

(R-88-69)

RESOLUTION NUMBER R- 268651

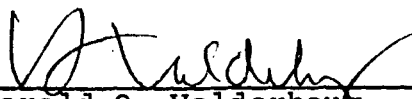
ADOPTED ON JUN 22 1987

BE IT RESOLVED, by the Council of The City of San Diego that it be, and it is hereby certified, that the information contained in ENVIRONMENTAL IMPACT REPORT NO. 86-0679 as revised by the attached Exhibit A, on file in the office of the Environmental Quality Division of the Planning Department, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, and that said Report has been reviewed and considered by this Council.

BE IT RESOLVED, by the Council of The City of San Diego that it be, and it is hereby certified, that the Findings and Statement of Overriding Considerations dated June 22, 1987, and attached hereto as Exhibit B, have been adopted pursuant to California Public Resources Code, Section 21081, and the State CEQA Guidelines, Sections 15091 and 15093, in conjunction with the approval of the Sheraton Hotel at Torrey Pines which was evaluated in Environmental Impact Report No. 86-0679, as revised.

APPROVED: John W. Witt, City Attorney

By



Harold O. Valderhaug
Deputy City Attorney

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07/08/87
Or.Dept:Clerk
R-88-69
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Environmental Impact Report

EQD No. 86-0679
SCH No. 86102924

SUBJECT: Sheraton Hotel Torrey Pines. CITY LEASE, PLANNED COMMERCIAL DEVELOPMENT, REZONE, COMMUNITY PLAN AMENDMENT, and CONDITIONAL USE PERMIT AMENDMENT for the construction of a 400-room hotel on Torrey Pines Mesa. The hotel would be four stories in height and would occupy an 11-acre site between Scripps Clinic and the existing Torrey Pines Inn. Two levels of subterranean parking would provide 738 parking spaces. The development would also include a ballroom; conference, meeting, and seminar areas; restaurants; and recreational facilities. Located on the west side of North Torrey Pines Road, currently within the Torrey Pines Golf Course (Pueblo Lots 1326 and 1330 of the Pueblo lands of San Diego in the City of San Diego). Applicant: The Sheraton Corporation.

CONCLUSIONS:

Implementation of the proposed project would result in significant impacts associated with ~~land use/safety hazards~~, noise, traffic circulation, and air quality.

~~The project site is located in Accident Potential Zone (APZ) C which is defined as an area having a measurable potential for accidents. The construction of a 400 room hotel with accessory uses in APZC would subject users to a safety hazard posed by this location. This impact is considered a significant and unmitigated impact of the project.~~

The project site is subject to adverse noise levels associated with traffic on North Torrey Pines Road and with aircraft departures from NAS Miramar. The project site is also subject to high single-event noise levels as aircraft pass over. The City's Progress Guide and General Plan the Comprehensive Land Use Plan (CLUP) and the AICUZ finds hotels an incompatible use in such a noise environment. The construction of a 400 room hotel located in an area with a CNEL greater than 65 dBA is considered a significant impact. The project would include structural measures to achieve an interior noise environment to the satisfaction of the City's Noise Abatement Control Officer. These measures would mitigate indoor noise levels. No mitigation is proposed for the exterior uses associated with the hotel.

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EXHIBIT A

The proposed project would add 3,200 ADT (average daily traffic) to the University Community circulation system which is expected to experience severe traffic congestion in the future based on the level of buildout assumed in the updated community plan travel forecast. Since the project would add an increment of traffic to anticipated congested roads and intersections, the project would result in an indirect significant cumulative traffic impact. Additionally, the project would incrementally lower the level of service (LOS) at the North Torrey Pines Road/Genesse Avenue intersection. That intersection is anticipated to function at a level of service "D" with or without the project.

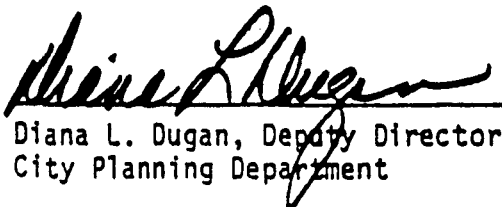
RECOMMENDED PROJECT ALTERNATIVE:

~~Land Use/Safety Hazards, Noise.~~ The EIR addresses an Alternative Location - City-Owned Property (Alternative B) alternative which would result in construction of the project at an alternate city-owned site outside ~~any accident potential zone as identified by the CLUP and the AICUZ Study.~~ The EIR also addresses a No Project alternative which would result in no construction of a 400 room hotel on the project site. Implementation of either Alternative B or the No Project alternative would avoid ~~safety hazards and noise impacts associated with locating a 400 room hotel in an area subject to accident potential and~~ adverse noise levels due to aircraft operations from NAS Miramar.

Unless the No Project alternative or Alternative B is adopted, project approval will require the decisionmaker to make Findings, substantiated in the record, which state that: a) project alternatives are infeasible, and b) the overall project is acceptable despite significant impacts because of specific overriding considerations.

MITIGATION MEASURES INCORPORATED INTO THE PROJECT:

Interior Noise Levels. The applicant would mitigate interior noise levels for all guest rooms in the hotel through structural attenuation measures as presented on pages 4-21 and 4-22 of the draft EIR. To ensure compliance, all building permit applications for the project would be reviewed by the City's Noise Abatement Officer as a condition of the Planned Commercial Development Permit.


Diana L. Dugan, Deputy Director
City Planning Department

January 13, 1987
Date of Draft Report

April 10, 1987
Date of Final Report

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Analyst: Ruggels

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ENVIRONMENTAL ANALYSIS

LAND USE

Impacts

The project site is located within the Torrey Pines Mesa subarea of the University Community Plan and lies within the airport influence area of Miramar Naval Air Station. The project is consistent with the commercial designation for the site as set forth in the adopted (1983) University Community Plan. The project also complies with the goals of the University Community Plan as they pertain to visual concerns.

While the adopted University Community Plan designated the project site for commercial use, it did not include traffic projections which would accommodate the project. Accordingly, the project is now in conflict with the adopted (1983) Community Plan. The Community Plan is currently being updated by the City of San Diego. If the Community Plan Update is adopted by the City as presently drafted, the inconsistency will be eliminated since the traffic projections will be amended to accommodate the Sheraton Hotel. On December 18, 1986, the San Diego Planning Commission recommended approval of the Community Plan Update which includes the project.

While the Emergency Building Limitation Ordinance now in effect for the University Community Plan area prohibits certain development in the University Community Plan area, the project is exempt from this ordinance as it is being processed under a Planned Commercial Development permit.

The site is located in an area that is deemed "normally unacceptable" for hotel uses by the land use matrix contained in the Comprehensive Land Use Plan for NAS Miramar. ^{However,} ~~while~~ the San Diego Association of Governments (SANDAG), acting as the Airport Land Use Commission (ALUC), determined that the project is compatible with the NAS Miramar Comprehensive Land Use Plan and safe for the public based on its consideration of all relevant factors, ~~the City has, nevertheless, determined that the "normally unacceptable" designation creates potentially significant land use compatibility impacts.~~ Accordingly, ^{the project is deemed compatible with the CLUP.}

Mitigation

The City of San Diego is currently processing an update of the University Community Plan which incorporates traffic assumptions and land use densities that will accommodate the development of the project. Assuming that the update is adopted as presently drafted, the project's inconsistency with the adopted (1983) University Community Plan would be eliminated.

~~In addition, SANDAG, acting as the ALUC, imposed certain density restrictions upon the project designed to eliminate any land use compatibility and safety impacts associated with the project. These density restrictions (i.e., limiting the number of hotel rooms to 400 and the site coverage to 40 percent) will, according to the ALUC, mitigate the land use compatibility and safety impacts to a level of insignificance. Nevertheless, the City has determined, based strictly upon the land use matrix in the Comprehensive Land Use Plan, that land use compatibility remains a potentially significant impact of the project.~~

SAFETY

Impacts

The project site is located within Accident Potential Zone C, designated as a "minimal" risk area for air-crash hazards. Transient lodging, including hotel use, is deemed to be a "normally unacceptable" land use within APZ C by the land use matrix contained in the Comprehensive Land Use Plan for NAS Miramar. ~~While SANDAG (acting as the ALUC), determined that the project is compatible with the NAS Miramar Comprehensive Land Use Plan and safe for the public based on its consideration of all relevant factors, the City has, nevertheless, determined that the "normally unacceptable" designation creates potentially significant safety impacts.~~

Mitigation

NO MITIGATION MEASURES ARE RECOMMENDED BECAUSE NO SIGNIFICANT IMPACTS WERE IDENTIFIED.
~~SANDAG, acting as the ALUC, imposed certain density restrictions upon the project designed to eliminate any land use compatibility and safety impacts~~

~~associated with the project. These density restrictions (i.e., limiting the number of hotel rooms to 100 and the site coverage to 10 percent) will, according to the ALUC, mitigate the land use compatibility and safety impacts to a level of insignificance. Nevertheless, the City has determined, based strictly upon application of the land use matrix in the Comprehensive Land Use Plan, that safety remains a potentially significant impact of the project.~~

NOISE

Impacts

Cumulative noise from aircraft operation and traffic would exceed guidelines for both exterior (recreation) and interior noise levels. Single event noise levels are expected to exceed 105 dB(A). These impacts are considered significant.

Mitigation

Interior noise levels can be mitigated by increasing noise attenuation features in the construction. An acoustical engineering study, including on-site monitoring will be required to determine the appropriate design measures. Exterior noise levels at tennis courts remain significant and unmitigated. A project alternative which relocates the hotel, is discussed in Section V of this EIR. That alternative would likely mitigate noise impacts to a level of insignificance. However, a detailed acoustical analysis would need to be conducted to determine the actual noise levels associated with the alternative site.

TRAFFIC CIRCULATION

Impacts

The project-specific traffic study concluded that the project will not result in any significant adverse impacts along North Torrey Pines Road. With regard to Genesee Avenue, the maximum desirable ADT for a four-lane major street

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11. Torrey Pines Mesa Subarea Development Criterion (Miramar Naval Air Station):

All land impacted by noise or safety hazards from Miramar Naval Air Station operations should be developed only with compatible land uses (page 151).

With respect to the above four goals, safety impacts related to implementation of the proposed project are discussed in detail in Section IV B: Safety. Noise impacts are discussed in Section IV C: Noise. The proposed hotel project is located in an area which is considered to be normally incompatible for hotel land uses with NAS Miramar's APZ C designation as discussed in the AICUZ study and the NAS Miramar Comprehensive Land Use Plan. As discussed in Section IV.B below, this is ~~identified as~~ ^{NOT} a significant land use impact. The project is also affected by significant noise levels from aircraft operations and traffic.

Significance of Impacts

Significant land-use safety, noise, and cumulative traffic impacts are identified and discussed in detail elsewhere in this EIR. No significant impacts were identified with other environmental goals and objectives of the University Community Plan.

Mitigation

~~To eliminate impacts related to the land use safety issue, would require relocating the hotel out of the accident potential zone.~~ Mitigation for cumulative traffic impacts would preclude any development on this site as well as all other developments in the University Community Plan area. Noise mitigation measures are discussed in detail in Section IV C.

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comparable situation in APZ B, this area is still considered to be of ^{MINIMAL} concern for air safety.

The APZ Guidelines consider actual crash sites only, but ^{because of} a number of factors and critical circumstances unique to NAS Miramar and the airspace situation in the San Diego area ^{the 1976 AICUZ identified} ~~combine to make~~ Miramar's only access to the Pacific Ocean ^{as} a markedly hazardous route for the installation's aircraft. These are:

1. Airspace Restrictions on Miramar Traffic. Departing traffic must hold to an altitude of exactly 2000 feet MSL along the Seawolf corridor, due to the presence of two layers of extremely heavy cross traffic above and below this departure corridor. A General Aviation (GA) traffic layer lies below the Seawolf departure altitudes to 1500 feet. The General Aviation aircraft category encompasses a wide range of aircraft types. The most common aircraft, however, are small light planes (e.g., Piper Cherokee, Beechcraft Bonanza) flown for business or pleasure.

Above the Seaworld departure is an air corridor that is utilized by other GA aircraft and commercial airlines. The width of these two layers is 8 nautical miles. The eastern edge of this corridor is practically on NAS Miramar's boundary; the western edge runs along the coast approximately 3 miles offshore.

Miramar, therefore, is restricted to a 1000-foot altitude, precisely. Any deviation up or down will bring Navy aircraft into one of these corridors utilized by other aircraft. Sustaining the 2000-foot altitude requires increased concentration by Navy pilots as well as added maneuvers and power manipulations. The release to climb to cruising altitude (14,000 feet) in the Miramar departure may not occur until the aircraft are 5 or more miles out to sea.

2. Congested Airspace. The San Diego airspace is perhaps the most congested in the western United States. It is at the southern end of the busy air corridor which connects the major cities along the west

intent is to minimize people exposed to aircraft crash hazards. The inherent people intensity of the proposed use is in conflict with the criteria and crash potential for APZ C. Circumstances surrounding the Sheraton Hotel proposal, however, are unusual and bear clarification.

As indicated in Section III.B., above, SANDAG is the public entity statutorily vested with responsibility for determining whether particular land uses are compatible with the NAS Miramar Comprehensive Land Use Plan. In reviewing the compatibility of the Sheraton Hotel project, SANDAG recognized that the proposed hotel use was labeled as "normally acceptable" by the land use matrix, but went on to analyze whether certain "unusual density restrictions" could be imposed upon the project so as to render the project consistent with the Comprehensive Land Use Plan. SANDAG entertained public testimony from aviation experts as well as the Navy and ultimately determined that the project would be "consistent with the NAS Miramar CLUP and safe for the public" if two "unusual" density restrictions were imposed. SANDAG concluded that the hotel should be restricted to a total of 400 rooms and a site coverage of no more than 40 percent. The project design complies with both of these restrictions.

~~According to CEQA Guidelines, Section 15064(h)(2),~~

~~If there is disagreement between experts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.~~

~~Such is the case with the subject proposal. The project is in direct conflict with adopted plans and documents addressing accident potential associated with aircraft from NAS Miramar. Information has been provided which suggests reasons to reduce the area associated with APZ C such that the Sheraton Hotel site would no longer be in the area of impact. SANDAG has determined the project to be compatible with the CLUP based on a limit to the number of hotel rooms and a maximum site coverage of 40 percent. Because the available adopted technical information concludes the use is "normally unacceptable" and because of conflicting positions from recognized~~

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~~experts, this document has identified the impact as significant pursuant to CEQA guidelines Section 15064(h)(2).~~

Mitigation

NOMITIGATION MEASURES ARE RECOMMENDED BECAUSE NO SIGNIFICANT IMPACTS WERE IDENTIFIED.

~~The City of San Diego has concluded that there are no mitigation measures that can reduce the safety impacts to a level of insignificance. An alternative is proposed that relocates the hotel to another location on City owned property.~~

C. NOISE

An acoustical analysis including traffic and aircraft noise impacts was prepared by WESTEC Services (1986). The technical report is included as Appendix A.

Existing Conditions

The primary sources of noise in the vicinity of the project site are vehicular traffic along North Torrey Pines Road (located east of the project site), and aircraft from NAS Miramar (located southeast of the site). The Average Daily Traffic (ADT) volume along North Torrey Pines Road is approximately 29,800 ADT. Aircraft operations average between 3000 to 3600 flights per month from the Seawolf flight departure at Miramar Naval Air Station (Johnson 1986).

The City of San Diego has established noise guidelines for new hotel development in the Transportation Element of the City's General Plan. The maximum acceptable exterior noise level for hotel development is 65 dB(A) CNEL. Interior noise levels are not to exceed the State mandated 45 dB(A) CNEL requirement. In addition, the City's Environmental Quality Division has determined that maximum interior noise levels should not exceed 55 dB(A) due

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B. ALTERNATIVE LOCATION-CITY-OWNED PROPERTY

Conflicts with operations at NAS Miramar (i.e., ~~accidental potential zones and~~ noise impacts) indicated that an alternative location for a hotel development be explored. Long range planning (Baldwin 1986) identified a 7.6 acre site located westerly of the junction of Genessee Avenue and North Torrey Pines Road that is owned by the City of San Diego (Figure 5-1). Development to the north of this site is the Torrey Pines Business and Research Park, Glidder Port to the south and west, and the southern portion of the Torrey Pines Golf Course to the west. The site is designated for industrial purposes in the adopted University Community Plan. An analysis of each issue, identified and discussed for the proposed action, will be discussed below.

a. Land Use

This project site is also located within the Torrey Pines Mesa subarea of the University Community Plan. The site is designated for industrial purposes, and specifically for scientific research. For the site to be developed as a hotel, it would require a rezone and Community Plan Amendment. Other approvals would also include a city lease, PCD and a Coastal Development Permit, actions which are also required for the proposed project. A hotel type of development for this site has not been anticipated by either the (1983) adopted Community Plan or the draft (1986) Community Plan. This alternative could be subject to the Emergency Building Limitation Ordinance; however, the inclusion of the PCD permit would exempt this development (as also described in the proposed action) from the Ordinance.

Specific relevant land use planning goals from the adopted (1983) University Community Plan were discussed under the proposed action. See the Land Use Section, for a detailed discussion of the pertinent goals. Specifically, this alternative site would be as consistent with the goals (Goals #1 through 5, in Section IV A) pertaining to site design, topography, view shed and landscaping as would the proposed action. This project would not be in conformance with adopted

Community Plan's goals associated with transportation (#6 and 7), as is also the case with the proposed action.

As was discussed for the proposed action, the draft (1986) Community Plan includes the traffic projections of a 400-room hotel on North Torrey Pines Road, specifically at the location of the proposed action. The project-specific traffic study for the Sheraton Hotel concluded that the project would result in insignificant increases in traffic on North Torrey Pines Road and would add incrementally to the adverse traffic impact currently experienced on Genesee Avenue; however, this alternative would require a Community Plan Amendment to include this project in the Plan.

The alternative project site is located less than one mile south of the proposed site; thus, the Community Plan-wide impacts would be similar. See the traffic analysis under this alternative for more details.

~~The alternative site is not located within any accident potential zone for NAS Miramar.~~ Noise impacts related to operations from NAS Miramar would also be substantially reduced for the alternative site. Whereas the proposed site is located at approximately 65 CNEL contour, the alternative site is located at approximately 60 CNEL noise contour. Thus, the alternative site location would be more compatible in reference to ^{Noise}~~safety~~ goals than would the proposed action.

b. Safety

~~The alternative site is not located within any identified accident potential zone as related to NAS Miramar (Figure 5-1).~~ Some geologic hazards (i.e., Salk Fault) are identified to the south of the alternative site (Figure 25, University Community Plan). However, according to the discussion in the University Community Plan, the Salk Fault is "considered inactive and a moderate safety risk." From a safety

aspect, the alternative does not have any significant adverse impacts, ~~and would avoid safety impacts associated with the proposed action.~~

c. Noise

The alternative project site is located at approximately the 60 CNEL noise contour of NAS Miramar which is 5 dB(A) below the noise levels estimated for the proposed action. Traffic generated noise levels from North Torrey Pines Road would likely be slightly less than the proposed action due to a decrease in the traffic level along this section of North Torrey Pines Road. The cumulative noise levels, for outdoor recreation areas from aircraft and vehicular traffic exceeded those levels considered compatible for such land uses for the proposed site. Cumulative exterior noise levels for buildings for the proposed action were estimated at 70 CNEL, resulting in interior noise levels of approximately 50 dB(A) CNEL, which exceed interior noise level guidelines. Without specific grading plans and elevations, an acoustical analysis cannot be completed for this alternative. However, a decrease in cumulative noise levels would result because the alternative site is located at 60 CNEL versus 65 CNEL for the proposed site and traffic levels would be less in the vicinity of the alternative site. The impacts related to noise would consequently be less than those impacts projected for the proposed action.

d. Traffic Circulation

A traffic study was conducted for this alternative site in December 1986. The traffic assumptions for a hotel development on this alternative site have not been projected in either the adopted (1983) nor draft (1986) Community Plan. The traffic projections for this site are for industrial uses. SANDAG Traffic Generators study summary indicated 227 ADT per acre for the Torrey Pines Business and Research Park; a 7.6 acre site would, therefore, generate over 1700 ADT. The traffic study for the Sheraton Hotel estimated a trip generation of 3200 ADT. Thus, the traffic generation estimates in the

uses based on SANDAG's Series VI, Growth Forecasts but less than the project proposal.

g. Visual Quality

If a similar architectural approach was used for the alternative, as proposed for the proposed action (i.e., low profile with view corridors, extensive landscaping, etc.), no significant adverse impacts would result. However, the alternative site is approximately 70 percent (7.6 acres versus 11 acres) of the size of the proposed site. If the alternative development retained 400 rooms, then view corridors throughout the project would likely be reduced, or the height of the building would be increased because the project would be located on a smaller overall site.

h. Drainage

No site specific plans have been prepared for the site. No determination of drainage impacts can be ascertained at this time.

Summary

This alternative would reduce impacts related to ~~land use, safety and noise~~ over those projected for the proposed action. Traffic generation rates are not in conformance with the adopted Community Plan nor strictly in compliance with the proposed Community Plan and would, therefore, require a Community Plan Amendment. The proposed action also required a Community Plan Amendment. Rezoning would also be required to permit the hotel uses where currently designated for industrial uses. The site is smaller and may result in a more dense development with fewer view corridors, or a development with greater height.

The project applicant has not agreed to this alternative, because the City Council in 1981 determined the siting for the hotel development. The applicants proposed leasing agreements with the City of San Diego designates

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the proposed site as location of the development. Substantial redesign would be required to construct a hotel, currently planned for 11 plus acres, to a site of less than 8 acres.

C. NOISE SENSITIVE ALTERNATIVE - REMOVAL OR RELOCATION OF THE PROPOSED TENNIS COURTS

Noise levels at the proposed tennis courts exceed the City's noise standard for outdoor recreational land use. Under the noise sensitive alternative, the proposed tennis courts located along North Torrey Pines Road would not be constructed or would be relocated onsite to comply with the City noise requirement. Removal or relocation of the tennis courts would eliminate the significant noise impact resulting from the location of the proposed tennis courts.

a. Land Use

The removal of the proposed tennis courts would allow for additional parking or landscaping on the project site. Additional land use impacts would be similar to the proposed action.

b. Safety

Impacts to safety are the same for the alternative as for the proposed action.

c. Noise

This alternative would remove or relocate the tennis courts thereby eliminating the associated unmitigated significant noise impact. The other identified noise impacts are the same as the proposed action.

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June 22, 1987

EXHIBIT B

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SAN DIEGO

ADOPTED ON _____, 1987

FINDINGS FOR EQD NO. 86-0679

WHEREAS, the applicant, The Sheraton Corporation, proposes to develop a 400-room hotel on the Torrey Pines Mesa with accompanying meeting facilities, restaurants and recreational facilities; and

WHEREAS, the project is to be located on an 11-acre site between the Scripps Clinic and Research Foundation and the existing Torrey Pines Inn; and

WHEREAS, the 11-acre site is owned by the City of San Diego ("City") and shall be leased to the applicant; and

WHEREAS, the Draft Environmental Impact Report No. 86-0679 ("EIR") addressing environmental issues raised by the project was prepared in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and the City's environmental review procedures; and

WHEREAS, written comments were received from the public and responsible agencies during the period of public review; and

WHEREAS, a response was made to such comments and testimony through a responsive comments document and staff report; and

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R- 268651 **EXHIBIT B**

WHEREAS, the Council of the City of San Diego ("Council") has reviewed all of the environmental documentation prepared to evaluate the proposed project including all elements of the EIR and the record before it and on the basis of this record has modified the EIR:

NOW, THEREFORE, BE IT RESOLVED by the Council that:

1. The Council does hereby certify the EIR as complete and adequate in that it addresses all environmental effects of the proposed project and fully complies with the requirements of CEQA, the CEQA Guidelines, and the City's environmental review procedures.

2. Pursuant to the California Public Resources Code §21081 and CEQA Guidelines §15091, the Council makes the findings below with respect to significant impacts identified in the EIR, together with the finding that each fact in support of the findings is true and is based upon substantial evidence in the record including the EIR. These findings and the facts in support of them are as follows:

FINDINGS

A. NON-SIGNIFICANT EFFECTS

The Council having reviewed and considered the information contained in the EIR and the related documents and the record, finds that certain potential impacts associated with the project are not significant. In this regard, the Council finds that,

among other effects, safety and land use impacts are not significant.

The Council recognizes that the project site is located within the Accident Potential Zone (APZ) "C" as designated by the NAS Miramar Comprehensive Land Use Plan ("CLUP") which incorporates the Air Installations Compatible Use Zones Study ("AICUZ", April 1976). As a result, the site is identified as a "minimal" risk area for crash hazards. Within this APZ "C," transient lodging (including hotel use) is deemed a "normally unacceptable" use. The EIR, based on the difference of opinion of experts on the issue, has determined that there is a potentially significant safety impact (EIR, p. 4-23).

However, the San Diego Association of Governments ("SANDAG"), acting as the Airport Land Use Commission ("ALUC"), is the public body statutorily vested with responsibility - - under the California Public Utilities Code - - for determining whether a proposed land use is consistent with the CLUP and safe for the public. In December, 1981, SANDAG reviewed the project for consistency with the CLUP at a public hearing. After considering public testimony, including that of aviation experts and the Navy, the ALUC determined that, although the site was indeed "normally unacceptable" for the intended use, the imposition of certain "unusual density restrictions" would mitigate any potential safety impact and make the project compatible with the CLUP and safe for the public. The applicant has agreed to implement those density restrictions as follows:

- (a) the hotel will be limited to 400 rooms.

(b) the hotel and associated facilities will cover a maximum of 40% of the site.

The ALUC conducted detailed reviews of the design and plans for the proposed Sheraton Hotel in 1983, 1986, and in 1987 and, subsequent to those reviews, reaffirmed that the proposed hotel complies with the mitigation measures which the ALUC imposed in 1981.

In addition to these ALUC-imposed mitigation measures, a number of other factors insure that there is no significant safety impact associated with the project.

First, the project has been designed so as not to exceed thirty feet in height. It is terraced downward toward the ocean and set into the mesa such that the meeting facilities (which are located at the lowest levels) are actually below the grade of North Torrey Pines Road. In addition, the wings of the hotel are located in an east-west configuration so as to minimize the area exposed to any aircraft.

The purpose of the APZs established by the Navy's AICUZ study is to minimize density in an area so as to maximize the areas of open space where an aircraft in "trouble" could land. This project is unique in that it is virtually surrounded by such open space already - - the golf course, the ocean, the Torrey Pines Reserve. Thus, the intent of the AICUZ is met, to a degree, even without the imposition of density restrictions.

Since the adoption of the AICUZ study in 1976 and the designation of the site as being in APZ "C", a terminal control area ("TCA") has been implemented in San Diego which significantly

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reduces the risk of mid-air collisions in the vicinity of the site. AICUZ properly identified the risk of mid-air collisions between the Navy and general aviation as a serious concern in 1976 and, accordingly, extended the length of APZ C over twice as far as called for by Department of Defense criteria. In 1976, however, general aviation was virtually uncontrolled in the vicinity of the project site and could "wander" into Navy airspace. As discussed in the report provided by Aviation Systems, Associates, Inc. (which is a part of the record before the Council) the imposition of the TCA and other measures has significantly enhanced general aviation safety and reduced this risk of mid-air collisions. Thus, the basis for extending APZ C beyond Department of Defense criteria so as to include the Sheraton site may no longer exist.

^Further, the CLUP does permit such land uses as movie theaters, office buildings, and restaurants in the same APZ where we are informed by the CLUP that a hotel is a normally unacceptable use. ^The permitted uses may be as intense uses of the land during daylight hours when most hotel guests have left the hotel grounds. It is during the daylight hours that the vast majority of flights out of NAS Miramar occur.

^The EIR concludes that there is a significant, unmitigable impact associated with safety because there is a difference of opinion amongst experts. (EIR p. 4-23, 4-24.) The EIR provides that CEQA Guidelines Section 15064(h)(2) requires such a conclusion where experts disagree. Section 15064(h)(2) indicates that where there is a difference of opinion among experts the ques-

tioned environmental impact should be deemed significant and, thus, an EIR should be prepared. Once the EIR is prepared, however, the mere difference of expert's opinions does not require that the EIR find a significant, unmitigable impact. AA final determination is left to the discretion of the decisionmaker based on the evidence in the record.

The Council finds that the evidence in the record indicates that there is no significant safety impact.

With regard to potential land use impacts, the Council recognizes that the project is not consistent with the 1983 University Community Plan in that traffic projections would not accommodate the project, even though the project is consistent with the land use designation for the site. In addition, the site is "normally unacceptable" for hotel use based on the CLUP.

However, the University Community Plan is undergoing substantial revision and will be amended so as to eliminate any inconsistencies between the Community Plan and the hotel project. Traffic projections included in the updated Community Plan will accommodate the proposed project.

While the land-use matrix set forth in the CLUP does identify transient lodging as a "normally unacceptable" land use in APZ "C", the ALUC imposed certain unusual density restrictions upon the project to render the project consistent with the CLUP. The ALUC restrictions regarding density and site coverage discussed above with regard to safety have been incorporated into the project. Accordingly, the project is now consistent with the CLUP.

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Given its consistency with the CLUP, Community Plan, and General Plan, the project's potential land use impacts are found to be less than significant.

B. SIGNIFICANT BUT MITIGABLE EFFECTS

The Council having reviewed and considered the information contained in the EIR and the related documents and the record, finds that changes or alterations are being required in, or have been incorporated into, the project which mitigate or avoid the significant environmental impacts thereof, as identified in the final EIR. Specifically:

1. NOISE.

Significant Effect. Potential single event noise levels and cumulative noise from aircraft operations and vehicular traffic are considered significant. (EIR, pp. 4-30)

Finding The following measures will be incorporated into the project to avoid or mitigate these impacts to a level of insignificance:

1) During the preparation of building plans for the construction of the hotel, acoustical engineering studies will be required to determine the appropriate design and use of materials to reduce interior noise levels (EIR, p. 4-31);

2) Building materials which provide acoustical attenuation including stucco, frame structure design, insulation and drywall will be used in construction (EIR, p. 4-31);

3) Mechanical ventilation and air conditioning will also be required (EIR, p. 4-31);

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4) An acoustical monitoring program will be conducted to determine the precise level of attenuation needed to mitigate significant noise levels (EIR, p. 4-31).

2 TRAFFIC CIRCULATION

Significant Effect.

1) The proposed Sheraton Hotel will generate about 3,200 Average Daily Trips ("ADT"). While the project would add incrementally to the traffic at the intersection of North Torrey Pines Road and Genesee Avenue the level of service at that intersection is already at LOS F, and would not change as a result of the project. The theoretical maximum desirable ADT for a four-lane street has already been exceeded on Genesee Avenue.

2) Although the effect is not found to be significant, the intersection of North Torrey Pines Road and Science Park Road may not operate as well as it does now due to traffic exiting the hotel and turning off of Science Park Road.

Finding. The following measures will be incorporated into the project to avoid or mitigate any significant effects to a level of less than significant:

1) The City Traffic Consultant has recommended a number of traffic mitigation measures (set forth at page 14 of the updated Traffic Analysis for the project dated April 1, 1987), which are designed to address the significant cumulative traffic impacts in the University Community Planning Area.

2) Signalization at the intersection of North Torrey Pines Road and Science Park Road will be completed to raise the level of service at that intersection to LOS A (EIR, p. 4-41).

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3) In addition, the applicant has agreed, even though the project site is not situated within the North University City Facilities Benefit Assessment District, to make a proportionate contribution to the District for purposes of funding community-wide improvements. In addition, the applicant shall make a direct contribution of approximately Three Hundred Thousand Dollars for "special treatment" to be accorded the intersection of Genesee Avenue at North Torrey Pines Road. This will serve to mitigate any incremental impact the project has on the intersection, although cumulative impacts will still remain.

C. MEASURES OUTSIDE LEAD AGENCY JURISDICTION

The Council, having reviewed the information contained in the EIR and the record, finds that none of the changes or alterations required in or incorporated into the project are within the responsibility and jurisdiction of another public agency.

D. ALTERNATIVES AND SIGNIFICANT BUT UNMITIGABLE EFFECTS

The Council, having reviewed and considered the information contained in the EIR and the record, finds that the EIR has described all reasonable alternatives to the project that could feasibly attain the basic objectives of the project (including the no-project alternative), even when these alternatives might impede the attainment of the project objectives to some degree, or would be more costly. Further, the Council finds that a good-faith effort was made to incorporate alternatives into the preparation of the EIR and all reasonable alternatives were considered in the review process of the EIR. The Council further finds

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that specific economic, social or other considerations make infeasible the project alternatives and certain mitigation measures identified in the EIR and the record. Specifically:

1. No Project Alternative (EIR, p. 5-1).

If the site were not developed as a hotel, it would most likely remain a driving range for the golf course. Any significant environmental effects expected from project implementation would, thus, be eliminated. However, the City would suffer significant adverse impacts if no project were implemented. A significant loss of revenue would commence immediately and continue over the life of the lease. The project applicant is to begin making advance payments on its rent promptly following final approval for the project. The project will bring at least \$880,000 per year to the City and will bring in additional revenues as a percentage of receipts from various hotel operations, as well as hotel occupancy tax, sales tax and property tax. This quantifiable financial loss, coupled with the compelling need for additional hotel facilities to accommodate the vastly increasing scientific research and development activity and corporate headquarters on the Torrey Pines Mesa, render the no-project alternative an infeasible alternative.

2. Alternative Location (EIR, p. 5-2).

Under this alternative, the project site would be relocated to another city-owned site of 7.6 acres which has been identified within the Torrey Pines Mesa sub-area of the University Community Plan. The alternative site is industrially zoned and would require rezoning to permit construction of a hotel. The alterna-

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tive site is outside all APZs, thus eliminating any safety impacts.

Noise impacts might be less, as the alternative site is located further south of the 60 CNEL noise contour of NAS Miramar; however, a full accoustical analysis cannot be conducted without grading plans and elevations.

Traffic impacts would not be appreciably different at the alternative site than at the proposed site (EIR, pp. 5-5, 5-6).

This alternate site would not result in any other appreciably different impacts than those associated with the proposed project.

A number of factors combine to render the proposed alternative site an infeasible alternative. Most significantly, the alternative site is an area of dedicated park land which was so dedicated by the City in compliance with its contractual obligations under a settlement agreement reached in certain litigation filed against the project (De Young v. City of San Diego). In that litigation, the Citizens For Recreational Use of Pueblo Lands sought to protect many of the Pueblo Lots on the Torrey Pines Mesa from development. For the City to propose development of the hotel on this site, therefore, would not only contravene the intentions of the settlement, but would also constitute a breach of the City's contractual obligations under the Settlement Agreement.

Moreover, the alternative site is currently part of the existing south golf course at Torrey Pines. Construction on this site would require substantial interference with the current play

of the golf course. In the initial Request for Proposals for development of the hotel, the City required that the hotel be built without substantially compromising the existing golf course or interfering with existing play. This goal could not be met were the alternative site to be used.

Given that the alternative site is only 7.6 acres and the existing site is over 11 acres, use of the alternative site would require complete redesign of the hotel facilities and would, thus, force both the City and the project applicant to expend considerable sums of money above and beyond the considerable sums that have already been spent in developing the current design and plans. These sums currently spent by both Sheraton and the City - - including the \$200,000 spent by the City to purchase the Wansa option - - would be effectively lost.

For all of the factors enumerated above, the Council determines that this is an infeasible project alternative.

3. Air Quality.

The EIR indicates that there is a significant cumulative air quality impact based on SANDAG's Series V and VI Growth Forecasts which designate the site as "all-developed." Accordingly, any increase in pollutant emissions results, by definition, in a cumulative air quality impact even though "[t]he project does not directly represent any significant air quality impacts" (EIR, pp. 4-45). Since the cumulative air quality impact is a definitional impact, it is infeasible to mitigate the impact except by virtue of the no-project alternative discussed above. Upon inclusion of,

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the project into the SANDAG Growth Forecasts, the project will become consistent with RAQS.

4. NOISE.

Exterior noise levels at the proposed tennis courts located along North Torrey Pines Road are considered to be incompatible with outdoor recreational use and, thus, significant (EIR, pp. 4-20, 4-21). There is no feasible mitigation measure for the exterior noise level except relocation of the hotel to another site or complete elimination of the tennis courts. The tennis courts are an integral element of the project's design and a necessary amenity to the operation of a world-class resort hotel.

5. TRAFFIC

The University Community Travel Forecast Study concluded that significant cumulative travel effects would occur with any future development within the University Community Planning Area. Accordingly, the ADTs generated by the Sheraton Hotel will contribute to this cumulative impact. Given that the Planning Department has indicated that this cumulative impact is, by definition, unmitigable, it is infeasible to mitigate the impact other than by virtue of the no-project alternative.

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STATEMENT OF OVERRIDING CONSIDERATIONS

The Council, having made the findings in Part D, above, hereby adopts this Statement of Overriding Considerations:

The EIR identifies significant, unmitigated impacts associated with noise, traffic, and air quality. These impacts, addressed specifically below, are overridden by the following considerations:

1. The Torrey Pines Mesa area consists mostly of scientific research, corporate headquarters, industrial research and development uses which engender business visitors requiring one or more nights lodging at a convenient distance from the location of their business. The convenience and attractiveness of the Torrey Pines area to such research and development uses which both enhance and are complimented by the presence of the University of California campus, is a major goal of the City of San Diego both for the purpose of encouraging the continued growth and vitality of the City and to assure the appropriate development of the Torrey Pines area.

2. The proposed 400-room Sheraton at Torrey Pines Mesa is designed as a world class resort that will compliment San Diego's reputation as a first class resort destination. The project has been designed to exist in harmony with the scenic and historic terrain that surrounds it while providing a high-quality, full-service hotel facility much needed in the Torrey Pines area. The hotel development team has created a facility that blends with the terrain to become a natural extension of the spectacular landscape.

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3. The City of San Diego is the owner of the land on which the hotel would be constructed. The City would be the beneficiary of \$880,000 per year in base rent, plus a percentage of receipts from various hotel operations, as well as increased hotel occupancy tax, sales tax and property tax.

4. Site specific air-quality impacts resulting from the project directly are not significant. The significant cumulative effect recognized in the EIR is based on the SANDAG Series V and VI Growth Forecasts which describe the project site as "all-developed" and do not allow for any growth whatsoever. Once these forecasts are corrected as scheduled, the impact will no longer be considered significant. Since this unmitigated impact is merely a "definitional" impact, it is far outweighed by the significant benefits to the City derived from the project.

5. Although unmitigated exterior noise levels at the tennis courts may be expected on the project site, such an impact is far outweighed by the benefits of the project. Over 200,000 golfers play the Torrey Pines Golf Course each year and are subjected to similar noise levels. This has proved to be neither a significant concern nor a deterrant to use of the course. In comparison to the significant number of residents and visitors who will benefit from the project in general and the tennis courts in particular, minimal occasional discomfort encountered by the few people using the tennis courts at any particular time should not preclude the development of the hotel.

6. With regard to significant, unmitigated traffic impacts, the only unmitigated impact is the incremental contribution to

cumulative impacts associated with the project. The hotel will generate only 3,200 ADTs, but -- because any addition to traffic is deemed to be an unmitigated, cumulative impact by the Planning Department -- is nevertheless deemed to have an unmitigated impact. It should be noted, however, that there is a difference of opinion as to whether there actually is an unmitigated cumulative impact. The traffic consultant analyzing the proposed hotel, for example, indicates that with the ultimate improvements along Genessee Avenue and the North Torrey Pines/Genessee Intersection the cumulative impacts associated with this project will be mitigated to a level of less than significant. Given that the unmitigated impact is one of "definition" rather than magnitude, and given that the evidence in the record could support a conclusion that there is no unmitigated cumulative impact, the Council finds that the project's significant benefits outweigh any such unmitigated impact.

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JUN 22 1987

Passed and adopted by the Council of The City of San Diego on....., by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McCoil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-268651* Adopted JUN 22 1987