located within the Multiple Habitat Planning Area and includes 9.3 acres of potentially suitable habitat for the coastal California gnatcatcher (Figure 4). The survey was conducted in accordance with USFWS survey protocol (1997). All bird species observed during the surveys were noted. Survey dates, times, and weather conditions are provided in Table 1.

#### **Existing Conditions**

The project area supports baccharis scrub, coastal sage scrub, coastal sage scrub (hydroseed), developed land, disturbed coastal sage scrub, disturbed land, eucalyptus woodland, mule fat scrub, non-native grassland, ornamental, southern coastal bluff scrub, southern maritime chaparral, southern willow scrub, and a drainage channel (see Figure 4). The survey effort was focused within baccharis scrub, coastal sage scrub, coastal sage scrub (hydroseed), disturbed coastal sage scrub, southern coastal bluff scrub, and southern maritime chaparral, as there were plant species within these communities which typify foraging and nesting habitat for the coastal California gnatcatcher. Dominant species within the potential gnatcatcher habitat areas include California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), coyote bush (*Baccharis pilularis*), and laurel sumac (*Malosma laurina*).

TABLE 1  
SURVEY DATES, TIMES, AND WEATHER CONDITIONS

Date	Surveyors	Beginning Conditions	Ending Conditions	Acres/Hour
7/12/12	Erin McKinney	8:00 A.M.; 68°F; winds 0-1 mph; clear conditions, 95% high haze	9:35 A.M.; 74°F; winds 1-3 mph; clear conditions, 100% cloud cover	5.9
7/19/12	Erin McKinney	9:30 A.M.; 72°F; winds 1-2 mph; clear conditions, 0% cloud cover	10:30 A.M.; 73°F; winds 2-5 mph; clear conditions, 0% cloud cover	9.3
7/31/12	Erin McKinney	9:35 A.M.; 70°F; winds 2-4 mph; cloudy conditions, 80% cloud cover	10:45 A.M.; 72°F; winds 2-4 mph; clear conditions, 65% cloud cover	8.0

°F = degrees Fahrenheit; mph = mile per hour; % = percent

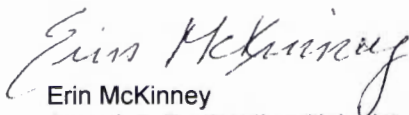
### Survey Results

One adult coastal California gnatcatcher was observed calling and foraging within the coastal sage scrub and southern maritime chaparral on the southeast corner of the project on July 19 (see Figure 4). Additionally, a coastal California gnatcatcher vocalization was heard on July 31 within the southern maritime chaparral on the north end of the project. No breeding activities were observed.

Birds commonly observed during the surveys included Anna's hummingbird (*Calypte anna*), California towhee (*Pipilo crissalis*), bushtit (*Psaltirparus minimus minimus*), and Bewick's wren (*Thyromanes bewickii*). In addition, a Cooper's hawk (*Accipiter cooperii*) was observed perched in a tree.

If you have any questions concerning the contents of this notification letter, please contact me or Gerry Scheid at 619-308-9333.

Sincerely,

  
Erin McKinney  
Associate Restoration Biologist

EJM:sjg

cc: John Chamberlain, American Assets, Inc.

### References Cited

U.S. Fish and Wildlife Service (USFWS)  
1997 Coastal California Gnatcatcher (*Poliioptila californica californica*) Presence/Absence Survey Protocol.

U.S. Geological Survey  
1994 Del Mar CA 7.5-minute series topographic map.



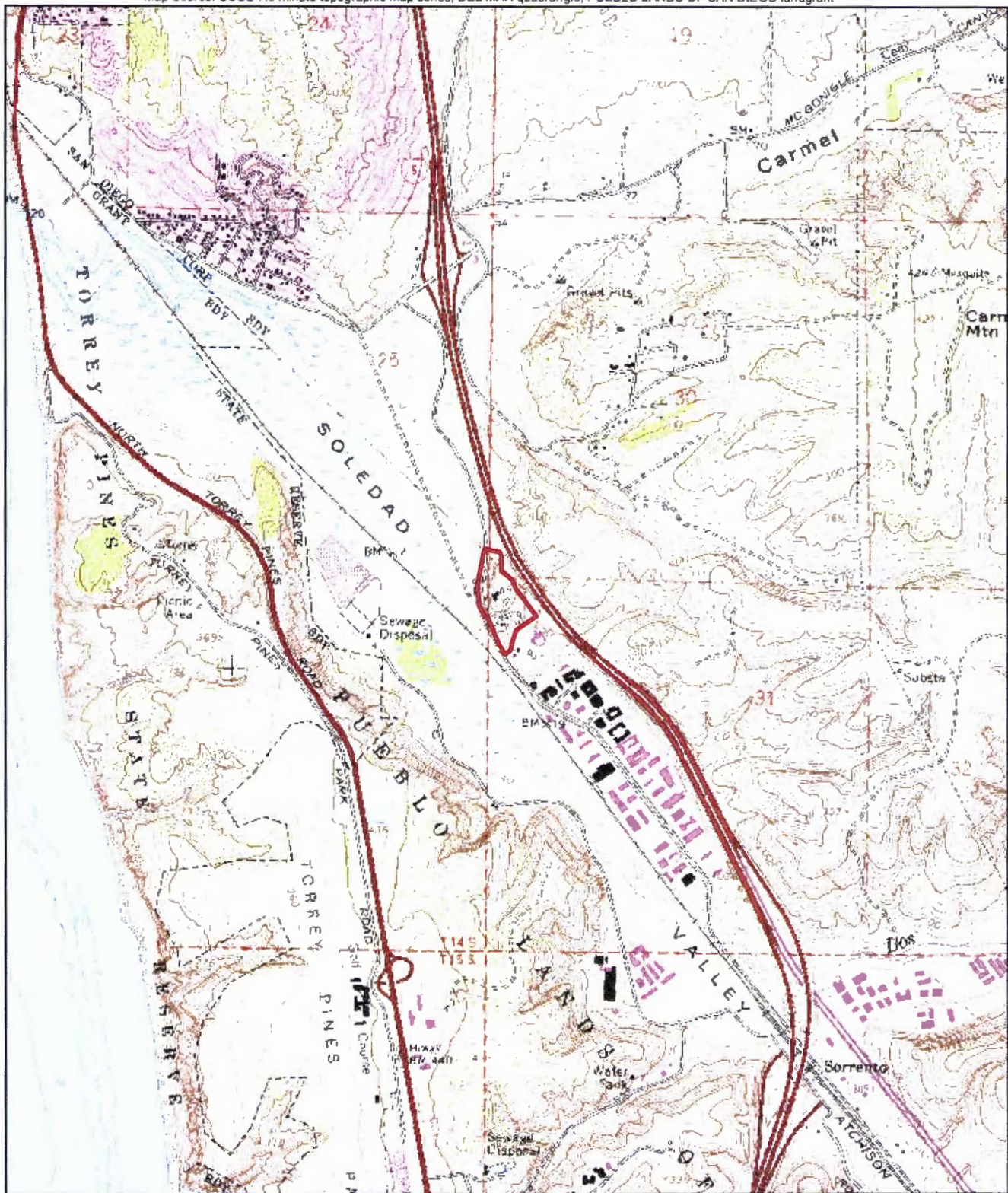


 Project Location

FIGURE 1  
Regional Location



Map Source: USGS 7.5 minute topographic map series, DEL MAR quadrangle, PUEBLO LANDS OF SAN DIEGO landgrant



0 Feet 2,000

Project Boundary

RECON

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FIGURE 2

Project Location on USGS Map





0 Feet 200

Project Boundary

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FIGURE 3  
Project Location on Aerial Photograph





- |   |   |  |
|---|---|--|
| <span style="border: 2px solid red; padding: 2px;"> </span> Project Boundary  | <span style="background-color: #d4edda; border: 1px solid #c3e6cb; padding: 2px;"> </span> Coastal Sage Scrub             | <span style="background-color: #fff3cd; border: 1px solid #ffee58; padding: 2px;"> </span> Non-native Grassland        |
| <span style="border: 1px solid black; padding: 2px;">△</span> California Gnatcatcher Observation                        | <span style="background-color: #d4edda; border: 1px solid #c3e6cb; padding: 2px;"> </span> Disturbed Coastal Sage Scrub   | <span style="background-color: #fff3cd; border: 1px solid #ffee58; padding: 2px;"> </span> Southern Maritime Chaparral |
| <b>Vegetation and Land Cover Types</b>  | <span style="background-color: #d4edda; border: 1px solid #c3e6cb; padding: 2px;"> </span> Coastal Sage Scrub (hydroseed) | <span style="background-color: #d4edda; border: 1px solid #c3e6cb; padding: 2px;"> </span> Southern Willow Scrub       |
| <span style="background-color: #fff3cd; border: 1px solid #ffee58; padding: 2px;"> </span> Southern Coastal Bluff Scrub | <span style="background-color: #d4edda; border: 1px solid #c3e6cb; padding: 2px;"> </span> Drainage Channel               | <span style="background-color: #fff3cd; border: 1px solid #ffee58; padding: 2px;"> </span> Ornamental                  |
| <span style="background-color: #d4edda; border: 1px solid #c3e6cb; padding: 2px;"> </span> Baccharis Scrub              | <span style="background-color: #d4edda; border: 1px solid #c3e6cb; padding: 2px;"> </span> Eucalyptus Woodland            | <span style="background-color: #fff3cd; border: 1px solid #ffee58; padding: 2px;"> </span> Disturbed                   |
|   | <span style="background-color: #d4edda; border: 1px solid #c3e6cb; padding: 2px;"> </span> Mule Fat Scrub                 | <span style="background-color: #fff3cd; border: 1px solid #ffee58; padding: 2px;"> </span> Developed                   |

FIGURE 4

Existing Biological Resources



## **Sorrento Pointe Vegetation Community Descriptions**

(Refer to Figure "A" for photograph location points)

### **Baccharis Scrub (Photograph 1)**

Baccharis scrub occurs at the northern end of the main drainage on the site. The drainage and the surrounding area are vegetated with a nearly pure stand of coyote bush (*Baccharis pilularis*) shrubs. Coastal sage scrub occurs around the margins of this habitat on the site.

### **Southern Maritime Chaparral (Photograph 2)**

Southern maritime chaparral occurs as patches on the northern and southern portions of the property. It lies on the relatively steep slopes facing Los Peñasquitos Lagoon. This community consists of primarily Nuttall's scrub oak (*Quercus dumosum*), wart-stemmed ceanothus (*Ceanothus verrucosus*), California buckwheat (*Eriogonum fasciculatum*), white sage (*Salvia apiana*), and spiny redberry (*Rhamnus crocea*). Other species include bush monkeyflower (*Mimulus aurantiacus*), narrow-leaf bedstraw (*Galium angustifolium*), lemonadeberry (*Rhus integrifolia*), and black sage (*Salvia mellifera*).

### **Coastal Sage Scrub (Photograph 3)**

Coastal sage scrub is the dominant native plant community present on the site. This vegetation community covers the slopes on the southern part of the site and areas along the western and northern slopes. California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), black sage (*Salvia mellifera*), and lemonadeberry (*Rhus integrifolia*) are the dominant plant species.

### **Coastal Sage Scrub (Caltrans Hydroseed – Photograph 4)**

This vegetation designation applies to slopes on the property adjacent to I-5 that were disturbed as part of the Caltrans I-5 widening project. A coastal sage scrub hydroseed was planted on these areas post-construction.

### **Mule Fat Scrub (Photograph 5)**

The main on-site drainage runs from the top of the slope adjacent to I-5 down to Sorrento Valley Road. A sparse community of mule fat scrub occurs within this drainage. This community consists of mule fat (*Baccharis salicifolia*) and blue elderberry (*Sambucus mexicana*). Non-native plant species found in this drainage include pepper trees (*Schinus molle*), eucalyptus (*Eucalyptus* sp.), and sweet fennel (*Foeniculum vulgare*).

### **Southern Willow Scrub (Photograph 6)**

Southern willow scrub occurs on the site as a small patch of willow trees at the northern end of the main drainage where a culvert from under I-5 enters the site, and as scattered individuals along the smaller tributary drainage at the southern portion of the site. Trees of red willow (*Salix laevigata*) and black willow (*Salix gooddingii*) occur at these locations.

### **Coastal Bluff Scrub (Photograph 7)**

Exposed sandstone bluffs occur on the site along the western boundary adjacent to Sorrento Valley Road. Vegetation on these slopes is extremely sparse due to the steepness and erosion. The sparse vegetation is comprised of scattered California buckwheat, California sagebrush, coast barrel cactus (*Ferocactus viridescens*), and coast cholla (*Opuntia littoralis*).

### **Eucalyptus Woodland (Photograph 8)**

Eucalyptus woodland occurs as a narrow stand of eucalyptus trees along Sorrento Valley Road at the northwestern boundary of the site. These trees may provide roosting and nesting opportunities for bird species.

### **Non-native Grassland (Photograph 9)**

An area of non-native grasses and other herbaceous species grows on the formerly disturbed areas on the top of the hill at the project site. Dominant grass species present include hare barley (*Hordeum murinum* ssp. *leporinum*), red brome (*Bromus madritensis* ssp. *rubens*), rattail fescue (*Vulpia myuros* ssp. *myuros*), and slender wild oat (*Avena barbata*). Non-native herbaceous species commonly observed in the grassland areas include ice plant (*Mesembryantum crystallinum*), sour clover (*Melilotus indicus*), field mustard (*Brassica rapa*), mustard (*Sisymbrium orientale*), and statice (*Limonium sinuatum*). A few individuals of non-native trees, such as eucalyptus (*Eucalyptus* sp.) and Peruvian pepper tree (*Schinus molle*), occur in the grassland area along with three Torrey pine trees (*Pinus torreyana*).

### **Disturbed Coastal Sage Scrub (Photograph 10)**

Disturbed coastal sage scrub is present in areas that have been disturbed in the past, such as old roads. The cover of coastal sage scrub plants is less dense and more non-native species, such as star thistle (*Centaurea melitensis*), area present in the areas mapped as disturbed coastal sage scrub.



### **Disturbed Land (Photograph 11)**

Disturbed areas exist on the site and include developed, bare dirt, and areas with either sparse vegetation or those dominated by non-native species. Plant species found in these areas include mustard (*Brassica nigra*), tree tobacco (*Nicotiana glauca*), ice plant, and wild radish (*Raphanus sativus*).

### **Developed (Photograph 12)**

Developed areas on the site include those areas that are currently under roads, or occupied by man-made structures (i.e., telecommunication facilities).

### **Ornamental Plantings (Photograph 13)**

This land cover type occurs on a manufactured slope from the adjacent off-site developed area that was landscaped as part of the Torrey Reserve West project. The slope was planted with one native species: laurel sumac (*Malosma laurina*). The remainder of the slope area was planted with non-native myoporum and rock rose. Over irrigation of this slope has allowed for the establishment of some willow and mule fat individuals and resulted in the establishment and spread of pampas grass (*Cortaderia selloana*), an invasive non-native plant species. Coyote bush, a native species, has also begun to colonize this slope.



Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AeroGRID, IGN, IGP, and the GIS User Community. Copyright © 2012 Esri, Deloitte, NVR, Inc., TomTom

- |                                |                              |                       |
|--------------------------------|------------------------------|-----------------------|
| Project Boundary               | Southern Coastal Bluff Scrub | Southern Willow Scrub |
| Southern Maritime Chaparral    | Baccharis Scrub              | Ornamental            |
| Coastal Sage Scrub             | Non-native Grassland         | Disturbed             |
| Disturbed Coastal Sage Scrub   | Eucalyptus Woodland          | Developed             |
| Coastal Sage Scrub (hydroseed) | Drainage Channel             |                       |
| Mule Fat Scrub                 |                              |                       |

Photograph Location Point

1

FIGURE A

Sorrento Pointe  
Vegetation Communities and  
Photograph Location Points





**PHOTOGRAPH 1**  
View of Baccharis Scub Vegetation along Upper Drainage Course



**PHOTOGRAPH 2**  
View of Southern Maritime Chaparral on Northern Portion of Site





**PHOTOGRAPH 3**  
View of Coastal Sage Scrub on Southern Portion of Site



**PHOTOGRAPH 4**  
View of I-5 Slope Planted with Coastal Sage Scrub Hydroseed Mix





**PHOTOGRAPH 5**  
View of Mulefat Scrub Growing along Drainage Course



**PHOTOGRAPH 6**  
View of Southern Willow Scrub at I-5 Storm Drain  
Outlet at Upper End of On-site Drainage Course





**PHOTOGRAPH 7**  
View of Coastal Bluff Scrub along Western  
Slope Next to Sorrento Valley Road



**PHOTOGRAPH 8**  
Eucalyptus Woodland Growing Near Northwestern  
Portion of Site Adjacent to Sorrento Valley Road





**PHOTOGRAPH 9**

View of Non-native Grassland on Top of Hill in Central Portion of tsite



**PHOTOGRAPH 10**

View of Disturbed Coastal Sage Scrub  
along Old Road in Central Portion of Site





**PHOTOGRAPH 11**

View of Disturbed Land on Western Slope in Central Portion of Site



**PHOTOGRAPH 12**

View of Developed Land (i.e., Telecommunication Facility) on Top of Hill in Central Portion of Site





**PHOTOGRAPH 13**  
View of Ornamental Plantings on  
Manufactured Slope at Southern Boundary of Site



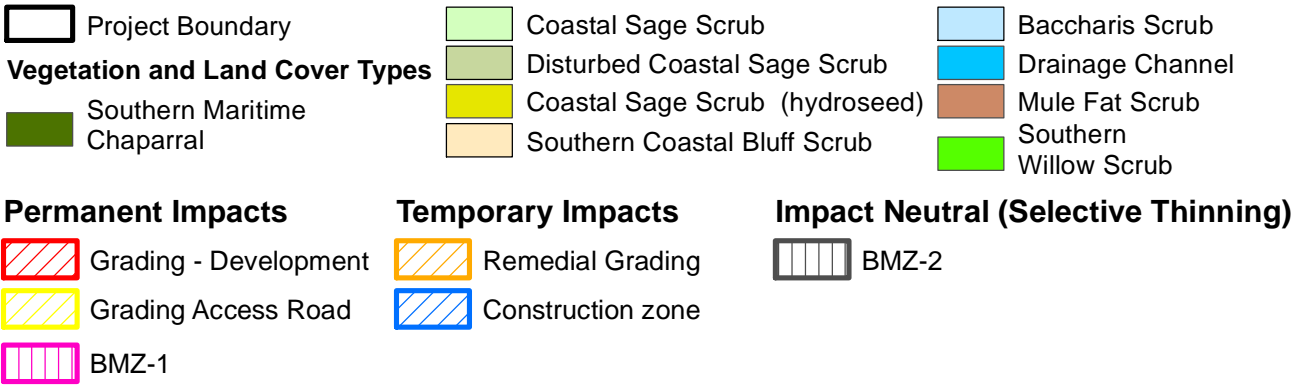


Exhibit #18  
A-6-NOC-12-005  
Updated Impact  
Analysis  
Page 1 of 3



SORRENTO POINTE SUMMARY OF IMPACTS TO SENSITIVE VEGETATION FROM DEVELOPMENT (acres)						
Sensitive Vegetation Type	Impact ID*	Impact	Impact Type	Restoration Type (Same Location)		
CSS	D4	0.003	Permanent	None		
Dist. CSS	D3	0.12	Permanent	None		
	CZ4	0.01	Temporary	CSS		
CSS-Hydroseed	D2	0.14	Permanent	None		
	D1 (BMZ-1)	0.10	Permanent	None		
	CZ2	0.04	Temporary	CSS		

\* - See Figure for Impact ID locations. D = Development, CZ = Construction Zone

CSS = coastal sage scrub; Dist. CSS = disturbed coastal sage scrub; CSS-Hydroseed = CALTRANS coastal sage scrub hydroseed.

NOTE – BMZ-2 impacts to 0.37 ac. of CSS-Hydroseed due to selective thinning are considered “impact neutral”

SORRENTO POINTE SUMMARY OF IMPACTS TO SENSITIVE VEGETATION FROM REMEDIAL GRADING (acres)						
Sensitive Vegetation Type	Impact ID*	Impact	Impact Type	Restoration Type (Same Location)		
CSS	R1	0.033	Temporary	CSS		
	R5	0.0224	Temporary	CSS		
	R6	0.0286	Temporary	CSS		
	R8	0.057	Temporary	CSS		
Dist. CSS	R3	0.02	Temporary	CSS		
	R4	0.01	Temporary	CSS		
SMC	R7	0.03	Temporary	SMC		
BS	R2	0.04	Temporary	BS		

\* - See Figure for Impact ID locations. R = Remedial Grading

CSS = coastal sage scrub; Dist. CSS = disturbed coastal sage scrub; SMC = southern maritime chaparral; BS = baccharis scrub

SORRENTO POINTE						
SUMMARY OF IMPACTS TO SENSITIVE VEGETATION FROM ACCESS ROAD (acres)						
Sensitive Vegetation Type	Impact ID*	Impact	Impact Type	Restoration Type (Same Location)		
CSS	AR1	0.0013	Permanent	None		
	AR2	0.0018	Permanent	None		
	AR4	0.0020	Permanent	None		
	AR6	0.0027	Permanent	None		
	AR8	0.0088	Permanent	None		
	AR9	0.0072	Permanent	None		
	AR10	0.0614	Permanent	None		
	AR12	0.0508	Permanent	None		
	CZ1	0.003	Temporary	CSS		
	CZ5	0.016	Temporary	CSS		
	CZ6	0.003	Temporary	CSS		
	CZ7	0.022	Temporary	CSS		
	CZ10	0.003	Temporary	CSS		
	CZ11	0.003	Temporary	CSS		
Dist. CSS	AR7	0.07	Permanent	None		
	CZ3	0.0001	Temporary	CSS		
SMC	AR3	0.09	Permanent	None		
	AR5	0.0097	Permanent	None		
	AR11	0.0003	Permanent	None		
	CZ8	0.006	Temporary	SMC		
	CZ9	0.0034	Temporary	SMC		
	CZ12	0.0003	Temporary	SMC		
	CZ13	0.0003	Temporary	SMC		

\* - See Figure for Impact ID locations. AR = Access Road; CZ = Construction Zone

CSS = coastal sage scrub; Dist. CSS = disturbed coastal sage scrub; SMC = southern maritime chaparral





**Vegetation and Land Cover Types**

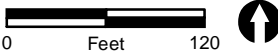
- Non-native Grassland
- Ornamental
- Disturbed

- Southern Maritime Chaparral
- Coastal Sage Scrub
- Disturbed Coastal Sage Scrub
- Coastal Sage Scrub (hydroseed)

- Southern Coastal Bluff Scrub
- Baccharis Scrub
- Drainage Channel
- Mule Fat Scrub
- Southern Willow Scrub

**Mitigation Restoration Areas**

- Baccharis Scrub Restoration
- Coastal Sage Scrub Restoration
- Dist. Coastal Sage Scrub Restoration



- Project Boundary
- Proposed Development Area

Exhibit #19

A-6-NOC-12-005

Updated Restoration Plan

**Sorrento Pointe  
Mitigation Restoration Areas**







PHOTOGRAPH 1a  
Existing Conditions from I-5 Near Project Site

CON

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EXHIBIT NO. 20  
APPLICATION NO.  
**A-6-NOC-12-005**  
Visual Analysis





PHOTOGRAPH 1b  
Photosimulation from I-5 Near Project Site

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PHOTOGRAPH 2a  
Existing Conditions from I-5 Northbound South of Project Site

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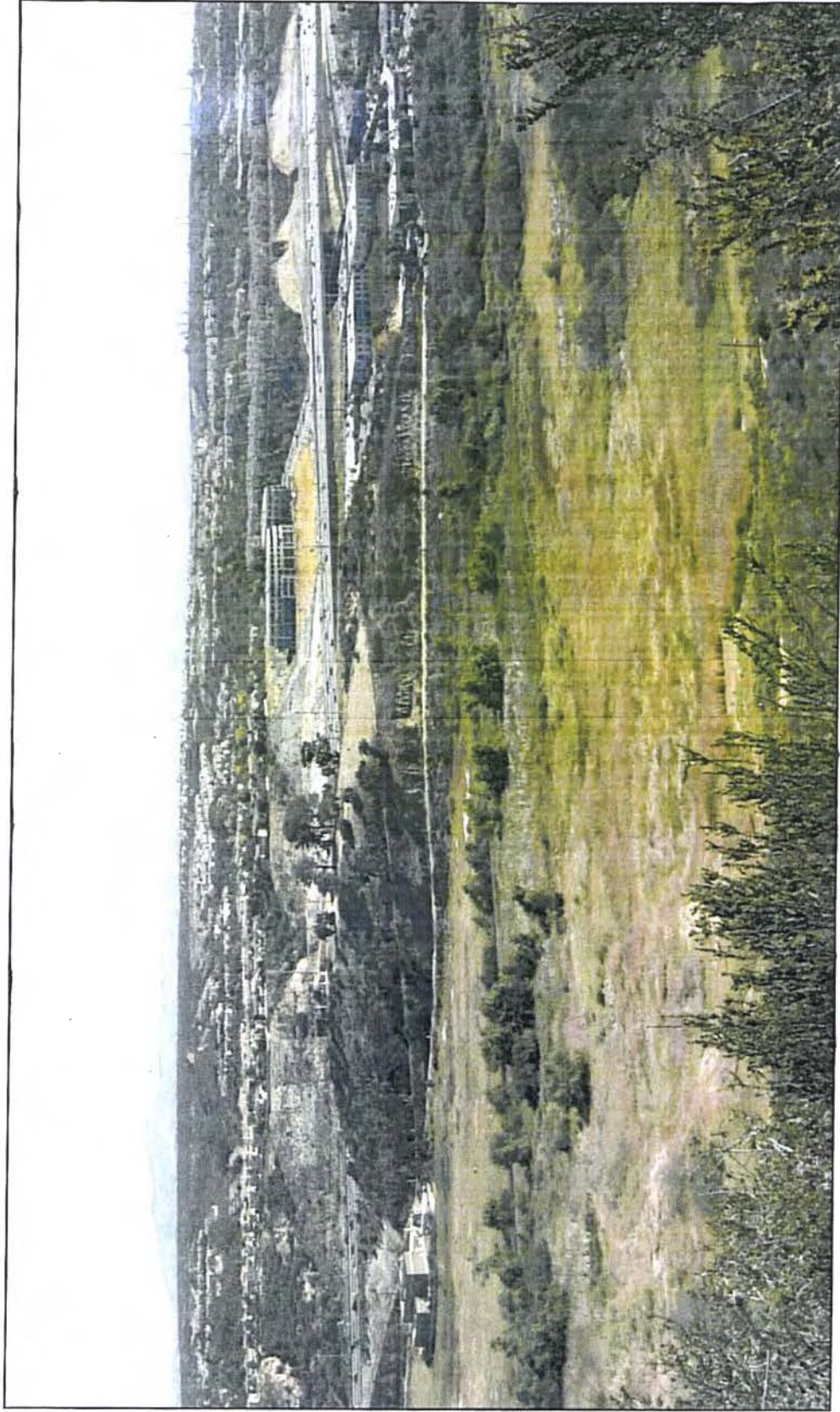
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05/12/10





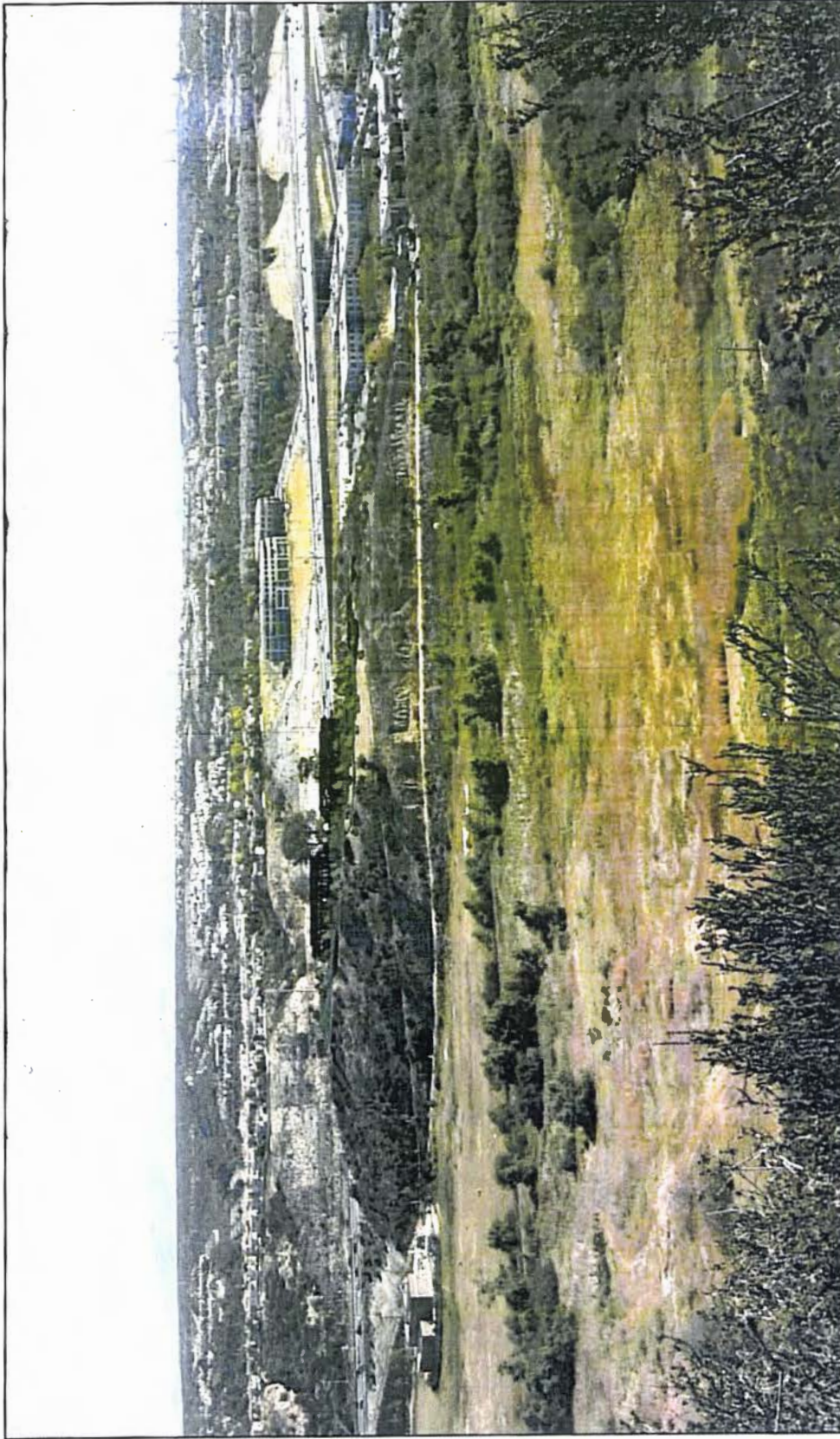
PHOTOGRAPH 3a  
Existing Conditions from Torrey Pines Road West of Project Site

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PHOTOGRAPH 3b  
Photosimulation from Torrey Pines Road West of Project Site

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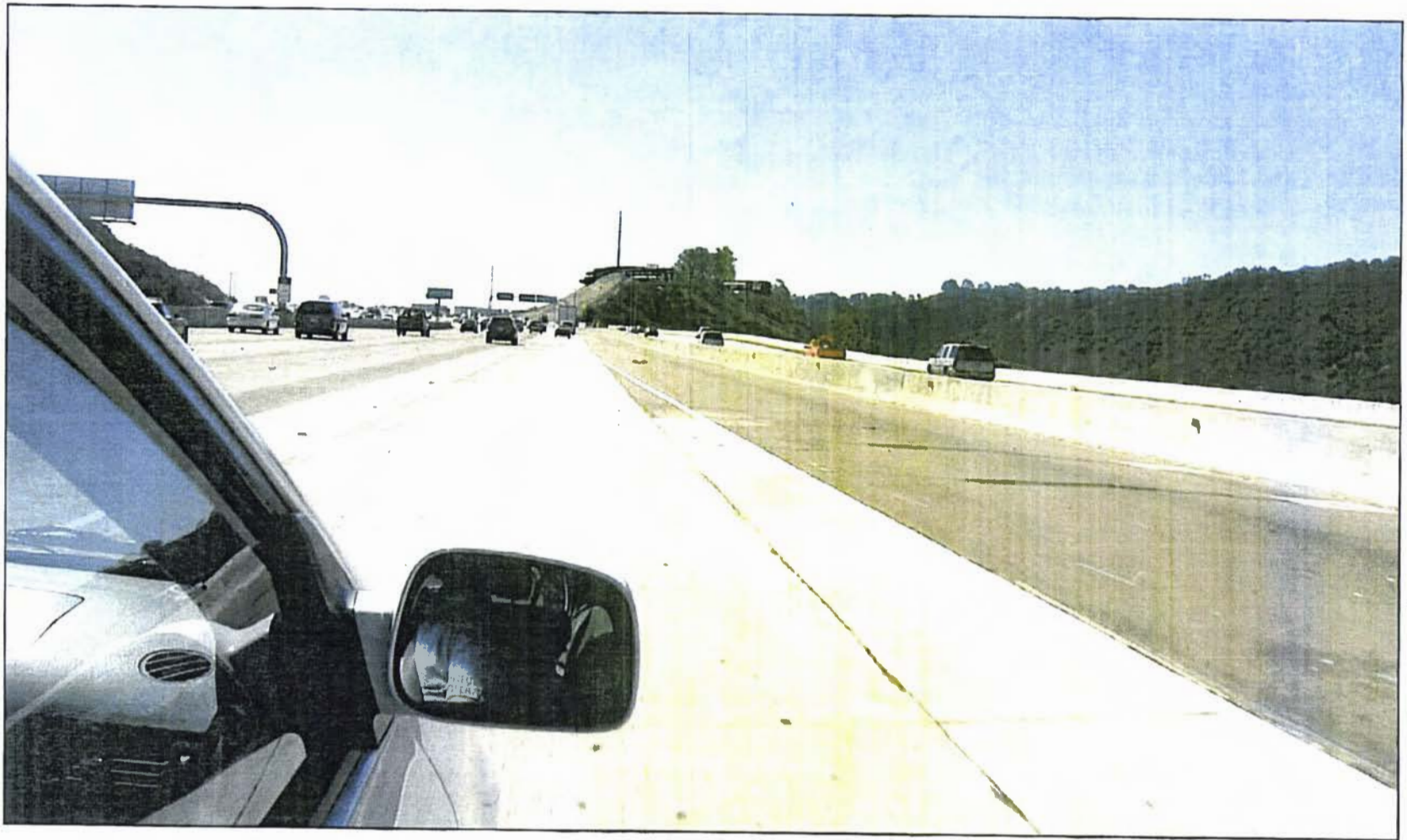
PHOTOGRAPH 4a  
Existing Conditions from Torrey Pines Road West of Project Site

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PHOTOGRAPH 4b  
Photosimulation from Torrey Pines Road West of Project Site

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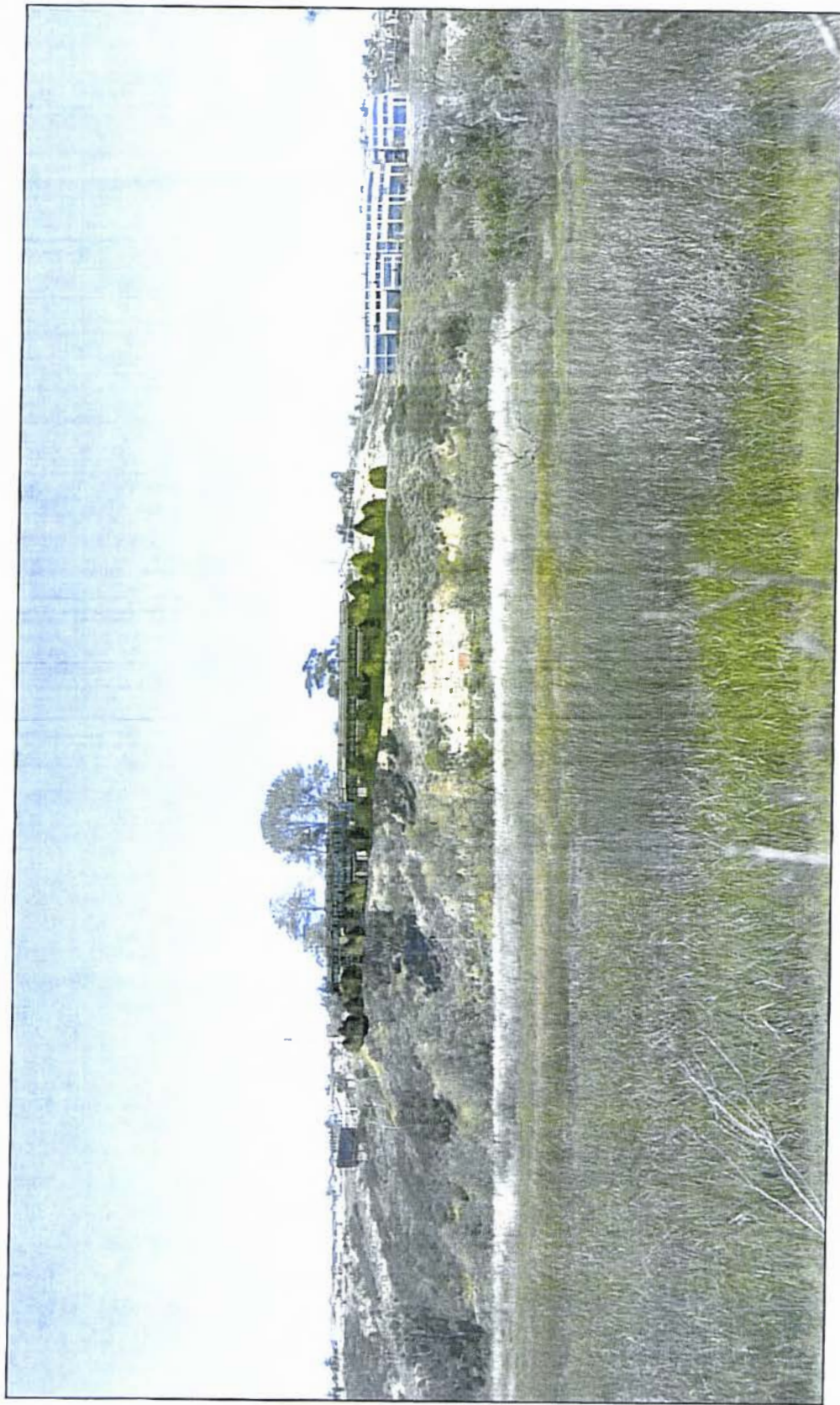
PHOTOGRAPH 5a  
Existing Conditions from Torrey Pines Reserve  
South of Los Peñasquitos Lagoon

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05/12/10





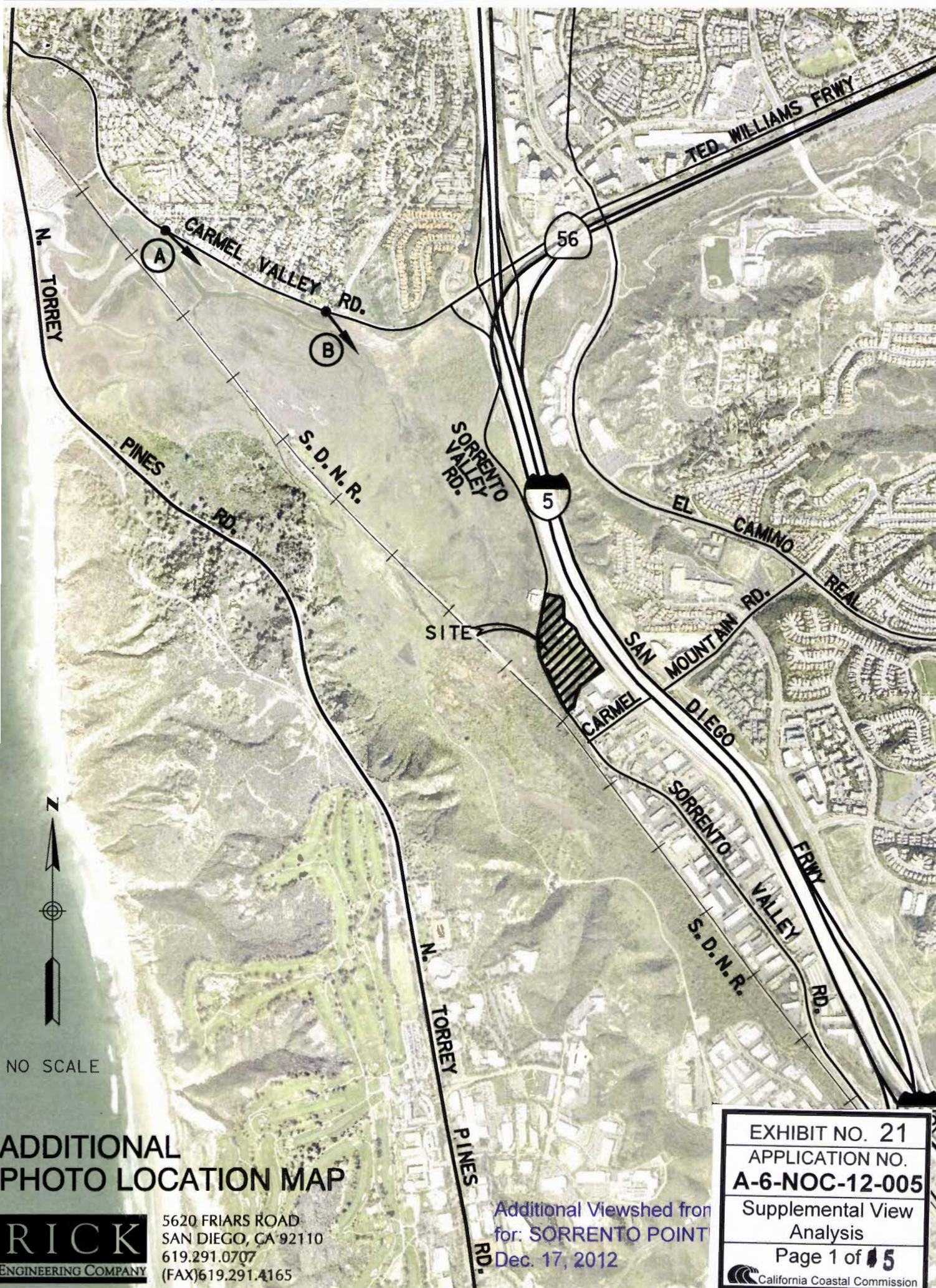
PHOTOGRAPH 5b  
Photosimulation from Torrey Pines Reserve  
South of Los Peñasquitos Lagoon

RECON

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05/12/10






ADDITIONAL  
PHOTO LOCATION MAP

**RICK**  
ENGINEERING COMPANY

5620 FRIARS ROAD  
SAN DIEGO, CA 92110  
619.291.0707  
(FAX) 619.291.4165

Additional Viewshed from  
for: **SORRENTO POINT**  
Dec. 17, 2012

EXHIBIT NO. 21
APPLICATION NO.
<b>A-6-NOC-12-005</b>
Supplemental View Analysis
Page 1 of 5
 California Coastal Commission





PHOTOGRAPH A  
Pre-project condition from  
Carmel Valley Rd.





PHOTOGRAPH A  
Post-project condition from  
Carmel Valley Rd.





PHOTOGRAPH B  
Pre-project condition from  
Carmel Valley Rd.





PHOTOGRAPH B  
Post-project condition from  
Carmel Valley Rd





THE CITY OF SAN DIEGO

February 22, 2012

Mr. John S. Fisher, RLA No. 2995  
Development Services Department  
City of San Diego  
1222 First Avenue, MS 501  
San Diego, Ca 92101

RE: **SORRENTO POINTE PROJECT NO. 144031**; PLANNED DEVELOPMENT  
PERMIT NO 503978, SITE DEVELOPMENT PERMIT NO. 503979 AND COASTAL  
DEVLEOPMENT PERMIT NO. 503977 - MODIFIED BRUSH MANAGEMENT

Dear Mr. Fisher,

As provided for in SDMC Section 142.0412(j) if the Fire Chief approves the modified plan in  
accordance with this section as part of the City's approval of a development permit, the  
modifications shall be recorded with the approved permit conditions.

Subject to the terms and conditions as set forth in the BRUSH MANAGEMENT PROGRAM  
REQUIREMENTS in PLANNED DEVELOPMENT PERMIT NO 503978, SITE  
DEVELOPMENT PERMIT NO. 503979 AND COASTAL DEVLEOPMENT PERMIT NO.  
503977, permission is granted to the Owner/Permittee to implement the modified Brush  
Management Program described and identified on the approved Exhibit "A" dated December 8,  
2011, on file in the Development Services Department.

From the PLANNED DEVELOPMENT PERMIT NO 503978, SITE DEVELOPMENT  
PERMIT NO. 503979 AND COASTAL DEVLEOPMENT PERMIT NO. 503977;

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

The Owner/Permittee shall implement a modified Brush Management Program in  
accordance with provisions of LDC Sec. 142.0412(j), as documented on Exhibit "A," to include  
an expanded Zone One of 79 feet with no Zone Two along west and south sides of Buildings 1  
and 2. In addition, one of the following options shall be implemented to complete the brush  
management program along the north-east side of Building 1:

- a) The north-east side of Building 1 shall have a Zone One ranging from 35 feet to 50 feet in  
width with a corresponding Zone Two ranging from 65 feet to 42 feet in width and  
include off-site portions of the I-5 Caltrans right-of-way. A seasonal Encroachment

EXHIBIT NO. 22

APPLICATION NO.

**A-6-NOC-12-005**

Letter from Fire Chief

Page 1 of 3



California Coastal Commission

Permit shall be obtained from Caltrans for the purposes of implementing Zone 2 brush management; or

- b) The north-east side of Building 1 shall have a Zone One ranging from 35 feet to 50 feet in width. In lieu of providing a corresponding Zone Two, the Owner/Permittee shall fire-rate the north-east side of Building 1 to consist of minimum one-hour construction with 20-minute protected openings; or
- c) The Owner/Permittee may implement measures set forth in a Fire Fuel Load Model Report prepared by a certified Fire Behavior Analyst and deemed acceptable to the Fire Chief. Protective measures shall be consistent with analyses and mitigation measures set forth in the Environmental Document.

2. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

3. Prior to issuance of any Building Permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit "A," one of the options enumerated in condition 1 above, and shall comply with the Landscape Standards and Brush management Regulations as set forth under Land Development Code Section 142.0412.

4. Within Zone One, combustible accessory structures, including, but not limited to decks, trellises, gazebos, et cetera, shall not be permitted while non-combustible and/or one-hour fire-rated accessory structures may be approved within the designated Zone One area subject to the approval of the Fire Marshal.

5. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

6. In Zone One, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape and MSCP section staff.


7. Prior to final inspection and issuance of any Certificate of Occupancy, the approved Brush Management Program shall be implemented.



Page 3  
Sorrento Pointe  
February 22, 2012

8. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

Sincerely,

  
for D. Perry F.M.

Douglas Perry  
Fire Chief  
San Diego Fire-Rescue Department

The design of the development incorporates the findings and recommendations of both a site-specific and coastal watershed hydrologic study in order that the development either assures that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years, and neither significantly increases nor contributes to downstream bank erosion and sedimentation, including wetlands, lagoons, and other environmentally sensitive habitat areas.


#### **Development in Areas of Sensitive Vegetation**

In addition, to the extent applicable, all new development within the coastal zone shall be designed to be consistent with multi-species and multi-habitat preservation goals and requirements as established in the statewide Natural Communities Conservation Planning (NCCP) Program, and shall comply with the City of San Diego MSCP Interim Habitat Loss Permit Process, or shall obtain an incidental take permit under Section 4d, Section 7 or Section 10a of the Endangered Species Act related to the California Gnatcatcher. Compliance with these goals and requirements shall be implemented in consultation with the United States Fish and Wildlife Service and California Department of Fish and Game.

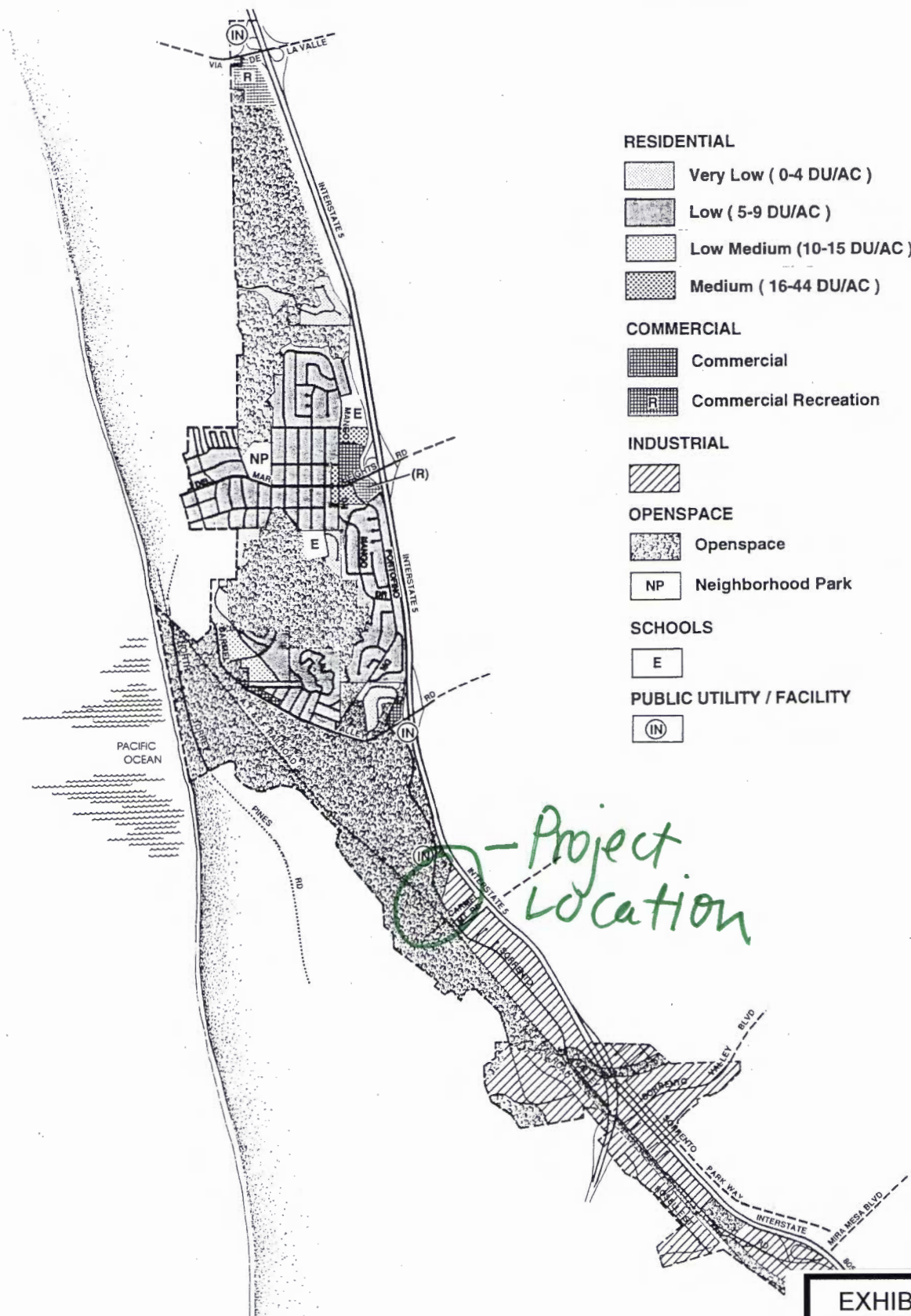
#### **VISUAL RESOURCES**

The State Coastal Act states that the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. The Torrey Pines Community Planning Area possesses many highly scenic open space areas and dramatic vistas. Torrey Pines also has a number of road segments that have scenic qualities worthy of formal recognition and protection. This community plan contains numerous recommendations, policies and implementing actions focusing on the preservation of these visual resources including:

1. Significant scenic resource areas including San Dieguito River Regional Park, Crest Canyon, Torrey Pines State Reserve Extension, Los Peñasquitos Lagoon, and the Carroll Canyon Creek Corridor have been designated and rezoned to open space.
2. Three road segments possessing dramatic vistas are recommended for a Scenic Route designation including North Torrey Pines Road, Carmel Valley Road, and Sorrento Valley Road.
3. Power distribution lines and utilities along Sorrento Valley Road and within Los Peñasquitos Lagoon are recommended to be relocated underground.
4. Future development adjacent to the Torrey Pines Reserve Extension, Los Peñasquitos Lagoon, and Crest Canyon areas shall provide for adequate buffer. Development proposals shall provide adequate setbacks to avoid soil erosion, visual or sediment impacts from construction. Setbacks along

EXHIBIT NO. 23
APPLICATION NO.
<b>A-6-NOC-12-005</b>
Identified Scenic Roadways
 California Coastal Commission



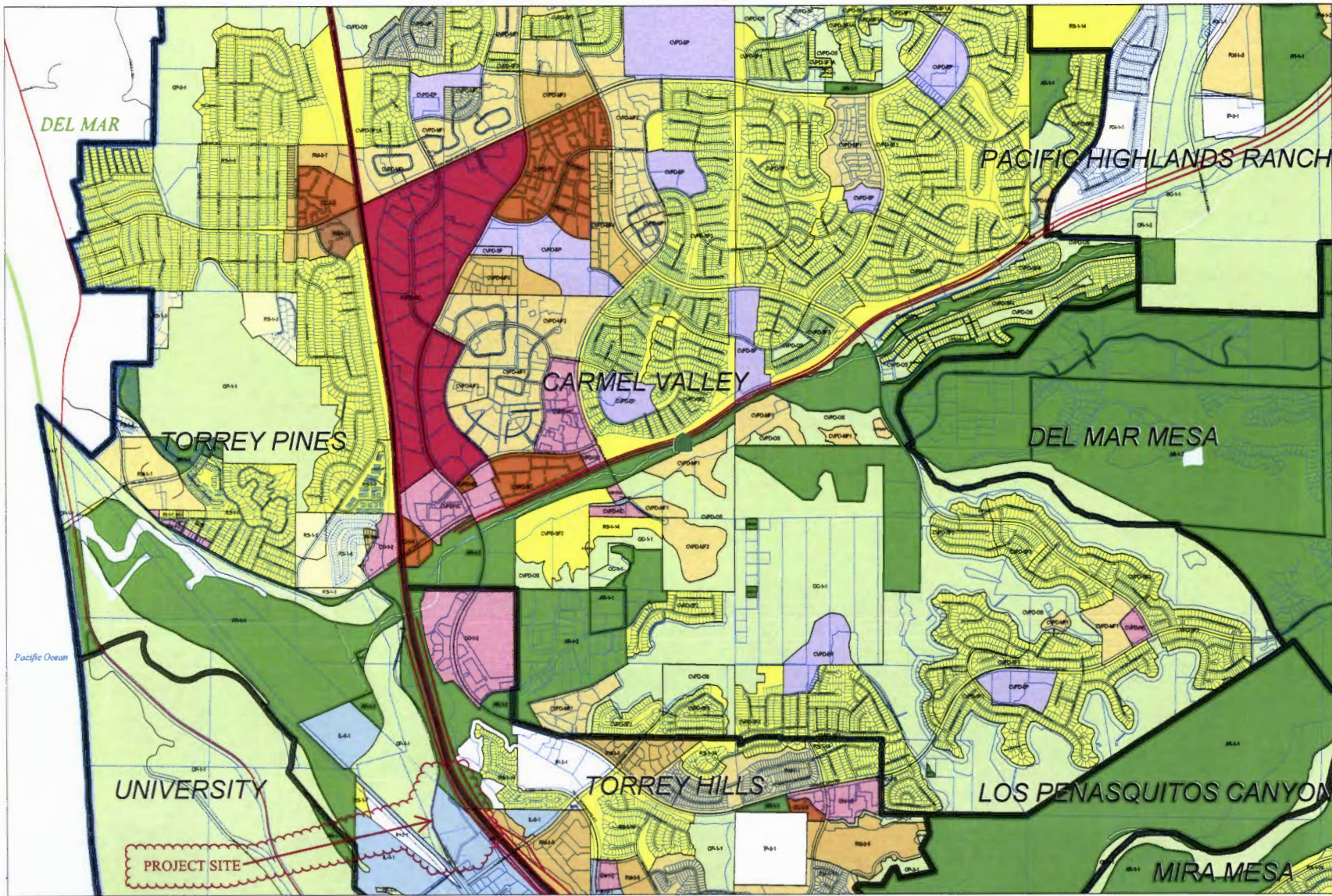


# TORREY PINES Community Plan

## Land Use



# Official Zoning Map



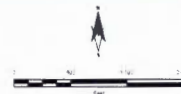
Legend	
	City of San Diego Boundary
	Community Plan Areas
	Parcels
Zoning	
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	CVPD-EC
	CVPD-EP
	CVPD-MF1
	CVPD-MF2
	CVPD-MF3
	CVPD-MF4
	CVPD-MFL
	CVPD-NC
	CVPD-OS
	CVPD-SC
	CVPD-SF
	CVPD-SF1
	CVPD-SF1A
	CVPD-SF3
	CVPD-SF4
	CVPD-SP
	CVPD-TC
	CVPD-VC
	IH-2-1
	IL-2-1
	IL-3-1
	CVPD-2-1
	OC-1-1
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	OP-1-1
	OP-2-1
	OR-1-2
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City of San Diego  
 Development Services Department



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