

(R-90-1580)

RESOLUTION NUMBER R-275338

ADOPTED ON MAR 19 1990

WHEREAS, LA JOLLA PINES TECHNOLOGY CENTRE submitted an application to the Planning Department for Planned Industrial Development, Coastal Development and Hillside Review Permits and Tentative Map, Case-88-0244; and

WHEREAS, the permits were set for a public hearing to be conducted by the Council of The City of San Diego; and

WHEREAS, the issue was heard by the Council on March 19, 1990; and

WHEREAS, the Council considered the issues discussed in Environmental Impact Report No. 88-0244 dated July 13, 1989, together with the addendum thereto dated January 11, 1990; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified, that the information contained in ENVIRONMENTAL IMPACT REPORT EQD NO. 88-0244 with addendum, in connection with La Jolla Pines Technology Centre, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Administrative Code section 15000 et seq.), and that said report has been reviewed and considered by this Council.


BE IT FURTHER RESOLVED, that pursuant to California Public

Resources Code section 21081 and Administrative Code section 15091, the City Council hereby adopts the Findings and Statement of Overriding Considerations made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that this certification is contingent upon a requirement that any corporation headquarters within the development be limited to scientific corporations.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Deputy City Attorney

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03/30/90
Or.Dept:Clerk
R-90-1580
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FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

- (1) Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(Sec. 21081 of the California Environmental Quality Act)

CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record (Sec. 15093 of the CEQA Guidelines).

The following Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decisionmaking body. The Environmental Quality Division does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

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**FINDINGS
FOR THE
LA JOLLA PINES TECHNOLOGY CENTRE**

EQD No. 88-0244

September 18, 1989

The following findings address the La Jolla Pines Technology Centre which would be a master Planned Industrial Development (PID) accommodating 831,600 square feet of scientific-research uses on 56.4 acres of land at the northeast corner of North Torrey Pines Road and Genesee Avenue in the University community planning area of the City of San Diego.

Having considered the Final Environmental Impact Report (EIR) for the La Jolla Pines Technology Centre and the record before it, the decisionmaker has made the following findings pursuant to Sections 15091 and 15093 of Title 14 of the California Administrative Code.

A. The decisionmaker finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impacts as identified in the Final Environmental Impact Report.

Land Use

Impact. The proposed PID would impact approximately 0.34 acres of a canyon which is currently designated by the University Community Plan as Open Space. Development of the property, most notably, the construction of John Jay Hopkins, would impact a total of 0.48 acres of land which meets the North City Local Coastal Plan's criteria for sensitive slopes.

Approximately one half of the project site is located within Accident Potential Zone C of the Miramar Naval Air Station (NAS). Development would not be compatible with this zone unless building coverage on each lot does not exceed 40%.

Finding. The proposed project has incorporated measures which reduce potential land use impacts with respect to open space and air safety to a level of insignificance. A 6.23-acre negative open space easement is proposed on the tentative map. This open space easement would include 4.01 acres (92%) of the land currently designated as Open Space on the Community Plan as well as an additional 1.88 acres of natural slopes which are not designated as Open Space. The easement would also preserve 90% of the area meeting the sensitive slope criteria which would assure that the encroachment would not be more than the 10% allowed by the North City Local Coastal Plan.

The PID would require building coverage in those areas included in Accident Potential Zone C to not exceed a building coverage of 40%.

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Traffic Circulation

Impact. The 831,600 square feet of scientific research development allowed by the PID would generate a total of 6,653 ADT. This number of trips would be less than the number of trips projected for the property by the University Community Plan travel forecast; however, the segment of Genesee Avenue between John Jay Hopkins Drive and I-5 is currently operating over capacity and will continue to be over capacity until the roadway is widened per the community's facilities financing plan. Thus, the trips generated by the La Jolla Pines Technology Centre would have a significant traffic impact until improvements are made on Genesee Avenue.

Finding. Mitigation of the direct traffic impacts of the project would be achieved by assurance of the following road improvements to the satisfaction of the City Engineer prior to approval of the final map for the project: half-width improvement of John Jay Hopkins Drive, widening the north side of Genesee Avenue at the intersection with John Jay Hopkins Drive, design and construction of improvements to eastbound Genesee Avenue near the I-5 interchange, and intersection improvements at North Torrey Pines Road/Genesee Avenue. In addition, once combined traffic from La Jolla Pines Technology Center and Torrey Pines Science Center (to the east) exceeds 15,968 ADT, improvement of Genesee Avenue to six lanes between I-5 and North Torrey Pines Road will be assured.

Landform Alteration/Visual Quality

Impact. Implementation of the project would impact the site's existing landform as a result of the grading necessary to construct roads, buildings and parking areas on the property. Up to 90% of the property could be graded under the proposed project including the upper end of a canyon which is designated as open space.

Construction of an eighteen-foot high crib wall associated with John Jay Hopkins Drive and restriction of the long-range views across the property to the east from North Torrey Pines Road would impact the visual quality in the immediate area of the project. The crib wall would have an average height of 18 feet and extend for a distance of 275 feet. The construction of buildings along North Torrey Pines Road within the project could potentially block motorists' views or diminish the value of the views of distant landforms by introducing buildings into the foreground.

Finding. Design guidelines contained within the PID Manual would mitigate potential visual quality impacts of the project to below a level of significance. Architectural guidelines, building setbacks and view corridors would retain opportunities for long-

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range views across the site. Various proposals contained within the PID Manual including the protection of natural areas on the site, the use of architecture which requires terraces rather than large flat pads, and requirements for contour grading would reduce the landform impact of the proposed project to below a level of significance. The crib wall would be planted with trailing vines and screened with Torrey Pine trees planted at the base of the wall. A three-year maintenance and monitoring program would ensure that the revegetation occurs in a satisfactory manner.

Hydrology and Water Quality

Impact. Implementation of this proposal would increase run-off from the property, potentially resulting in increased erosion and sedimentation downstream. Development of the site would also add urban pollutants such as litter and oil to the run-off. The incremental increase in sediment and urban pollutants could have a significant cumulative impact on the fragile ecosystem of Los Penasquitos Lagoon.

Finding. Measures would be incorporated into the project design as conditions of approval of the tentative map and PID permit to reduce erosion, sedimentation and urban pollutant impacts downstream in Los Penasquitos Lagoon. These measures would include construction of temporary and permanent detention basins, hydroseeding of manufactured slopes and installation of grease traps in all parking lots.

B. The decisionmaker finds that there are no changes or alterations within the responsibility of another public agency which are necessary to avoid or substantially lessen significant environmental effects.

C. The decisionmaker finds that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR to reduce the significant impact on the environmental goals of the community plan and the cumulative effects to a level less than significant.

Cumulative Effects

Impact. The project would have significant cumulative impacts associated with traffic, biology, water quality and air quality. The Genesee Avenue/I-5 interchange is projected to be operating at a LOS of D or less. The additional traffic created by the project would worsen that condition. In addition, the Master EIR prepared

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for the University Community Plan concludes that buildout of the plan area would result in significant cumulative traffic impacts to which this project would contribute.

The loss of mixed chaparral, maritime sage scrub and habitat for the orange-throated whiptail and coast horned lizard is considered cumulatively significant due to the increasing reduction in these habitats in the coastal zone.

Los Penasquitos Lagoon is an important coastal resource, which has been experiencing significant degradation caused by increased sedimentation and urban run-off from new developments within its drainage basin. Urban run-off from the future uses on the site could have a cumulative impact on the water quality of the Los Penasquitos Lagoon.

As with traffic, the Master EIR for the University Community Plan concludes that significant cumulative impacts on air quality would result from buildout of the plan area including this project.

The cumulative effects of the project on biology, air quality, and the lagoon would have a cumulative impact on the environmental goals and objectives of the community plan.

Finding. Partial mitigation of the project's contribution to cumulative traffic impacts would occur through implementation of the improvements identified in the North University City Public Facilities Financing Plan and by completion of the recommended street system proposed by the Transportation and Traffic Engineering Division of the City; however, full mitigation of the cumulative traffic impacts is beyond the control of this project.

The proposed negative open space easement and replacement of Torrey Pines are not adequate to mitigate the cumulative impact of the project on biological resources in the coastal areas of the City.

The incremental impact of the proposed project to the cumulative water quality in Los Penasquitos Lagoon would be partially mitigated by landscaping requirements and the installation of grease traps in each parking lot at the discharge point for surface run-off. However, full mitigation of the cumulative water quality impact is beyond the control of this project.

Although it is considered likely that future businesses located on the site will encourage car pooling, bicycle use and other measures designed to reduce air pollution, mitigation of the

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cumulative impacts of the project are beyond the control of this project. Full mitigation of the cumulative impacts associated with this project can only be realized through the "No Project" alternative. Under this alternative, the site would continue to be undeveloped with the exception of the current parking lot for Scripps Clinic.

The "No Project" alternative would prohibit the property owner from reasonable use of the property while giving no relief to the owner's obligation to pay property taxes based on the value of the land for industrial development. Currently, property taxes on the property are \$154,500.00 per year. The financial burden would make this alternative economically infeasible.

From a Community Plan perspective, the "No Project" alternative would not implement the employment and industrial goals of the Community Plan. The Plan has designated the property for scientific research development in order to provide employment opportunities in the community and capitalize on the scientific resources associated with the nearby University of California at San Diego. The "No Project" alternative would eliminate up to 831,600 square feet of scientific research development on land which is adjacent to the UCSD campus as well as two other notable research institutions, Scripps Clinic and La Jolla Cancer Institute.

The "No Project" alternative would also preclude the construction of John Jay Hopkins Drive through the property and the positive traffic circulation effects associated with the roadway. No public funds are available to construct this segment of John Jay Hopkins Drive, and it is unlikely that it would be constructed without development of the subject property. This road would relieve congestion at the intersection of North Torrey Pines Road and Genesee Avenue by allowing vehicles travelling north along Genesee Avenue to bypass the intersection.

Implementation of the "No Project" alternative would also eliminate Facilities Benefit Assessment (FBA) fees which would, assuming 831,600 square feet at the current rate, amount to \$1,769,698.00. Construction of the critical infrastructure necessary to accommodate projected growth in the University Community is to be implemented through the Public Facilities Financing Plan for the community. The financing plan is dependent upon development of the uses called for in the community plan. The loss of FBA fees due to the "No Project" alternative would adversely impact the Financing Plan and, ultimately, construction of needed infrastructure within the University community.

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Land Use

Impact. The project would have a significant impact on the environmental goals of the community plan which would result from the cumulative impacts of the project on biology, and air and water quality.

Finding. The University Community Plan establishes a series of goals intended to preserve the environmental resources found within the plan area. While the design features within the PID Manual would mitigate the direct impact of the project on water quality, biology and air quality, the cumulative impacts would remain. Therefore, these mitigation measures would not reduce the impact of the project on the environmental goals of the community plan to a level of insignificance.

Full mitigation would only be achieved through the no project alternative. The reasons why the no project alternative has been rejected by the project applicant are the same as described earlier.

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**STATEMENT OF
OVERRIDING CONSIDERATIONS
FOR THE
LA JOLLA PINES TECHNOLOGY CENTRE**

EQD 88-0244

September 18, 1989

The decisionmaker, pursuant to the CEQA Guidelines, after balancing the benefits of the proposed La Jolla Pines Technology Centre against the unavoidable adverse cumulative impact of the project on traffic circulation, biology, water quality and air quality which remain notwithstanding the mitigation measures incorporated with the project, determines that the impacts are acceptable due to the following:

1. Approval of the project would achieve several key goals and objectives of the University Community Plan. The Plan establishes employment and industrial goals which seek to:

Promote job opportunities within the University community (page 17a).

Encourage the development of life-sciences research facilities which maximize the resources of the University (University of California at San Diego) (page 17a).

Emphasize the City-wide importance of and encourage the location of scientific research uses in North University City area because of proximity to University of California at San Diego (page 18).

The La Jolla Pines Technology Centre would allow the construction of 831,600 square feet of scientific research development (up to a maximum of 1,280,000 square feet of development would be permitted with approval of a Transportation Demand Management Plan). The project would create new jobs in the University community and would be exclusively for uses allowed under the City's scientific research zone. It is expected that the future uses would seek to take advantage of the resources associated with UCSD and other research facilities in the area.

An important medical research facility, Scripps Clinic has already purchased part of the project site for needed expansion of their existing facilities. The proximity of the project to their current operations is considered critical to their expansion plans.

Furthermore, the project includes extensive design guidelines which would create a well-planned, campus-like environment which would be an asset to the Torrey Pines mesa area as well as the University community, in general.

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2. The project would implement the goals of the Open Space Element of the University Community Plan by preserving 92% of the area designated as open space as well as sensitive slopes which have not been designated as open space. The project would retain a total of 6.23 acres of natural open space which is a 43% increase over the 4.35 acres currently shown on the Community Plan.

3. Development of the property would generate fees to fund the public infrastructure improvements in the Public Facilities Financing Plan for the University community planning area. The timely implementation of these infrastructure projects is critical to maintaining the quality of life in the University community. The implementation of these improvements is dependent upon facilities benefit assessment fees required to be paid by this and other new development in the community.

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MAR 19 1990

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" 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 *Blonde R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-275338* Adopted *MAR 19 1990*