

RESOLUTION NUMBER R- 290101

ADOPTED ON MAY 12 1998

WHEREAS, on August 20, 1996, The Lodge at Torrey Pines Partnership submitted an application to Development Services for a Progress Guide and General Plan amendment, University Community Plan amendment, Local Coastal Program amendment, Rezone; and Coastal Development Permit, Planned Commercial Development Permit, and Conditional Use Permit Amendment; and

WHEREAS, the permit was 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 May 12, 1998; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 96-7358; NOW, THEREFORE,

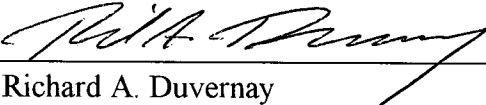
BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Environmental Impact Report No. 96-7358, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California 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 the Lodge at Torrey Pines Project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council 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 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 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: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

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04/20/98  
Or.Dept:Dev.Svcs.  
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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 (EIR) has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

(A) 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.

(B) 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.

(C) Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

CEQA § 21081.

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. CEQA Guidelines § 15093(b). These findings contain a statement of overriding considerations pursuant to CEQA Guidelines § 15093(b) which indicates that the decision-makers have weighed the benefits of the project against the unmitigated significant effects identified in the final EIR.

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 of the Development Services Department 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 that the decision-maker should approve the project despite the unmitigated significant effects identified in the final EIR.

## CANDIDATE FINDINGS FOR THE LODGE AT TORREY PINES

### INTRODUCTION

The Lodge at Torrey Pines is located on approximately six acres of City-owned property in the northwest portion of the University Community Plan area, west of North Torrey Pines Road. The site is located south and east of the Torrey Pines Golf Courses and north of the Sheraton Grande Hotel Torrey Pines. The Lodge at Torrey Pines is an existing resort hotel that has been in operation since the early 1960's. The existing facility provides 74 guest rooms, two restaurants and lounges, and banquet and meeting rooms.

Specific discretionary actions covered by the final Environmental Impact Report (EIR) prepared for the Lodge at Torrey Pines project include an Amendment to the University Community Plan and City of San Diego Progress Guide, an amendment to the North City Local Coastal Program, a Rezone (RZ) to change the zoning from R1-5000 (single-family residential) to CR (commercial recreation), a Planned Commercial Development (PCD) Permit, and a Coastal Development Permit (CDP). A detailed description of each action required for project implementation is included in Chapter 3.0, PROJECT DESCRIPTION, of the EIR.

### FINDINGS

According to the California Environmental Quality Act (CEQA) and CEQA Guidelines, "no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale of each finding." CEQA Guidelines § 15091. Pursuant to Public Resources Code Section 21081(a), the decision-maker, having reviewed and considered the information contained in the Final EIR for the project, the appendices, the public record and the administrative record, finds, pursuant to CEQA and the State CEQA Guidelines, that changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant direct environmental effects as identified in the Final EIR with respect to (1) noise and (2) cultural resources. In addition, the decision-maker finds that no impacts to traffic circulation and visual quality would result from project implementation. Also, the decision-maker finds that impacts associated with (1) land use and (2) safety would be significant and unmitigated at the project level.

The following specific findings are made relative to the conclusions of the Final EIR for the Lodge at Torrey Pines project.

- A. *Public Resources Code Section 21081(a)(1)*: Pursuant to CEQA § 21081(a), the City, having reviewed and considered the information contained in the Final EIR for the project, the appendices, the public record and the administrative record, finds, pursuant to CEQA and the State CEQA Guidelines, that changes or alterations have been required in, or

incorporated into the project which avoid or substantially lessen the significant direct environmental effects as identified in the Final EIR with respect to (1) noise and (2) cultural resources.

## 1. NOISE

**Impact:** The project would result in a significant noise impact to the guests at the hotel due to existing and future traffic volumes on North Torrey Pines Road and current aircraft noise from NAS Miramar. The proposed hotel rooms would be exposed to interior noise levels in excess of the City noise limits.

**Finding:** Pursuant to CEQA § 21081(a), changes have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. An acoustical analysis shall be prepared by a qualified acoustician in conjunction with submittal of building permit applications. The acoustical analysis shall demonstrate, to the satisfaction of the Acoustical Plan Check Section of the Development Services Department, that the location of the guest rooms and structural features as proposed will meet the 45 dB CNEL interior standard. Unless specific documentation of any terrain shielding effects is provided, the analysis should be based upon achieving a 21dB structural attenuation for an assumed 66 dB CNEL exterior noise loading. Implementation of the mitigation measures described in pages 4.3-9 through 4.3-10 of the EIR would reduce noise impacts to below a level of significance.

## 2. CULTURAL RESOURCES

**Impact:** The project site is developed with an existing hotel, associated landscaping and parking, and ancillary hotel functions. The existing hotel was constructed in the early 1960's prior to enactment of CEQA and the CEQA Guidelines. As such, no cultural resource surveys have been conducted for the site. The project site is located in an area where numerous cultural resources studies have been conducted and archaeological sites have been recorded in the project vicinity. The proposed project involves the demolition and construction of guest rooms and construction of a parking structure. Earthwork required for the project involves grading of the site which could affect unknown subsurface archaeological resources. If subsurface resources are present and if it is determined that such resources are important, impacts would be regarded as significant.

**Finding:** Pursuant to CEQA § 21081(a)(1), changes have been required in, or incorporated into, the project which mitigate the significant effects on the environment. In order to mitigate to below a level of significance the potential that important resources would be adversely affected by the project, prior to issuance of a grading permit, grading plans shall include the following notes. For purposes of these notes, a qualified archaeologist is defined as an individual who is certified in prehistoric archaeology by the Society of Professional Archaeologists. At least 200 hours of the field experience required for certification must be obtained in Southern California. An archaeological monitor is defined as an individual who has expertise in salvage and collection of cultural resources and who is working under the direction of a qualified archaeologist.

Prior to the start of construction activities, the applicant shall provide verification that a qualified archaeologist and/or archaeological monitor have been retained to implement the archaeological

construction monitoring program. This verification shall be in the form of a letter from the applicant to the Principal Planner of the Land Development Review (LDR) section of the City Development Services Department prior to the start of construction. All persons involved in the archaeological construction monitoring of this project shall be approved by LDR prior to construction. For questions regarding the archaeological sites, LDR shall be contacted.

A qualified archaeologist shall consult with the contractor responsible for clearing/brushing the site and shall make comments and/or suggestions concerning the monitoring program. The archaeologist's duties shall consist of monitoring, evaluation, analysis of collected materials, and preparation of a monitoring results report. These duties are further defined as follows:

a. **Monitoring.** The qualified archaeologist or archaeological monitor shall be present during construction activities that involve removal of materials from surface level to the depth at which the underlying formations are exposed.

b. **Evaluation.** In the event that the archaeological resources are discovered, the archaeologist shall have the authority to divert, direct, or temporarily halt any ground disturbance operations in the area of discovery to allow evaluation of potentially significant archaeological resources. The archaeologist shall notify the City Development Services Department and the resident engineer at the time of discovery. The process of determining significance and the significance of the discovered resources shall be determined by the archaeologist, in consultation with Development Services Department staff. For significant archaeological resources, a research design and data recovery program shall be prepared and carried out to mitigate impacts. The Development Services Department must concur with the evaluation procedures to be performed before construction activities are allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

c. **Analysis.** All collected cultural remains shall be cleaned, catalogued, and permanently curated with an appropriate scientific institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species, and special studies shall be completed as appropriate.

d. **Report Preparation.** A monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the above program (with appropriate graphics) shall be submitted to and approved by the Principal Planner of LDR within three months following termination of the monitoring program and prior to issuance of a certificate of occupancy. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared as part of the evaluation report and carried out prior to issuance of a certificate of occupancy to mitigate project impacts. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Principal Planner of LDR prior to issuance of a certificate of occupancy.

Implementation of the above measures as conditions of the grading plan and PCD permit will reduce the potential for adverse impacts to cultural resources to below a level of significance.

### 3. LAND USE

**Impact:** The University Community Plan identifies the project site for Visitor Commercial uses. The proposed project would not alter that land use designation. The project would exceed the development intensity as established in the Community Plan Development Intensity Element. The Development Intensity Element identifies the project site for 74 hotel rooms on 4.3 acres. Through an expansion of the leasehold area approved by the City in 1996, the project site now encompasses six acres. The project would increase the development intensity from 74 hotel rooms to 175 hotel rooms. The addition of 4,500 square feet of meeting/banquet space and construction of three level parking structure would be considered ancillary to the hotel use. The Development Intensity Element of the Community Plan does not include support functions inherent in a particular land use.

The project site is located in Accident Potential Zone (APZ) 2, as identified in the NAS Miramar Comprehensive Land Use Plan (CLUP). As discussed in section 4.2 of the EIR, the CLUP considers the existing hotel, as well as the adjacent Sheraton Grande Hotel Torrey Pines an incompatible land use in APZ 2. By adding guest rooms, the proposed project would increase the number of people potentially subject to an aircraft crash. The CLUP considers the existing hotel use incompatible and the proposed project would exacerbate this existing significant land use impact.

**Finding:** With the exception of expanding the existing hotel use in NAS Miramar's APZ 2, the increase of development intensity proposed by the project would not result in significant environmental impacts associated with land use. The architecture, site design and landscaping have been developed to complement the project's location and setting. As recommended by the Urban Design Element of the Community Plan, the proposed parking structure and surface parking would be "hidden from visibility" from North Torrey Pines Road and would be shielded from public views "by an elevational difference and landscaping."

The project incorporates measures which are directed at reducing land use impacts associated with accident potential. These features include limiting structural development of the site to 26%, similar to what is required for conditionally compatible land uses and less than what has been permitted on the adjacent Sheraton Grande Hotel site, and designing the Lodge as low rise structures. Additionally, the project site is surrounded by large expanses of open areas which combine with the hotel use to reduce the development intensity and to provide alternate "crash sites" for disabled aircraft on this portion of Torrey Pines Mesa. These design features would not reduce impacts to below a level of significance. The No Project and Reduced Project Alternatives would reduce land use impacts, but would not avoid impacts associated with the existing incompatible land uses in APZ 2 of NAS Miramar. In order to avoid impacts, the hotel would need to be relocated to an area outside NAS Miramar's accident potential zones. Locating the project at an alternative site would be the only way to avoid impacts associated with the incompatible land use. The infeasibility of alternatives is discussed below.

Because no evidence of other measures has been presented by the preparers of the EIR, the City, federal, state or local agencies or any other interested persons, no further mitigation is determined to be feasible or reasonable.

#### 4. SAFETY

**Impact:** The project site is located in APZ 2 for NAS Miramar as determined by the CLUP. According to the CLUP, transient lodging is considered an incompatible use within APZ 2 due to the exposure to accident potential associated with aircraft operations. Therefore, the existing hotel, as well as the adjacent Sheraton Grande Hotel Torrey Pines, is considered an incompatible land use in APZ 2. With the addition of 101 guest rooms, the proposed project would increase the number of people potentially subject to an aircraft accident.

**Finding:** There are no mitigation measures which would make the existing hotel uses or the addition of 101 rooms to The Lodge at Torrey Pines located in APZ 2 of the Sea Wolf Departure Corridor compatible with the CLUP. The No Project Alternative or the Reduced Project Alternative could reduce the amount of people subject to a potential for a crash hazard. However, based on the CLUP, only an alternative site located outside of NAS Miramar accident potential zones would make the existing land use compatible. The infeasibility of alternatives is discussed below. Impacts associated with safety would remain significant and unmitigated.

Because no evidence of other measures has been presented by the preparers of the EIR, the City, federal, state or local agencies or any other interested persons, no further mitigation is determined to be feasible or reasonable.

Based upon these basic objectives of the project, the decision-maker considered the following alternatives:

a. **No Project Alternative.** Under the No Project Alternative, the Lodge at Torrey Pines would remain as it exists today. Additional guest rooms, meeting/banquet space, and the parking structure would not be constructed. Relandscaping of the site, focusing on screening of the parking structure and creating a heavy emphasis on the use of pine trees, would not occur. The existing hotel would remain nonconforming with respect to incompatibility with the NAS Miramar Community Land Use Plan, as it is located in APZ 2. Noise impacts currently affecting the hotel would continue. Views of the project would not be altered. The degree of visibility would remain as it is today. The No Project Alternative would not result in the generation of additional traffic or impacts to unknown cultural resources.

**Finding:** Specific economic, legal, social, technological, or other considerations make infeasible the No Project Alternative. The No Project Alternative is considered infeasible because it would not accomplish the primary objectives of the project, which are to provide increased hotel room availability and services to visitors to the Torrey Pines area and to increase revenues to the City. Although the No Project Alternative would avoid exacerbation of the safety impact associated with hotel users in APZ 2, the No Project Alternative would not completely avoid this impact. The No Project Alternative also would not provide the increased employment opportunities associated with the expanded hotel. Because of the financial benefit to the City with regard to an expansion of the hotel and because the No Project Alternative does not attain the primary objectives of the project, the No Project Alternative has been rejected in favor of the proposed project. For these reasons, the City has determined that the No Project Alternative is infeasible.



b. **Development Under the R1-5000 Zone.** The project site is located on six acres of City-owned land. The existing zoning is R1-5000, which allows single family residences at a density of one dwelling unit per 5000 square feet. Based on build out under the R1-5000 zone, and assuming 15 percent of the site area devoted to streets or private access drives, the project site could accommodate about 44 single family homes. The existing hotel would need to be demolished to implement this Alternative.

**Finding:** Specific economic, legal, social, technological, or other considerations make infeasible the R1-5000 Alternative. This Alternative has been determined to be infeasible because it would not be in accordance with the University Community Plan, the City's Progress Guide and General Plan and the North City Local Coastal Program, which identify the project site for Visitor Commercial land uses, similar to what exists today and what is proposed by the project. Residential development of the site would not eliminate the project's incompatibility with NAS Miramar CLUP. Residential development also would be incompatible with the APZ 2. This Alternative would result in impacts to schools by generating students, which is not associated with the proposed project. Further, residential uses would create noise impacts, which would be intensified because the residences would not be set back as far as the proposed project. This Alternative would not be in accord with the City lease in effect on the property. The R1-5000 Alternative also would not provide the employment opportunities associated with the hotel, as expanded. It would require demolition of the existing facility, as well as amendments to the Progress Guide and General plan, the University Community plan, and the North City Local Coastal Program. This Alternative would not meet the objectives of the proposed project. For these reasons, the City has determined that development under the R1-5000 Zone is infeasible.

c. **Remodel/Reconstruction of Existing Hotel.** Under the Remodel/Reconstruction of Existing Hotel alternative, no new guest rooms or additional banquet/meeting space would be provided. Instead, the existing guest rooms and other hotel functions would be upgraded and reconstructed, resulting in a 74-guest room facility, similar to what exists today. This Alternative is similar to the No Project alternative addressed above, with potential benefits associated with modernization of the facility.

**Finding:** Specific economic, legal, social, technological, or other considerations make infeasible the Remodel/Reconstruction Alternative. The Remodel/Reconstruction of Existing Hotel alternative would reduce traffic associated with the proposed project but would not reduce or avoid any impacts determined to be significant. Land use incompatibility with the NAS Miramar CLUP would be the same, although upgraded guest rooms may provide better noise attenuation. An upgraded facility could have benefits associated with the facility's ability to attract guests but would not provide additional guest rooms or other expanded guest facilities and would not have a demonstrable effect on generating increased tax revenue. The project would not generate enough income to allow upgrading existing rooms. This Alternative also would not provide the increased employment opportunities associated with the expanded hotel.

This Alternative would not be economically feasible for the lessee. As more particularly described in the report entitled "Proposed Renovation and Expansion of the

Lodge at Torrey Pines" (December 11, 1997) prepared by Goodwin & Associates (the "Goodwin Report"), the Remodel/Reconstruction Alternative would not provide the critical mass of hotel rooms to bring in groups of any size and would not overcome the structural flaws and limitations of the original construction of the hotel. Further, this Alternative would not provide the full service necessary to compete at a higher rate tier as described in the Goodwin Report or take advantage of group business. The hotel profit, and therefore revenue to the City, would not increase due to certain economics of scale. The Goodwin Report also states that this Alternative would not provide an optimum development scenario from a lending standpoint because the loan to value ratio would be so high and there would not be sufficient cash flow available.

This Alternative also would not provide the increased employment opportunities associated with the expanded hotel. Tax revenue generated by this Alternative would also be reduced, because fewer guest rooms would be available to visitors in the area. For these reasons, the City has determined that the Remodel/Reconstruction Alternative is infeasible.

d. **Reduced Project Alternative.** In order to reduce the safety impacts associated with the project, a Reduced Project Alternative was evaluated. Under this Alternative, only 50 new guest rooms would be added to the existing hotel. Although a parking structure would be required, it would be reduced in size and constructed as two levels, with a single level over at-grade parking. The design of the Reduced Project Alternative would appear similar to the proposed project, except that a level of guest rooms would not be constructed. Where the proposed project grades the site to set the first level of guest rooms into the terrain, this grading and guest room level would not occur. Therefore, the upper elevation of the buildings would remain the same.

**Finding:** Specific economic, legal, social, technological or other considerations make infeasible the Reduced Project Alternative. The Reduced Project Alternative would result in reduced direct and cumulatively significant land use impacts associated with safety, but would not avoid these impacts. Fewer people would be subjected to a potential crash hazard from aircraft operations at NAS Miramar. Fewer guest rooms would be exposed to noise impacts associated with motorists traveling on North Torrey Pines Road and aircraft from NAS Miramar, but such impacts would not be completely eliminated under this Alternative. Although the Reduced Project Alternative would reduce the number of guest rooms located in APZ 2 from that proposed by the project, safety impacts associated with incompatible land uses in APZ 2 would not be avoided.

This Alternative would not be economically feasible for the lessee and also would not increase significantly revenue to the City. The project would not generate enough income to allow upgrading existing rooms and adding a small amount of new guest rooms. This Alternative would not provide the critical mass of hotel rooms to bring in groups of any size. As described in the Goodwin Report, the 175 room hotel would be more reliant on group business which would allow for group rates and economics of scale. Further, the total construction costs per room would be higher for the 125 room scenario than the 175 room scenario. The Reduced Project Alternative likely would not provide the number of rooms and full service to compete in the higher rate tier. Cash flow available for debt service increases with the number of rooms of the hotel because the cost per room for construction, as well as expenses associated with

operation of the hotel, decrease as the number of rooms increases, as described in the Goodwin Report. Moreover, the ratio of loan to value would be so high with only 125 rooms that the Reduced Project Alternative would be economically infeasible from a financing perspective. For this and other reasons, the 175 room scenario is the optimum development scenario from a lending standpoint.

This Alternative also would not provide the increased employment opportunities associated with the expanded hotel. Tax revenue generated by this Alternative would also be reduced, because fewer guest rooms would be available to visitors in the area. For these reasons, the City has determined that the Reduced Project Alternative is infeasible.

e. **Alternatives Considered But Rejected/Offsite Alternatives.** One design concept which was considered was a proposal by the prior lessee to add guest rooms basically on top of the existing guest rooms and along the south and west project site perimeters. This concept was rejected, because it did not allow for expanded view opportunities to all guest rooms. It also created a walling effect along the golf course, rather than architectural and landscape treatments that link the hotel with the adjacent golf course. Additionally, the existing guest rooms are outdated. The applicant determined the need to provide modernized guest rooms with state-of-the-art energy efficient lighting fixtures and low-water use plumbing. For these reasons, this design concept was rejected.

**Finding:** There are no alternative sites located outside the NAS Miramar Accident Potential Zone which would meet the primary objectives of the project. For example, one objective of the project is to implement land use recommendations of the University Community Plan. The project site is identified for Visitor Commercial uses in the University Community Plan, and the proposed project would implement that land use recommendation. Another objective of the project is to expand guest accommodations in the North City Coastal area to accommodate visitors to San Diego. Specifically, the project would provide additional guest accommodations to serve the adjacent Torrey Pines Golf Courses, nearby Scripps clinics and hospitals, and business travelers to nearby scientific research and development and corporate offices. Further, the proposed project takes advantage of unique viewshed and ambiance of both the ocean and the Torrey Pines Golf Courses. In order to satisfy the objective of providing increased tax revenue to the City, an alternative site would need to be City-owned property meeting the locational and land use objectives of the project. For these reasons, the City has determined that an alternative site is infeasible.

The California State Department of Housing, in their letter of comment in response to review of the Notice of Preparation for the project, suggested that a project alternative be considered which created permanent housing opportunities for support personnel employed by the Lodge. An alternative was evaluated which would have designated 25 percent of the new guest rooms (25 rooms) as permanent residences. The resident rooms would be equipped with kitchenettes and would be concentrated in one wing of the Lodge. This Alternative was rejected because it would reduce the number of new guest rooms added to the Lodge and, therefore, would reduce the potential increase in lease and tax revenue. Additionally, this Alternative would not reduce or avoid any of the environmental effects associated with the project. This Alternative would increase certain impacts, for example, to schools and other public

facilities, based upon the permanent nature of the use. Further, this Alternative would exacerbate the safety issue by having people reside at the site permanently, 100% of the time. Finally, the applicant is not aware of any evidence that employees would chose to live at the project site if the units were constructed. For these reasons, the City has determined that an alternative with permanent residences is infeasible.

*B. Public Resources Code Section 21081(a)(2):* The City, having independently reviewed and considered the information contained in the final EIR for the project and the public record, finds that there are no changes or alterations to the project which mitigate or avoid the significant environmental impacts that are within the responsibility and jurisdiction of another public agency.

*C. Public Resources Code Section 21081(a)(3):* The final EIR concludes that significant effects to land use and safety would remain significant after adoption of all feasible mitigation measures. The City, having independently reviewed and considered the information contained in the final EIR for the project and the public record, finds that specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the final EIR.

## STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) and CEQA Guidelines require the decision-maker "to balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable." Based upon the analysis contained in the EIR prepared for the project, implementation of the proposed THE LODGE AT TORREY PINES project would result in direct impacts to noise and cultural resources, which will be mitigated to below a level of significance. Land use and safety impacts associated with expanding transient housing in an area identified by the NAS Miramar CLUP as an accident potential zone cannot be avoided. The decision-maker, in approving the various discretionary actions that are the subject of the Final EIR for THE LODGE AT TORREY PINES, having considered the information contained in the Final EIR, having reviewed and considered the public testimony and other information in the record, finds that the following factors support approval of the project despite conflicts with the NAS Miramar CLUP.

As discussed in Section 4.2, SAFETY, of the EIR, the CLUP considers the existing hotel, as well as the adjacent Sheraton Grande Hotel Torrey Pines, an incompatible land use in APZ 2. By adding guest rooms, the proposed project would increase the number of people potentially subject to an aircraft crash. However, the project incorporates features which reduce the potential for safety impacts. For example, in areas identified in the Land Use Compatibility in Accident Potential Zones table contained in the CLUP, some land uses are conditioned on lot coverage of less than 40 percent. The existing THE LODGE AT TORREY PINES was constructed within the 4.3-acre leasehold, with habitable structures covering 24 percent of the site. The proposed project is within an expanded leasehold area of 6.1 acres, with 26 percent of the site covered by habitable buildings. Both the existing Lodge and proposed project would cover less area than the standards used in the CLUP for conditionally compatible uses. Further, the existing hotel uses (THE LODGE AT TORREY PINES and the Sheraton Grande Hotel Torrey Pines) are the only incompatible uses within APZ 2 on Torrey Pines Mesa. Together, the hotel uses encompass approximately 17.1 acres of this area with habitable uses occurring on a combined area of 5.3 acres, only 30 percent of the area designated for hotel uses is covered in structures. Additionally, the design of the LODGE's hotel and hotel additions is low rise in scale. Finally, the project site is surrounded on the north and west by broad open areas made up of the Torrey Pines Golf Courses, the Torrey Pines Reserve and the Pacific ocean, area where no land use intensity occurs. The Lodge slopes with the land and is in compliance with the height limitation required by Proposition D (approved in 1972 by the voters of San Diego) for coastal development.

Similar to THE LODGE AT TORREY PINES, the adjacent Sheraton Grande Hotel Torrey Pines also is located within an area identified as an incompatible land use by the NAS Miramar CLUP. However, when the Sheraton came forward for approvals, it was evaluated on criteria contained in the 1977 CLUP. An action taken in 1981 by SANDAG, acting as the region's Airport Land

Use Commission, permitted hotel development on the Sheraton Grande Hotel Torrey Pines site based upon implementation of two development guidelines. These guidelines were as follows:

- a. The proposed hotel should not exceed a total of 400 rooms.
- b. The parcel coverage for the hotel and associated facilities should not exceed 40%.

It was determined that construction of the 400-room hotel with a coverage of 30.4 percent met the guidelines established by SANDAG in their 1981 action. In 1995 and under the guidelines established in the 1990 CLUP, the City approved the Torrey Pines Exhibit Hall. Assembly areas, such as the Exhibit Hall, are an incompatible land use in APZ 2. It was determined that the Exhibit Hall would not exceed the 40 percent site coverage associated with the previous approval of the Sheraton. The proposed THE LODGE AT TORREY PINES project would be similar in uses and substantially less in site coverage.

In addition, the decision-maker finds and concludes that the benefits of the project outweigh its adverse environmental effects. These benefits include:

1. The project would increase lease revenue and transient occupancy tax revenue to the City. The renovation and reconstruction of the existing 74 guest rooms as well as the construction of an additional 101 new guest rooms would result in a substantial increase in revenue to the City.
2. The project would create a premier resort to serve San Diego visitors. The project will result in providing a world class resort that will complement San Diego's reputation as a first class resort destination. Designed to exist in harmony with and sensitive to the scenic qualities of the area, the project will provide a full-service hotel facility much needed in the Torrey Pines area. Providing expanded guest facilities will accommodate visitors to the North Torrey Pines area, including tourists visiting San Diego and attending golf tournaments at the Torrey Pines Golf Courses, outpatients undergoing treatment at nearby hospitals, and business travelers associated with the nearby scientific research and development and corporate offices.
3. The project would provide at least \$600,000 in FBA and traffic fees, in addition to other types of impact fees.
4. The project would generate new temporary construction related jobs that would enhance the economic base of the region. It is anticipated that approximately 360 construction jobs would be generated for a period of 14 months.
5. The project would generate approximately 75 new full time and 30 new part time jobs.
6. The City would receive additional property taxes due to the improved land value associated with the project.

7. The project would provide high quality and ideally located hotel rooms for high-tech and bio-tech users, which are needed to maintain growth and expansion of the region's critical high-tech and bio-tech industries.

8. The location of the project in proximity to existing high-tech and bio-tech users, and to the Torrey Pines Golf Course will reduce the length of vehicle trips. This may assist in reducing adverse impacts to air quality and automobile congestion that would otherwise result if these uses were provided elsewhere in the City.

For the foregoing reasons, the City finds and concludes that the benefits of the project outweigh its potential adverse environmental effects. Therefore, the decision-maker, pursuant to the CEQA Guidelines, after having balanced the benefits of the proposed THE LODGE AT TORREY PINES project against the potential for land use conflicts with the NAS Miramar CLUP and safety impacts determines that the benefits of and features incorporated into the project make the compatibility issue acceptable. The decision-maker further finds and concludes that each independent overriding consideration as set forth herein, standing alone, would be sufficient to conclude that the project should be approved despite the fact that there may be the potential for significant unmitigated environmental impacts.

# THE LODGE AT TORREY PINES

## Mitigation Monitoring and Reporting Program

**LDR No. 35-0400/96-7358**

**SCH No. 97011047**

January 28, 1998

R-290101



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# TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
INTRODUCTION	
1.0 NOISE .....	1-1
2.0 CULTURAL RESOURCES .....	2-1

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## INTRODUCTION

This Mitigation Monitoring and Reporting Program has been prepared for the *Lodge at Torrey Pines* project (LDR No. 35-0400/96-7358; SCH No. 97011047) to comply with the mitigation monitoring statute (*Public Resources Code*, § 21081.6) which requires public agencies to adopt such programs to ensure effective implementation of the mitigation measures. This program shall be a requirement of the discretionary actions associated with the *Lodge at Torrey Pines* project.

The following text includes a summary of the potentially significant project impacts, a list of mitigation measures identified in the environmental impact report, and the monitoring efforts necessary to ensure that the mitigation measures are properly implemented. Mitigation measures, monitoring and reporting requirements shall be as defined in the environmental impact report (LDR No. 35-0400/96-7358; SCH No. 97011047) and may require further detail prior to construction and/or following project implementation.

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# 1.0 Noise

## *1.1 SIGNIFICANCE OF IMPACTS*

The project would result in a significant noise impact due to existing and future traffic volumes on North Torrey Pines Road and current aircraft noise from NAS Miramar. The proposed hotel rooms would be exposed to interior noise levels in excess of the City noise limits.

## *1.2 MITIGATION MEASURES, MONITORING AND REPORTING PROGRAM*

An acoustical analysis shall be prepared by a qualified acoustician in conjunction with submittal of building permit applications. The acoustical analysis shall demonstrate to the satisfaction of the Acoustical Plan Check Section of the Development Services Department that the location of the guest rooms, as well as structural features, as proposed will meet the 45 dB CNEL interior standard. Unless specific documentation of any terrain shielding effects is provided, the analysis should be based upon achieving a 21 dB structural attenuation for an assumed 66 dB CNEL exterior noise loading.

## 2.0 Cultural Resources

### 2.1 SIGNIFICANCE OF IMPACTS

The project site is developed with an existing hotel, associated landscaping and parking, and ancillary hotel functions. The existing hotel was constructed in the early 1960's, prior to enactment of the California Environmental Quality Act and Guidelines. As such, no cultural resource surveys have been conducted for the site. The project site is located in an area where numerous cultural resources studies have been conducted and archaeological sites have been recorded in the project vicinity. The proposed project involves the demolition and construction of guest rooms and construction of a parking structure. Earthwork required for the project involves grading of the site which could affect unknown subsurface archaeological resources. If subsurface resources are present and if it is determined that such resources are important, impacts would be regarded as significant.

### 2.2 MITIGATION, MONITORING, AND REPORTING PROGRAM

In order to mitigate to below a level of significance the potential that important resources would be adversely affected by the project, prior to issuance of a grading permit, grading plans shall include the following notes. For purposes of these notes, a qualified archaeologist is defined as an individual who is certified in prehistoric archaeology by the Society of Professional Archaeologists. At least 200 hours of the field experience required for certification must be obtained in southern California. An archaeological monitor is defined as an individual who has expertise in salvage and collection of cultural resources and who is working under the direction of a qualified archaeologist.

Prior to the start of construction activities, the applicant shall provide verification that a qualified archaeologist and/or archaeological monitor have been retained to implement the archaeological construction monitoring program. This verification shall be in the form of a letter from the applicant to the Principal Planner of the Land Development Review (LDR) section of the City Development Services Department prior to the start of construction. A qualified archaeologist is defined as an individual certified by the Society of Professional Archaeologists (SOPA). An archaeological monitor is defined as an individual who has expertise in the identification and recovery of cultural resources and who is working under the direction of a qualified archaeologist. All persons involved in the archeological construction monitoring of this project shall be approved by LDR prior to construction. For questions regarding the archaeological sites, LDR shall be contacted.

A qualified archaeologist shall consult with the contractor responsible for clearing/brushing the site and shall make comments and/or suggestions concerning the monitoring program. The archaeologist's duties shall consist of monitoring, evaluation, analysis of collected materials, and preparation of a monitoring results report. These duties are further defined as follows:

- a. **Monitoring.** The qualified archaeologist or archaeological monitor shall be present on-site (or specified stations) during construction activities that involve removal of materials from surface level to the depth at which the underlying formations are exposed.

- b. **Evaluation.** In the event that the archaeological resources are discovered, the archaeologist shall have the authority to divert, direct, or temporarily halt any ground disturbance operations in the area of discovery to allow evaluation of potentially significant archaeological resources. The archaeologist shall notify the City Development Services Department and the resident engineer at the time of discovery. The process of determining significance and the significance of the discovered resources shall be determined by the archaeologist, in consultation with Development Services Department staff. For significant archaeological resources, a research design and data recovery program shall be prepared and carried out to mitigate impacts. The Development Services Department must concur with the evaluation procedures to be performed before construction activities are allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.
  
- c. **Analysis.** All collected cultural remains shall be cleaned, catalogued, and permanently curated with an appropriate scientific institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species, and special studies shall be completed as appropriate.
  
- d. **Report Preparation.** A monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the above program (with appropriate graphics) shall be submitted to and approved by the Principal Planner of LDR within three months following termination of the monitoring program and prior to issuance of a certificate of occupancy. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared as part of the evaluation report and carried out prior to issuance of a certificate of occupancy to mitigate project impacts. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Principal Planner of LDR prior to issuance of a certificate of occupancy.

Implementation of the above measures as conditions of the grading plan and PCD permit will reduce the potential for adverse impacts to cultural resources to below a level of significance.