

California Regional Water Quality Control Board, San Diego Region

February 13, 2013

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8961 6039

Thomas Sullivan
SD Diversified LLC
111 Innovation Drive
Irvine, CA 92617

In reply refer to:
781407: amonji

**Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification
No. 12C-042, the La Jolla Centre III Project**

Mr. Sullivan:

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) for the **La Jolla Centre III Project** (Project) discharge to waters of the United States and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ, *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification*. A description and location of the Project can be found in the Project information sheet, location map, and site maps which are included as Attachments 1 through 4 of this Certification.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that SD Diversified LLC has accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

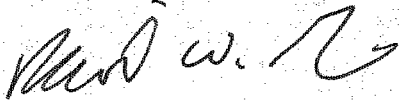
SD Diversified LLC
La Jolla Centre III Project
Certification No. 12C-042

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In the subject line of any response, please include the reference number 781407:amonji. For questions or comments, please contact Alan Monji by phone at (858) 637-7140, or by email at amonji@waterboards.ca.gov.

Respectfully,



David W. Gibson,
Executive Officer
Regional Water Quality Control Board

DG:js:db:kdd:atm

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. **12C-042** for the **La Jolla Centre III** Project, with **5** attachments

cc: Refer to Attachment 2 of Certification **12C-042** for Distribution List.

Tech Staff Info & Use	
File No.	12C-042
WDID	9 000002465
Reg. Measure ID	385138
Place ID	781407
Party ID	533921



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

Action on Request for
Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

PROJECT: La Jolla Centre III, Certification Number 12C-042
WDID: 9 00002465

CIWQS
Reg. Meas. ID: 385138
Place ID: 781407
Party ID: 533921

APPLICANT: Thomas F. Sullivan
SD Diversified LLC
111 Innovation Drive
Irvine, CA 92617

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

SD Diversified LLC (hereinafter Applicant) submitted an application for Water Quality Certification pursuant to section 401 of the Clean Water Act for the proposed La Jolla Centre III Project (Project). Additional information to complete the Application was received on June 27, 2012 and August 9, 2012. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has deemed the Application to be complete. The Applicant proposes to discharge fill material to waters of the United States and/or State associated with construction activity at the Project site

The Project is a 5.29 acre site located in the City of San Diego, California. The Project is bordered by Executive Drive and office buildings to the north; the existing La Jolla Centre I and II office buildings and parking structure to the west; Judicial Drive to the east; and La Jolla Village Drive and the La Jolla Crossroads development to the south. The Project consists of the construction and operation of a new 15-story aboveground, approximate 340,000-square-foot office building. The Project also includes construction of a five level parking structure (including one level of subterranean parking along Judicial Drive). This development would occur within the approximate 5.29 acre Project site. Implementation of the Project will require

GARY DESTACHE, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

9174 Sky Park Court, Suite 100, San Diego, CA 92123 | (858) 467-2952 | www.waterboards.ca.gov/sandiego

Recycled Paper

filling of the site, which has an elevation change of approximately 70 feet between the lowest point and the top of man-made slopes. This would occur through building design and earthwork. Utilities would also be installed to serve the proposed uses. The existing 72-inch sewer main which traverses the Project area will be protected in place by a new structural concrete cap or alternative approach approved by City of San Diego Public Utilities Department.

The Project also addresses access needs for the proposed new building and parking structure. To facilitate vehicular and pedestrian access throughout the Project area and to increase operational efficiencies, modifications to the existing developed areas are required and include (1) modification of existing pedestrian walkways to connect existing and proposed buildings; (2) addition of landscaping throughout the Project area; (3) removal of the existing service-related surface parking spaces located along the eastern side of Parking Structure 2; (4) re-grading and filling of the existing access ramp to the existing plaza grade; and (5) relocation of ancillary facilities (e.g., existing generation and equipment room, trash enclosure, and fire hydrant, among others).

Additionally, the Project will include off-site street improvements. Access to the Project area will be provided from Towne Centre Drive (two access points including one relocated from its existing location), Executive Drive (two access points including one full access and one exit only from Parking Structure 2), Judicial Drive (one access point and one service driveway), and La Jolla Village Drive (one access point). The proposed Project will include roadway and intersection improvements along Judicial Drive, Executive Drive, and Town Centre Drive and will generally include modification of existing driveways, construction of new driveways, lane and median modification, and restriping.

The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction and post-construction best management practices) to treat waste and reduce runoff or other effluents which may be discharged. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project site do not cause onsite or offsite downstream erosion, damage to downstream properties, or otherwise damage to stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Region (9) (Basin Plan)*.

The construction of the Project will permanently impact 0.13 acres (264 linear feet) of jurisdictional waters of the United States and/or State which include 0.07 acre of wetlands within freshwater Marsh habitat and 0.06 acre of non-wetlands waters within southern willow scrub habitat. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density. Compensatory mitigation for the permanent loss of 0.13 acre of jurisdictional waters will be implemented by the purchase of 0.74 acre of wetland/riparian habitat creation performed out-of-watershed within either Phase 1A along Dulzura Creek or Phase 1B along Jamul Creek in San Diego,

SD Diversified LLC
La Jolla Centre III
Certification No. 12C-042

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California. This compensatory mitigation will be satisfied by the use of pre-purchased wetland/riparian creation habitat mitigation credits from the Rancho Jamul Mitigation bank. The mitigation credits have been secured through a purchase agreement executed between SD Diversified LLC and Wildlands, Inc. on July 26, 2012. The out of watershed compensatory mitigation provided offsets the impacts attributed to the Project considering the overall size and scope of impact by the purchase of mitigation credits in excess of the Project's impacts.

Site grading, including the initial clearing and grubbing, is proposed to begin in February 2013, and will take approximately two weeks to complete. The construction phase would follow and is expected to take two years to complete. The Project is planned to start operation in January 2015.

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List of Attachments

1. Project Information
2. Distribution List
3. Location Maps
4. Site Plans
5. Rancho Jamul Mitigation Bank Agreement

I. STANDARD CONDITIONS

Pursuant to section 3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions apply to all water quality certification actions:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and Article 6 (commencing with section 3867 23 CCR).
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under chapter 28 (commencing with section 3830) of 23 CCR and owed by the applicant.

II. ADDITIONAL CONDITIONS: GENERAL

- A. Water Quality Certification No. 12C-042 (Certification) is only valid if the Project begins no later than 5 (five) years from the date of issuance. If the Project has not begun within 5 years from the date of issuance, then this Certification shall expire 5 years from the date of issuance.
- B. SD Diversified LLC (Applicant) must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (and any subsequent versions of this Order). These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf.
- C. The Applicant must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the San Diego Water Board, to support this Certification and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.

- D. During construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies.
- E. Upon presentation of credentials, the Applicant must permit the San Diego Water Board or its authorized representative(s) to:
 - 1. Enter onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - 2. Access and/or copy any records required to be kept under the terms and conditions of this Certification.
 - 3. Inspect and photograph any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - 4. Sample or monitor any discharge or surface water covered by this Certification.
- F. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- G. In response to any violation of the conditions of this Certification, or if the results of the Project have unintended impacts to water quality, the San Diego Water Board may modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and Best Management Practices (BMPs) implementation and maintenance.
- B. The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.

- C. The Applicant must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction Activity* (and any subsequent versions of this Order).
- D. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to Water Code section 13260.
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- F. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
- G. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- H. All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant is responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
- I. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and or State, except as authorized by this Certification. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- J. Removal of vegetation must occur by hand, mechanically, or using United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National*

Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States, and any subsequent reissuance as applicable. Removal of vegetation must occur outside of the avian nesting season (March 15-August 31).

IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. All post-construction BMPs must comply with the current (as of the issuance date of this Certification) requirements in *California Regional Water Quality Control Board, San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego.*
- B. Post-construction BMPs, must treat 100 percent of the added impervious surface and all must be sized to comply with the following numeric sizing criteria:
1. Volume
Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:
 - a. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record; or
 - b. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event; or
 2. Flow
Flow-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:
 - a. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
 - b. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
 - c. The maximum flow rate of runoff, as determined from the local historical rainfall record that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.
- C. The Applicant shall not allow post-construction discharges to cause onsite or offsite downstream erosion, and/or damage to properties or damage to stream habitats from the Project site.

- D. All storm drain inlet structures within the Project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- E. All post-construction BMPs, including those described in the Water Quality Technical Report (WQTR) dated August 30, 2012 (and any subsequent versions submitted to the San Diego Water Board), prepared by RBF Consulting, must be implemented, installed, and functional prior to final construction completion and maintained in perpetuity.
- F. Post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Stormwater Quality Association guidance.

V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. The Applicant shall accomplish compensatory mitigation for the permanent loss of 0.13 acre of jurisdictional waters by the purchase of 0.74 acre of wetland/riparian habitat creation performed within either Phase 1A along Dulzura Creek or Phase 1B along Jamul Creek (Mitigation Sites) in San Diego, California. This compensatory mitigation will be accomplished through the use of pre-purchased wetland/riparian habitat creation mitigation credits from the Rancho Jamul Mitigation bank (Mitigation bank). The mitigation credits have been secured through a purchase agreement executed between SD Diversified LLC and Wildlands, Inc. on July 26, 2012. The Rancho Jamul Mitigation Bank was approved pursuant to a Wetland Mitigation Bank Project Agreement dated November 29, 2000, by U.S. Army Corps of Engineers, California Department of Fish and Wildlife, the USEPA, and the U.S. Fish and Wildlife Service. The Mitigation bank is protected by a conservation easement.

Waterbody Type/Plant Community Type	Establishment	Restoration	Enhancement	Preservation
Mitigation Credit Purchase – Rancho Jamul Mitigation Bank	0.74 acres	---	---	---

- B. San Diego Water Board acceptance of the final mitigation plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation.
- C. Mitigation Sites must be maintained free of nonnative and invasive plant species in perpetuity.

- D. The physical integrity of the Mitigation Sites must be maintained in perpetuity.

VI. NOTIFICATION REQUIREMENTS

- A. The Applicant must report to the San Diego Water Board any noncompliance which may endanger human health or the environment. Any information shall be provided orally within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the incident and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours.
- B. This Certification is not transferable in its entirety or in part to any person except after notice to the San Diego Water Board in accordance with the following terms.
1. **Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to a statement that the Applicant has provided the purchaser with a copy of the section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so. The seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership**.
 2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date**.
 3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant, must submit to the San Diego Water Board a copy of such

documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.

- C. The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.

VII. REPORTING REQUIREMENTS

- A. The Applicant must submit an annual progress report describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **August 1** of each year following the issuance of this Certification until the Project has reached completion. The report shall contain a description of each incident of noncompliance and its cause, the period of the noncompliance including exact dates and times, and if the and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- B. The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days following completion of the Project and prior to any authorized use of the constructed Project. The report must contain the following information.**
1. Date of construction initiation.
 2. Date of construction completion.
 3. Status of BMPs for the Project.
 4. Final Project Report: As-built drawings no bigger than 11"X17."
 5. Final Project Report: Photo documentation of implemented post-construction BMPs. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.

- C. The Applicant must submit final grading and landscaping Plans **within 60 days of issuance of this Water Quality Certification and prior to initiation of construction activities.**
- D. The Applicant must submit a Storm Water Pollution Prevention Plan (SWPPP) **prior to commencement of Project construction.**
- E. The Applicant shall submit both one complete electronic copy (on CD or other appropriate media) and one complete paper copy of all reports required under this Certification including notifications, technical reports, and monitoring reports. All correspondence and documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Place ID No. 781407, Certification No. 12C-042. The preferred electronic format for each report submission is PDF format that is Optical Character Recognition (OCR) capable.
- F. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

- G. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

- H. The Applicant must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 12C-042
9174 Sky Park Court, Suite 100
San Diego, California 92123

VIII. CEQA FINDINGS:

- A. City of San Diego is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed Notice of Determination of their Environmental Impact Report (EIR) on March 14, 2012 (SCH# 2010091015). The City of San Diego has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.
- B. The San Diego Water Board has reviewed the lead agency's Notice of Determination and also finds that the Project as proposed will have a significant effect on the environment and has conditioned mitigation measures accordingly and therefore determines that issuance of this Certification is consistent with the Notice of Determination.

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On May 17, 2012, receipt of the Project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

X. SAN DIEGO WATER BOARD CONTACT PERSON:

Alan Monji
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
(858)-637-7140
amonji@waterboards.ca.gov

XI. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **La Jolla Centre III Project** (Project No. 12C-042) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' Project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 12C-042 issued on February 13, 2013.



DAVID W. GIBSON
Executive Officer
San Diego Regional Water Quality Control Board

2-13-2013
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Maps
 4. Site Plans
 5. Rancho Jamul Mitigation Bank Agreement

SD Diversified LLC
La Jolla Centre III
Certification No. 12C-042

February 13, 2013

ATTACHMENT 1

PROJECT INFORMATION

Applicant:	SD Diversified LLC Attention: Thomas F. Sullivan 111 Innovation Drive, Irvine, CA 92614 Telephone: 949-720-2783 Email: tsullivan@irvinecompany.com
Applicant Representatives:	BonTerra Consulting Attention: Gary Medeiros 2 Executive Circle, Suite 175, Irvine, CA 92614 Telephone: 714- 444-9199 Email: gmedeiros@bonterraconsulting.com
Project Name:	La Jolla Centre III
Project Location:	Project is within the City boundaries of San Diego, San Diego County, California. The 5.29-acre Project is located southwest of the intersection of Judicial Drive and Executive Drive within the La Jolla Centre office complex. Latitude: 32°52'32.49" N Longitude: -117°12'22.04" W
Type of Project:	Construction of commercial office building development.
Need for Project:	The proposed La Jolla Centre III project is part of an integrated office complex that includes existing La Jolla Centre I and II office buildings. The proposed project is an in-fill project that addresses access need for the proposed new building and parking structure in the context of the entire approximate 10.82-acre La Jolla Centre on-site project area.
Project Description:	SD Diversified LLC (hereinafter Applicant) submitted an application for Water Quality Certification pursuant to section 401 of the Clean Water Act for the proposed La Jolla Centre III Project (Project). Additional information to complete the Application was received on June 27, 2012 and August 9, 2012. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has deemed the Application to be complete. The Applicant proposes to discharge fill material to waters of the United States and/or State associated with construction activity at the Project site

February 13, 2013

The Project is a 5.29 acre site located in the City of San Diego, California. The Project is bordered by Executive Drive and office buildings to the north; the existing La Jolla Centre I and II office buildings and parking structure to the west; Judicial Drive to the east; and La Jolla Village Drive and the La Jolla Crossroads development to the south. The Project consists of the construction and operation of a new 15-story aboveground, approximate 340,000-square-foot office building. The Project also includes construction of a five level parking structure (including one level of subterranean parking along Judicial Drive). This development would occur within the approximate 5.29 acre Project site. Implementation of the Project will require filling of the site, which has an elevation change of approximately 70 feet between the lowest point and the top of man-made slopes. This would occur through building design and earthwork. Utilities would also be installed to serve the proposed uses. The existing 72-inch sewer main which traverses the Project area will be protected in place by a new structural concrete cap or alternative approach approved by City of San Diego Public Utilities Department.

The Project also addresses access needs for the proposed new building and parking structure. To facilitate vehicular and pedestrian access throughout the Project area and to increase operational efficiencies, modifications to the existing developed areas are required and include (1) modification of existing pedestrian walkways to connect existing and proposed buildings; (2) addition of landscaping throughout the Project area; (3) removal of the existing service-related surface parking spaces located along the eastern side of Parking Structure 2; (4) re-grading and filling of the existing access ramp to the existing plaza grade; and (5) relocation of ancillary facilities (e.g., existing generation and equipment room, trash enclosure, and fire hydrant, among others).

Additionally, the Project will include off-site street improvements. Access to the Project area will be provided from Towne Centre Drive (two access points including one relocated from its existing location), Executive Drive (two access points including one full access and one exit only from Parking Structure 2), Judicial Drive (one access point and one service driveway), and La Jolla Village Drive (one access point). The proposed Project will include roadway and intersection improvements along Judicial Drive, Executive Drive, and Town Centre Drive and will generally include

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modification of existing driveways, construction of new driveways, lane and median modification, and restriping.

The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction and post-construction best management practices) to treat waste and reduce runoff or other effluents which may be discharged. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project site do not cause onsite or offsite downstream erosion, damage to downstream properties, or otherwise damage to stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Region (9)* (Basin Plan).

The construction of the Project will permanently impact 0.13 acres (264 linear feet) of jurisdictional waters of the United States and/or State which include 0.07 acre of wetlands within freshwater Marsh habitat and 0.06 acre of non-wetlands waters within southern willow scrub habitat. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density. Compensatory mitigation for the permanent loss of 0.13 acre of jurisdictional waters will be implemented by the purchase of 0.74 acre of wetland/riparian habitat creation performed out-of-watershed within either Phase 1A along Dulzura Creek or Phase 1B along Jamul Creek in San Diego, California. This compensatory mitigation will be satisfied by the use of pre-purchased wetland/riparian creation habitat mitigation credits from the Rancho Jamul Mitigation bank. The mitigation credits have been secured through a purchase agreement executed between SD Diversified LLC and Wildlands, Inc. on July 26, 2012. The out of watershed compensatory mitigation provided offsets the impacts attributed to the Project considering the overall size and scope of impact by the purchase of mitigation credits in excess of the Project's impacts.

Site grading, including the initial clearing and grubbing, is proposed to begin in February 2013, and will take approximately two weeks to complete. The construction phase would follow and is expected to take two years to complete.

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	The Project is planned to start operation in January 2015.
Federal Agency/Permit:	U.S. Army Corps of Engineers 404 Permit, NWP 39 (Commercial and Institutional Developments), Robert R. Smith, Project Manager
Other Required Regulatory Approvals:	California Department of Fish and Wildlife Streambed Alteration Agreement No 1600-2012-0392R5, Issued September 17, 2012, Stephen M. Juarez
California Environmental Quality Act (CEQA) Compliance:	La Jolla Centre III Project, Environmental Impact Report, Notice of Determination, March 14, 2012, SCH# 2010091015, City of San Diego, CA
Receiving Water:	Rose Creek
Affected Waters of the United States/State:	Permanent: 0.13 acre (0.07 wetland and 0.06 non-wetland waters) 264 linear feet
Dredge Volume:	None
Related Projects Implemented/to be Implemented by the Applicant(s):	None
Compensatory Mitigation:	Mitigation credit purchased (0.74 acres of wetland/riparian habitat creation) from the Rancho Jamul Mitigation Bank, San Diego County, CA. Mitigation credit that includes this mitigation acreage used for this Project was purchased on July 26, 2012.
Mitigation Location:	Rancho Jamul Mitigation Bank within either Phase 1A along Dulzura Creek or Phase 1B along Jamul Creek Dulzura Creek Phase 1A Latitude: 32°40'14.60"N Longitude:-116° 51'58.06"W Jamul Creek Phase 1B Latitude: 32°39'39.61"N Longitude: -116°50' 36.75"W

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<p>Best Management Practices (BMPs):</p>	<p>Construction: In accordance with the <i>Water Quality Technical Report for La Jolla Centre III, August 30, 2012</i>, prepared by RBF Consulting. BMPs include:</p> <p>Hydraulic Stabilization Planting, Physical Stabilization/Erosion Control Blanket, Silt Fence, Straw Wattles, Gravel Bags, Storm Drain Inlet Protection, Stabilized Construction Entrance, Construction Road Stabilization, Entrance/Exit Tire Wash, Materials Management/Material Delivery and Storage, Waste Management/Concrete Waste Management, Solid Waste Management, Sanitary Waste Management, Site Development Considerations (Scheduling, Preservation of Existing Vegetation, Dust Control.</p> <p>Post Construction: Post construction BMPs will be in accordance <i>Water Quality Technical Report for La Jolla Centre III, August 30, 2012</i>, prepared by RBF Consulting. BMPs include:</p> <p>Grass Swales Media Filtration Bioretention Minimize irrigation and runoff Minimize use of pesticides and fertilizers</p>
<p>Public Notice:</p>	<p>On May 17, 2012, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.</p>
<p>Inspection:</p>	<p>NA</p>
<p>Fees:</p>	<p>Total Due:\$0 Total Paid:\$3,757.00 (check Nos. 813 and 1000405320)</p>
<p>CIWQS:</p>	<p>Regulatory Measure ID: 385138 Place ID: 781407 Party ID: 533921</p>

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ATTACHMENT 2
DISTRIBUTION LIST

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Marilyn Fluharty
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U.S. Department of the Interior
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

U.S. EPA, OWOW, Region 9
75 Hawthorne St.,
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

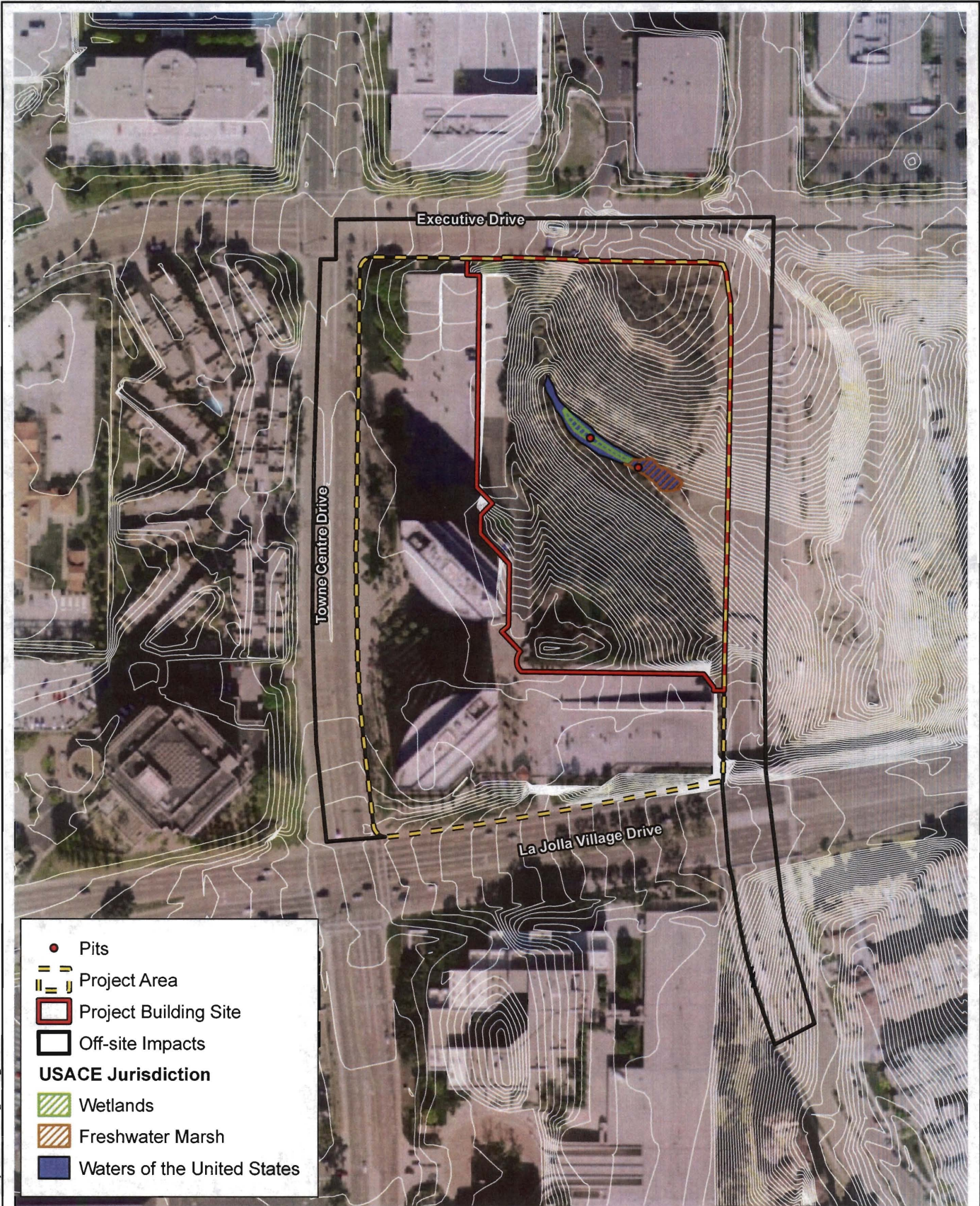
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ATTACHMENT 3
LOCATION MAPS

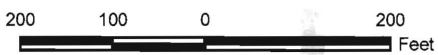


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USACE Jurisdictional Resources

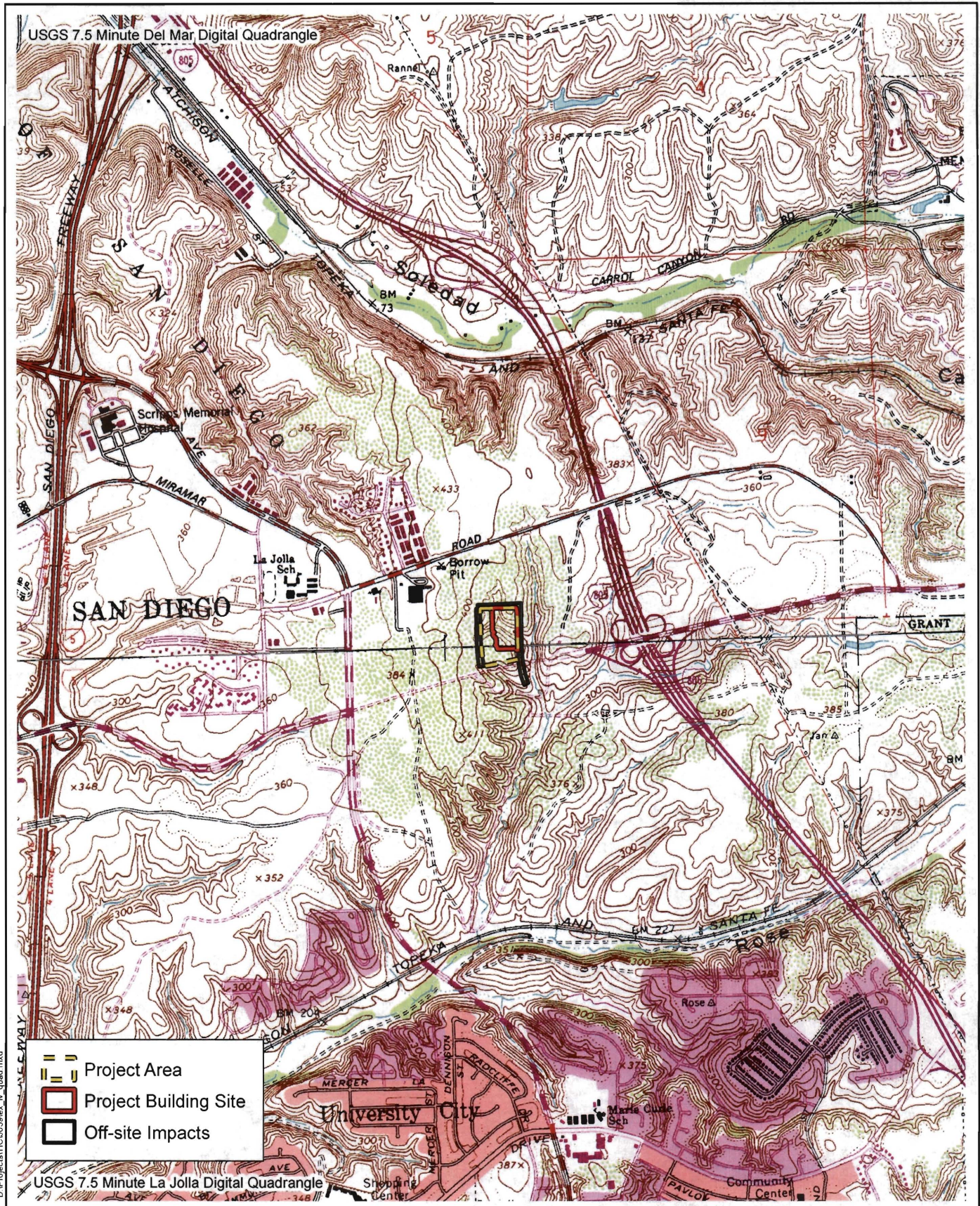
Exhibit 6a

La Jolla Centre 3



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CONSULTING

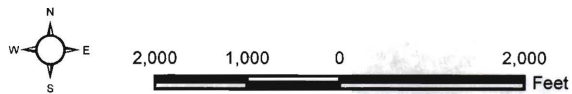
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Local Vicinity

Exhibit 2

La Jolla Centre 3

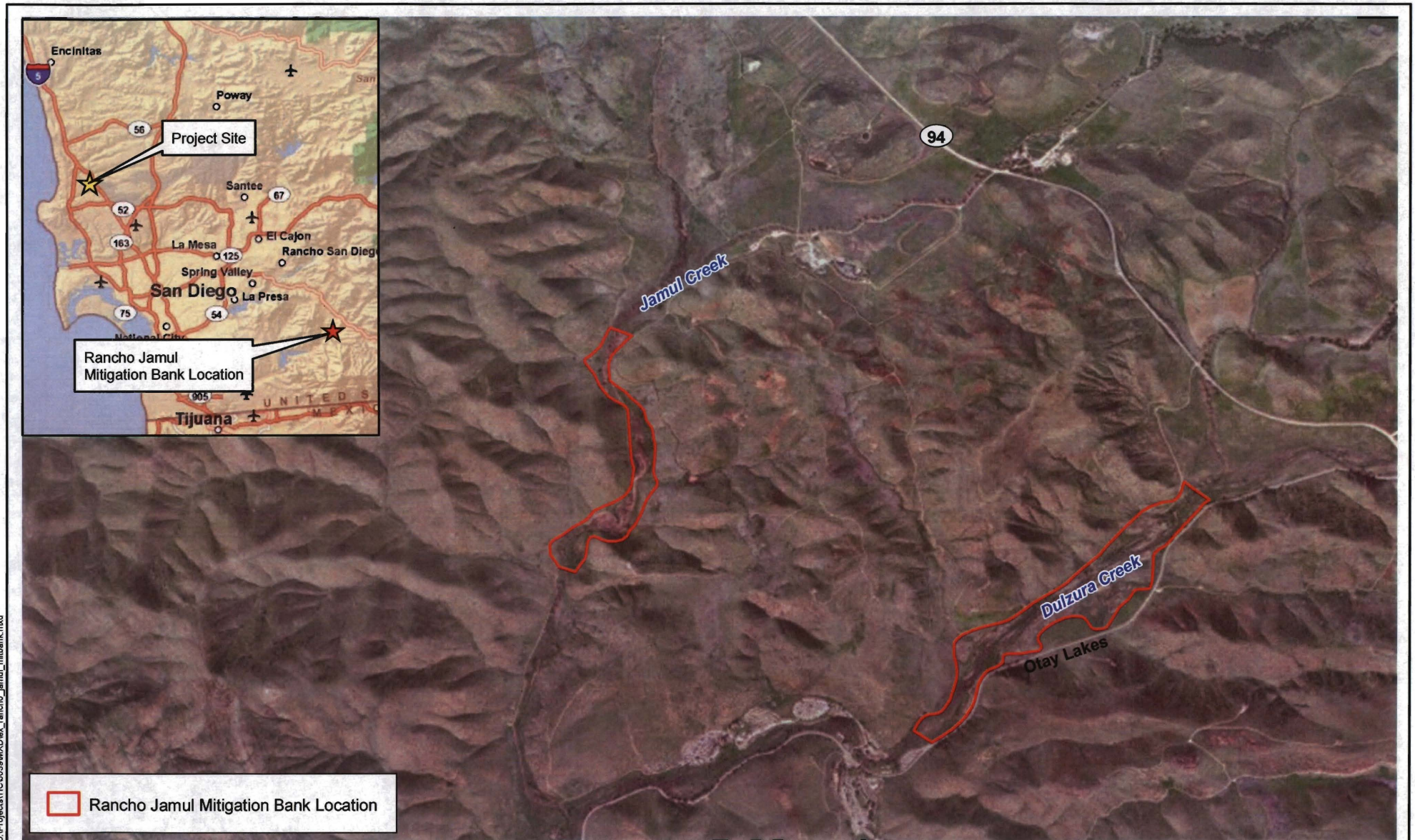


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CONSULTING

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ATTACHMENT 4
SITE PLANS and MITIGATION MAP



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Rancho Jamul Mitigation Bank Location

Exhibit 9

La Jolla Centre 3 Riparian Mitigation Plan

