

(R-93-1870)

RESOLUTION NUMBER R-281847

ADOPTED ON APRIL 27, 1993

WHEREAS, on June 5, 1989 and August 7, 1989, BALIT CBC, Owner/Permittee submitted applications to the Planning Department for a Community Plan Amendment, Local Coastal Program Amendment, Planned Industrial Development Permit and a Coastal Development Permit; 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 issues were heard by the Council on April 27, 1993; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Supplemental Environmental Impact Report No. 89-0928 to Environmental Impact Report No. 89-0702; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that the information contained in Supplemental Environmental Impact Report No. DEP-89-0928, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been

reviewed and considered by this Council in connection with the approval of BALIT CBC Corporation.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council hereby adopts the findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a copy of which is attached hereto and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: JOHN W. WITT, City Attorney

BY



John K. Riess
Deputy City Attorney

JKR:pev
05/10/93
Or.Dept:Clerk
R-93-1870
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**CANDIDATE FINDINGS AND STATEMENT
OF OVERRIDING CONSIDERATIONS**

**BALIT-CBC CORPORATION PROJECT
DEP NO. 89-0928 AND EQD NO. 89-0702
SCH NO. 89071907**

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.

(Section 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 SEIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the Final SEIR and/or other information in the record (Section 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 decision-making body. The Environmental Analysis Section 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.

R-281847

December 15, 1992

**DRAFT CANDIDATE FINDINGS
FOR THE
BALIT-CBC CORPORATION PROJECT
DEP NO. 89-0928 AND EQD NO. 89-0702
SCH NO. 89071907**

The following findings and statement of overriding considerations are made relative to the conclusions of the final supplemental environmental impact report ("Final SEIR") for the Balit-CBC Corporation project, DEP No. 89-0928 ("project"), in the city of San Diego ("City"). The project proposes to amend the University Community Plan to increase the allotted development intensity for scientific research uses from 7,585 square feet per acre to 17,761 square feet per acre on a 16.08-acre site owned by Balit-CBC Corporation. The address for the site is 10933 North Torrey Pines Road, La Jolla, California 92037-1080. The purpose of the project is to expand existing research, development, and manufacturing facilities to maintain leadership in the production of reagents and pharmaceuticals for use within the biomedical research community of La Jolla, California and national and worldwide biotechnological community. The discretionary actions by the City of San Diego include a Community Plan Amendment (CPA), a Planned Industrial Development (PID) Permit, and a Coastal Development Permit (CDP).

These findings are made pursuant to Section 21081 of the California Environmental Quality Act ("CEQA"), California Public Resources Code 21000 et seq., and Title 14 of the California Code of Regulations ("CEQA Guidelines"), Sections 15091 and 15093.

FINDINGS

A. CEQA PUBLIC RESOURCES CODE SECTION 21081(A)

Having received, reviewed, and considered the Final SEIR, the above information, and all other information in the record, the City hereby finds that changes or alterations have been required of or incorporated into the Project which avoid or substantially lessen the significant environmental impacts that are identified in the Final SEIR as more specifically described below.

1. Traffic Circulation

a. Impacts. The project could result in significant, direct impacts to the traffic circulation on Genesee Avenue west of Interstate 5 (I-5), at the I-5/Genesee Avenue interchange, and on Science Park Road. Traffic volumes currently are at the level of maximum desirable ADT for Genesee Avenue west of I-5, so the addition of project-related trips to the existing traffic situation is considered significant. The reduction of the level of service (LOS) from D to E at the I-5/Genesee Avenue interchange, southbound ramp, during the morning peak hour due to traffic increases from the project would be considered a significant impact. Science Park Road cannot accommodate the expected project traffic increases under its existing conditions. This impact is also direct and potentially significant.

Significant, cumulative impacts are anticipated due to incremental traffic increases to Genesee Avenue west of I-5, the intersection of I-5/Genesee Avenue southbound ramp, and Genesee Avenue east of I-5. Both Genesee Avenue west of I-5 and the intersection of I-5/Genesee Avenue southbound ramp are currently operating at below an acceptable level of service. Therefore, any incremental increase in traffic to these areas would be considered a significant and cumulative impact. Future cumulative traffic impacts from the project are anticipated to occur on Genesee Avenue east of I-5. The University Community Plan traffic forecast for year 2005 indicates that this roadway segment would experience daily traffic volumes in excess of the recommended design maximum at full buildout of the community plan, without the project. The project would generate even more traffic than anticipated by the existing community plan traffic allowance for the project site. Therefore, because the community plan has been identified as producing significant and unmitigated cumulative traffic impacts, the proposed amendment would exacerbate the cumulative impacts identified in the community plan EIR.

b. Finding. A.M. peak-hour traffic volumes on the Genesee Avenue/I-5 southbound ramp interchange currently exceed (and are expected to continue to exceed) the interchange's design capacity (LOS C). The addition of project-related trips to this interchange would be a direct and significant impact that could only be mitigated by implementation of the No Project alternative or the Alternative Location alternative. Therefore, this impact is considered to be significant and unmitigated in association with the project.

Mitigation measures that could be implemented would not fully mitigate the significant cumulative impacts associated with the project. Only the No Project alternative or Alternative Location alternative would avoid the project's contribution to cumulative traffic circulation impacts. Therefore, this impact would be significant and unmitigated by the project. However, the PID and CDP shall provide partial mitigation measures for cumulative impacts resulting from the project, including the following:

- 1) Participate in the community-wide Facilities Benefit Assessment (FBA) program for infrastructure improvements.
- 2) Implement a Transportation Demand Management (TDM) program.
- 3) Contribute to financing design and construction of the North Torrey Pines Road/Genesee Avenue intersection (Alternative SD-1).
- 4) Be responsible along with other projects in the area for the provision of an additional northbound right-turn lane on North Torrey Pines Road at Science Park Road.
- 5) Dedicate approximately 10 feet of right-of-way fronting Science Park Road and provide improvements for one additional westbound lane on Science Park Road (for a total of three westbound lanes and two eastbound lanes) for at least 350 feet; modify the traffic signal at the intersection of North Torrey Pines Road/Science Park Road.

To monitor the effectiveness of the TDM program, an annual report shall be submitted to the City Engineer for review and approval. The format of the report shall be in compliance with requirements of City Ordinance No. 17349 N.S. adopted on September 26, 1989. The remaining required mitigation measures shall be noted on the building plans. Prior to issuance of building permits, the Environmental Analysis Section (EAS) shall review the plans to ensure the measures have been provided. The improvements shall be completed to the satisfaction of the City Engineer.

2. Land Use and Safety

a. Impacts. The development intensities designated in the University Community Plan are intended to limit environmental impacts to community-wide traffic, regional air quality, and regional water quality. The community plan, as adopted, already identifies significant, unmitigated impacts associated with traffic, air quality, and water quality in the area resulting from the community plan-allowed intensity of development. Adoption of the proposed project with an amendment to the community plan would increase the allowable development intensity on the site. Therefore, the project is expected to increase the severity of traffic, air quality, and hydrology impacts in the community. This would not be compatible with the environmental goals and objectives of the community plan, and would be considered a significant land use impact.

b. Finding. The project would implement mitigation measures to partially mitigate direct and cumulative impacts to traffic, air quality, and hydrology. However, significant impacts to the environmental goals for traffic (discussed above), air quality, and hydrology of the University Community Plan could only be fully mitigated by the No Project alternative or the Alternative Location alternative. Therefore, this land use impact is considered significant and unmitigated.

3. Biological Resources

a. Impacts. Development will result in the loss of approximately 1.10 acres of southern maritime chaparral, and 2.00 acres of non-native shrubs and weedy areas. The project may impact planted trees and shrubs which currently exist on-site and serve as perch sites for Cooper's hawk and other raptor species. The loss of wart-stemmed ceanothus would be an incremental loss of this species. At least six of the fourteen Torrey pines would also be lost.

b. Finding. There are significant biological impacts associated with the implementation of this project. The potential for impacts to disturbed coastal mixed chaparral, wart-stemmed ceanothus, and the Cooper's hawk have been mitigated through the incorporation of a permanent preserve area for these species in the project design. The project proposes to dedicate approximately 1.5 acres in the northeast portion of the project site as a biological preservation area. This area will primarily consist of disturbed coastal mixed chaparral which supports the orange-throated whiptail, revegetated manufactured slope, and non-native shrubs. The preserve area and sensitive grading and clearing techniques would mitigate significant impacts to the sensitive orange-throated whiptail to below a level of significance. The required mitigation measure would be incorporated into the PID and CDP permits. Prior to the issuance of grading permits, the EAS shall verify compliance with the required mitigation.

This mitigation measure shall be assured to the satisfaction of the Deputy Director of the Development and Environmental Planning Division.

4. Hydrology

a. Impacts. Adoption of the proposed community plan amendment would allow expansion on the site from the present limit of 7,585 square feet per acre to 17,761 square feet per acre. Future development on the site would increase runoff which would have the potential to result in erosion and sedimentation impacts to the lagoon watershed. Although the urban runoff from the project would not directly drain into Los Penasquitos Lagoon and would not carry enough pollutants to significantly degrade the water quality downstream, the project would still contribute cumulatively, with other projects in the area, in affecting the water quality of the watershed. This cumulative impact is considered to be significant in association with the project.

b. Finding. Features incorporated into the project design, such as detention basins and precautions taken during construction and operation of the project, would mitigate potentially significant direct impacts. These measures shall be designed to the satisfaction of the City Engineer and the Principal Planner of the EAS, and shall be identified on the grading plans. Prior to the issuance of a land development permit, the EAS shall verify that the measures have been incorporated in the project design. However, only the No Project alternative or the Alternative Location alternative would avoid contribution to cumulative hydrological impacts to Los Penasquitos Lagoon. Therefore, this impact is considered significant and unmitigated.

5. Cultural Resources

a. Impacts. Project implementation would not directly impact significant cultural resources on the site. A permanent preservation area is incorporated into the project in order to avoid project impacts to the identified important cultural resource site SDI-12,581. The potential for significant impacts to site SDI-12,581 still exists, however, because of its proximity to the development of the project. Therefore, mitigation measures would be performed to avoid indirect impacts to cultural resources, including fencing, soil capping, and monitoring of construction activities by a qualified archaeologist.

b. Finding. All significant impacts associated with cultural resources would be mitigated by the implementation of the following measures:

- 1) Prior to the issuance of a grading permit, a fence shall be constructed separating the resource area to be preserved from the rest of the project site, and inspection shall be conducted by the City EAS to ensure the fence has been constructed. The fence shall remain until completion of construction activities, whereupon it shall be removed.
- 2) No subsurface impacts shall be permitted to the area included within the level pad storage and parking areas due to site sensitivity. Removal of existing asphalt paving and oiled surfaces shall be accompanied by archaeological monitoring. If archaeological materials are encountered, an adequate data recovery

program approved by City staff shall be initiated for this area.

- 3) The applicant shall provide verification that a qualified archaeologist and/or an archaeological monitor have been retained to implement the monitoring program. This verification shall be presented in a letter to the Principal Planner of the EAS of the City Planning Department prior to the start of construction. A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists. An archaeological monitor is defined as an individual who has expertise in the collection and salvage of cultural resources and who is working under the direction of a qualified archaeologist. All persons involved on the archaeological monitoring of this project shall be approved by EAS prior to the construction meeting. For questions regarding the archaeological sites, EAS shall be contacted.
- 4) The archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss excavation plans with the excavation contractors. The requirement for archaeological monitoring shall be noted on the grading or building plans. The archaeologist's duties shall include monitoring, evaluation, analysis of collected materials, and preparation of a results report. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.
- 5) The applicant shall notify EAS staff of any preconstruction meeting dates and of the start and end of construction.

These required mitigation measures shall be noted on the grading plans. Prior to the issuance of grading permits, EAS shall review the plans to ensure the notation has been provided.

B. CEQA PUBLIC RESOURCES CODE SECTION 21081(B)

The City, having reviewed and considered the information contained in the Final SEIR for the project and the public record, finds that there are no changes or alterations to the project which avoid or substantially lessen the significant environmental impacts that are within the responsibility and jurisdiction of another public agency.

C. CEQA PUBLIC RESOURCES CODE SECTION 21081(C)

The City, having reviewed and considered the information contained in the Final SEIR for the project and the public record, finds there are specific economic, social, or other considerations which make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

1. No Project Alternative

The No Project alternative would retain the project site in its existing condition.

a. Impacts. Under the No Project alternative, the proposed plan amendment and associated PID and CDP to increase the development intensity for the project site would not be adopted, and the level of development on the site would remain at the 7,585 square feet per acre, as a result of the University Community Plan specifying the "as is" condition, rather than a development intensity. If the No Project alternative were selected, the identified project-related impacts would not occur. This alternative would avoid the addition of 1,309 more vehicle trips than forecast in the community plan to local streets. There would be no increased project-generated traffic impacting already congested segments of the circulation system, especially along Genesee Avenue and at the Science Park Road/North Torrey Pines intersection. This alternative would also avoid impacts to land use from the proposed increase in density from the intensity designated in the University Community Plan. The No Project alternative would avoid exacerbation of anticipated cumulative and significant traffic impacts anticipated from buildout of the community plan, and the concomitant significant and cumulative air quality impacts. Further, contribution to cumulative water quality impacts from the buildout of the community plan would not occur.

b. Finding. Selection of the No Project alternative would not achieve the purpose of the project, to expand existing research, development, and manufacturing facilities to maintain leadership in the production of reagents and pharmaceuticals for use within the biomedical research community of La Jolla, California. The project would help fulfill the goals and objectives of the Progress Guide and General Plan of the City of San Diego and the University Community Plan by emphasizing and encouraging the city-wide importance of scientific research uses in the North University City area. In particular, the University Community Plan "encourages the location of scientific research uses in the North University City area because of its proximity to the University of California at San Diego (UCSD)" (City of San Diego, Planning Department, University Community Plan p.19, July 7, 1987). This impact would mean a loss of long-term economic and social benefits for the area. The project would result in 500 new jobs, \$272,600 in annual property tax revenues, and \$42,560 in school impact fees. Furthermore, the No Project alternative would not eliminate the anticipated cumulative and significant traffic, air quality, or water quality impacts anticipated from buildout of the community plan. The impacts to traffic, air quality, and water quality would be lessened with this alternative, but would not be avoided.

2. Alternative Location Alternative

Under the Alternative Location alternative, the proposed plan amendment to increase the development intensity of the site from 7,585 to 17,761 square feet per acre would not be adopted; the development intensity specified in the University Community Plan (existing development on-site) would remain.

a. Impacts. The alternative location for the project would be outside of the University Community Plan area, in order to avoid significant cumulative impacts to air quality, water quality, and traffic. Further, the location should be zoned for scientific research or industrial uses to avoid potential land use conflicts.

Sites considered for the site of the Alternative Location alternative included the Meanley property within the Scripps Miramar Ranch Community Plan area and the Rancho Bernardo Technology Park planned industrial development. Located at either one of these sites, the purpose of the project could be achieved in part. Neither location is subject to the traffic, air quality, and water quality impacts identified with the buildout of the University Community Plan area. While developing the project at either of these sites would not eliminate anticipated significant impacts in the University Community Plan area, the Alternative Location alternative, like the No Project alternative, would avoid exacerbation of those impacts associated with the increase in development intensity as proposed by the project.

b. Finding. Although it would reduce impacts in the University Community Plan area, this alternative only partially fulfills the goals and objectives of the project. As stated in the Project Description section of the SEIR, the purpose of the proposed amendment to the community plan proposed by Balit-CBC is to expand its existing research, development, and manufacturing facilities to maintain leadership in the production of reagents and pharmaceuticals for use within the biomedical research community within which it is located. Adoption of this alternative could also result in reducing the advantages of an integrated research facility on a single site. Communication and interaction would be hindered to some degree by wide separation of facilities. Somewhat more traffic would probably be generated than for a single-site facility in the form of trips to interchange personnel and materials between sites. As a final consideration, while the proposed project would expand facilities on the existing site, this alternative would require the acquisition of additional property.

The Alternative Location alternative would not eliminate the anticipated significant cumulative traffic impacts and concomitant air quality impacts anticipated to result from buildout of the community plan and would not preclude potential future proposals and possible approvals of increased development in the surrounding community. In fact, the separation of the facilities into two localities would result in additional travel miles between these locations. Resulting traffic and air quality impacts could, therefore, increase due to implementation of this alternative.

The Alternative Location alternative would substantially increase costs of development to the applicant. Table 1 represents the applicant's estimates of development costs at an alternative site relative to the project. Estimated costs are more than double (\$11,800,000 vs. \$5,137,364) to develop the project elsewhere, due to equity, land acquisition, design, and approval processing costs.

3. Reduced Intensity Alternative

Although no specific plans have been developed, the Reduced Intensity alternative was analyzed addressing both a 25 and 50 percent reduction in the amount of additional development. For the sake of analysis, it is assumed that the land area to be developed would be reduced in the same proportion as the square footage. Consequently, a 25 percent reduction in the intensity would result in a reduction of proposed additional square footage from 163,619 to

**TABLE 1
 APPLICANT'S ESTIMATE OF COST
 OF OFF-SITE DEVELOPMENT**

Category	Proposed Project	Percent Reduction		No Project
		25%	50%	
Proposed Building Addition	163,700			
Substitute Square Footage		40,925	81,850	163,700
Additional Land Cost ¹		\$1,637,000	\$3,274,000	\$6,548,000
Estimated Holding Costs ²	\$1,309,000	\$1,309,000	\$1,309,000	\$1,309,000
Approval Processing Costs ³	\$350,000	\$430,000	\$510,000	\$670,000
Land Development Costs ⁴	\$3,477,764	\$4,296,264	\$5,114,764	\$3,274,000
TOTAL COSTS	\$5,137,364	\$7,672,864	\$10,207,764	\$11,801,000

Source: Biotech Realty Partnerships 1992.

¹Additional Land Costs estimated at \$40 per buildable square foot.

²Estimated Holding Costs include interest, taxes, and insurance for the period 11/1/88 through 10/31/92.

³Approval Processing Costs include planning and engineering expenses, environmental study and review cost, and consultant fees.

⁴Land Development Costs include on- and off-site improvements and fees associated with environmental and/or community impacts.

122,714. The amount of undeveloped area would increase 1.12 acres. With a 50 percent reduction, the square footage would be reduced to 81,809.5 while the undeveloped area would be increased 2.25 acres.

a. Impacts. Reductions in the square footage of development would reduce the trips generated by the project. A 25 percent reduction would eliminate 327 average daily traffic (ADT), while a 50 percent reduction would eliminate 654 ADT. These traffic estimate reductions represent unmitigated volumes. Compared to the proposed project, reductions in trips would lessen the expected congestion on Genesee Drive and its interchange with I-5 as well as on roads throughout the community; however, unacceptable levels of service would still occur on these roadways as other projects in the community are developed.

The reduction in trips from the property would result in an incremental reduction in the air emissions in the community. The reduction would not have a significant effect on the expected cumulative impacts from other development in the plan area, nor would it improve the LOS at any of the affected intersections.

The reduction in the development intensity would decrease the impermeable surface area on the property which would reduce the runoff quantities. Some reduction in the area required to accommodate parking would also be expected. Each of these factors would consequently reduce the erosion and urban runoff impacts being experienced in the Los Penasquitos Lagoon. However, the cumulative water quality impact would remain significant and unmitigated.

b. Finding. This alternative would reduce the environmental impacts of the proposed project by reducing the amount of square footage developed on the property and by increasing the undeveloped area. While this alternative would reduce the impacts associated with the project, it would not reduce the community-wide cumulative impacts to a level below significance. It would result in decreased efficiency in fulfilling the goals of the project by the applicant and reduce the opportunities for expansion of biomedical research in the North City area adjacent to UCSD for the community. The applicant would seek to offset the reduction in useable space by developing additional facilities off-site, which would relocate rather than eliminate project impacts. As noted for the Alternative Location alternative, this could result in an increase in traffic and air quality impacts over the proposed project, due to inefficiencies of operation and coordination.

Either reduced intensity alternative would necessitate off-site land acquisition and development to provide an equivalent expansion of facilities (163,700 square feet). The applicant's estimate of the increase in costs for the equivalent square footage are provided in Table 1. The 25 percent density reduction for the project would increase total costs of equivalent development by 50 percent; the 50 percent reduction alternative would increase costs 100 percent.

**STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE
BALIT-CBC CORPORATION PROJECT
DEP NO. 89-0928
SCH NO. 89071907**

The City Council, in approving the Community Plan/Local Coastal Plan Amendment, Planned Industrial Development Permit, and Coastal Development Permit that is the subject of SEIR No. 89-0928, Supplement to EIR No. 89-0702, make the following statement of overriding considerations in support of findings that the benefits of the project outweigh its adverse environmental effects pursuant to the California Environmental Quality Act (CEQA) Public Resources Code Section 21002 and Administrative Code Section 15093.

The project would help fulfill the goals and objectives of the Progress Guide and General Plan of the City of San Diego and the University Community Plan by emphasizing and encouraging the city-wide importance of scientific research uses in the North University City area. In particular, the University Community Plan "encourages the location of scientific research uses in the North University City area because of its proximity to the University of California at San Diego" (City of San Diego, Planning Department, University Community Plan p.19, July 7, 1987). Balit-CBC is one of several facilities, including La Jolla Cancer Research Foundation, Scripps Clinic and Research Foundation, Scripps Hospital, the UCSD Medical School, and the Salk Institute, that provide a strong medical research presence in the northwestern part of the University community. Moreover, Balit-CBC provides critical industrial support to the biotechnical research industry on Torrey Pines Mesa.

The project would provide the following benefits to the City of San Diego and to the public:

1. The project would provide the opportunity to conduct medical and biotechnological research whose purpose is to relieve suffering, reduce the spread or severity of disease, and promote the general health and welfare of society.
2. The project would provide new job opportunities within the University community.
3. The project would encourage the development of life sciences-research facilities which maximize the resources of the University Medical Research Community.
4. The project would result in increased tax revenues to the City of San Diego. Based upon an average value for scientific research buildings of \$160 per square foot, an increase of 163,700 square feet, and a tax valuation of 1.04, the City would receive annual tax revenue of \$272,400.
5. The proposed project would contribute \$42,560 in school impact fees.

The Balit-CBC project could create 500 new jobs in the scientific research and development field. These new jobs would include a diversity of positions, at the clerical, technical, professional, and research scientist levels. Thus, the hiring pool would encompass a range of skills, experience, and technical expertise. The project would also help to concentrate life science research facilities in the center of the Torrey Pines Mesa subarea of the University community described above. Consolidation and expansion of Balit-CBC would help to ensure Balit-CBC's continuing contribution to the scientific environment and economic health of North University City.

**MITIGATION MONITORING AND REPORTING PROGRAM
CALBIOCHEM-BALIT U.S. HOLDING
DEP NO. 89-0928
SUPPLEMENTAL EIR TO DEP NO. 89-0702
SCH NO. 89071907**

CEQA requires that a Mitigation Monitoring and Reporting Program be adopted upon certification of an environmental impact report in order to ensure that the mitigation measures are carried out. The Mitigation Monitoring and Reporting Program should specify what the mitigation is, when in the process it should be accomplished and the agency or City department responsible for ensuring that the mitigation is completed.

The Mitigation Monitoring and Reporting Program for the CALBIOCHEM-BALIT U.S. HOLDING supplemental EIR falls under the jurisdiction of the City of San Diego. The following is a brief description of the impact and the mitigation, including when it should occur and the departments who will monitor it.

A. TRAFFIC AND AIR QUALITY

Traffic and Air Quality (Sections IV.A. and IV.B. of the SEIR and pages 12-34 of DEP No. 89-0702): The traffic and air quality impacts can be partially mitigated, however, not to a level below significance, by the following mitigation measures:

Project-related direct impacts to Science Park Road just east of North Torrey Pines Road would be mitigated to a level below significance by widening Science Park Road to accommodate four travel lanes and implementation of the Transportation Demand Management (TDM) Program (Appendix C). It should be noted that EIR No. 89-0702 provided for the restriping of Science Park Road as mitigation; however, due to recent developments in the community, widening of Science Park Road is now required for mitigation.

The PID and CDP shall provide partial mitigation measures for the proposed project's cumulative impacts, including the following:

1. The Balit-CBC facility would be required to participate in the community-wide Facilities Benefit Assessment (FBA) program, as required by City Council resolutions. Contributions to the program by the proposed project would assist in the financing of necessary public infrastructure improvements throughout the University community and, in particular, would implement the improvement concept under consideration by the City and Caltrans (Alternative 3 in the Caltrans Project Study Report dated October 1989) at the intersection of I-5/Genesee Avenue southbound ramp. The contributions shall be made prior to issuance of the building permit.
2. The Balit-CBC facility shall implement a TDM Program (see Appendix C). A wide range of TDM techniques would be incorporated into the proposed project including carpooling, vanpooling, bike-riding incentives, construction of shower facilities, mass transit

incentives, telecommuting programs, and flex-time and staggered shifts.

3. The proposed project shall be required to contribute to the financing of the design and construction of the intersection of North Torrey Pines Road/Genesee Avenue (presently referred to by the City Engineering Department as Alternative 5D-1). Funding for the intersection will be provided by development and City revenues, including the North University City Facilities Assessment District.
4. The proposed project shall be responsible, with other projects in the area, for the provision of an additional northbound right-turn lane on North Torrey Pines Road on its approach to Science Park Road. There shall be a 10-foot-wide left-turn lane, a 12-foot-wide right-turn lane, three 12-foot-wide through lanes, and a 4-foot-wide bike lane at the intersection for a total width of 62 feet from the curb to the edge of the median. The new right-turn lane shall be at least 250 feet long, with a transition satisfactory to the City Engineer.
5. The proposed project shall be required to dedicate approximately 10 feet along its frontage on Science Park Road and provide improvements for once additional right-turn lane, satisfactory to the City Engineer. This would result in three westbound and two eastbound lanes on Science Park Road for at least 350 feet east of North Torrey Pines Road and shall include modification of the traffic signal. The curb lane for eastbound traffic shall be at least 14 feet wide. The right-turn lane for westbound traffic shall be 12 feet wide, the left-turn lanes shall be 10 feet wide, and all other lanes shall be the standard 12 feet in width. Widening will be required on this leg of the intersection.

To monitor the effectiveness of the TDM Program, an annual report shall be submitted to the City Engineer for review and approval. The format of the report shall be in compliance with requirements of City Ordinance No. 17349 N.S. adopted on September 26, 1989. The remaining required mitigation measures shall be noted on the building plans. Prior to issuance of building permits, the EAS shall review the plans to ensure the measures have been provided. The improvements shall be completed to the satisfaction of the City Engineer.

B. BIOLOGY

Biological Impacts (Section IV.E. of the SEIR and pages 55-63 of DEP No. 89-0702): The project would have a significant impact on biological resources. The impact can be mitigated to a level below significance by the following mitigation measures:

Impacts to coastal mixed chaparral, the Cooper's hawk, and the orange-throated whiptail shall be mitigated through the dedication of a 1.50-acre negative open space easement to preserve an area in the northeast portion of the site. Grading and clearing of the site shall begin at the southern boundary and proceed northerly to provide the opportunity for the orange-throated whiptail to vacate the portion of the site to be developed and to occupy the portion of

the site to be retained in open space. The required mitigation measure shall be noted in the PID and CDP permits. Prior to the issuance of a grading permit, the EAS shall verify compliance with the required mitigation. This mitigation measure shall be assured to the satisfaction of the Deputy Director of the Development and Environmental Planning Division.

C. HYDROLOGY/WATER QUALITY AND EROSION

Hydrological/Water Quality and Erosion Impacts (Section IV.F. of the SEIR and pages 64-67 of DEP No. 89-0702): Any development within the lagoon watershed, both approved and proposed, would increase the environmental problems associated with drainage and watershed preservation and would further affect the hydrologic, hydraulic, and water quality of Los Penasquitos Lagoon. These problems would include increased quantities of runoff, siltation, and erosion, contamination and decreased water quality, and decreased flow into groundwater systems. Measures which have been incorporated into the proposed project to reduce direct impacts to a level below significance include:

Erosion control measures undertaken during and after the construction period would ensure that sedimentation, as a result of the development, would not exceed pre-development conditions. Temporary erosion control devices would include drainage swales, sandbagging, siltation traps, and other measures required by coastal regulations and City of San Diego land development ordinances and standards. Such measures, incorporated into the project through the design review of construction plans and built concurrently with the grading, are required of all projects in the City of San Diego.

To reduce the potential for erosion and sedimentation impacts during project construction, grading activities would be limited to the dry season. All graded slopes would be stabilized before the beginning of the rainy season. Detention basins would be incorporated as part of the project design, to control runoff and sedimentation due to project construction. The basins would be located in the parking lots of the proposed project site, in the northwest and northeast corners, along the southern border of the project site as well as in the covered parking garage; the drainage plan and the location of the detention basins are illustrated in Figure 11 of the EIR. The applicant would assume responsibility for financing and maintenance of these basins. All of the temporary erosion control devices listed in the previous paragraph as well as all of the items in this paragraph are to be included as notes on the grading plans.

The above measures shall be noted on the grading plans. Prior to issuance of grading permits, the Environmental Analysis Section shall review plans to ensure the notation has been provided. The applicant shall retain a soils engineer to monitor the grading, construction, and revegetation of the project and submit in writing to the City Engineer and EAS, certification that the project has complied with the required notes on the grading plans addressing erosion/urban runoff controls.

D. CULTURAL RESOURCES

Cultural Resources (Section IV.H. of the SEIR): The property contains a significant prehistoric archaeological site. The following measures would mitigate project impacts to cultural resources to less than a level of significance:

1. Prior to the issuance of a grading permit, a fence shall be constructed separating the resource area to be preserved from the rest of the project site, and inspection shall be conducted by the City EAS to ensure the fence has been constructed. The fence shall remain until completion of all construction activities, whereupon it shall be removed.
2. No subsurface impacts shall be permitted to the area included within the level pad storage and parking areas due to site sensitivity. Removal of existing asphalt paving and oiled surfaces shall be accompanied by archaeological monitoring. If archaeological materials are encountered during removal of existing asphalt paving and oiled surfaces, a data recovery program approved by City staff shall be initiated for this area.
3. The applicant shall provide verification that a qualified archaeologist and/or an archaeological monitor have been retained to implement the archaeological monitoring program. This verification shall be presented in a letter to the Principal Planner of the EAS of the City Planning Department prior to the start of construction. A qualified archaeologist is defined as an individual certified by the Society of Professional Archeologists. An archaeological monitor is defined as an individual who has expertise in the collection and salvage of cultural resources and who is working under the direction of a qualified archaeologist. All persons involved on the archaeological monitoring of this project shall be approved by the EAS prior to the preconstruction meeting. For questions regarding the archaeological sites, EAS shall be contacted.
4. The archaeologist shall attend any preconstruction meetings to make comments and/or suggestions concerning the monitoring program and discuss excavation plans with the excavation contractors. The requirement for archaeological monitoring shall be noted on the grading or building plans. The archaeologist's duties shall include monitoring, evaluation, analysis of collected materials, and preparation of a results report. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.
5. The applicant shall notify EAS staff of any preconstruction meeting dates and of the start and end of construction.

These required mitigation measures shall be noted on the grading plans. Prior to the issuance of grading permits, EAS shall review the plans to ensure the notation has been provided.

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Passed and adopted by the Council of The City of San Diego on **APR 27 1993**
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"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

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

By *Blonda B. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-281847** Adopted **APR 27 1993**