

**DRAFT CANDIDATE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS**  
**for**  
**COSTA VERDE CENTER REVITALIZATION PROJECT**  
**Project No. 477943**  
**SCH No. 2016071031**

**I. INTRODUCTION**

**a. Findings of Fact and Statement of Overriding Considerations**

The following Candidate Findings are made for the Costa Verde Center Revitalization Project (Project). The environmental effects of the Project are addressed in the Final Environmental Impact Report (Final EIR) dated September 2020, which is incorporated by reference herein.

The California Environmental Quality Act (CEQA) [Section 21081(a)] and the State CEQA Guidelines [Section 15091(a)] require that no public agency shall approve or carry out a project for which an EIR 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, the Project which mitigate or avoid the significant effects on the environment;
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency; or
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

CEQA also requires that the findings made pursuant to Section 15091 be supported by substantial evidence in the record (Section 15091(b) of the State CEQA Guidelines). Under CEQA, substantial evidence means that enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence may include facts, reasonable assumptions predicted upon facts, and expert opinion supported by facts (Section 15384 of the State CEQA Guidelines).

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (Section 15093(a) of the State CEQA Guidelines). When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or

substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final EIR and/or other information in the record.

#### **b. Record of Proceedings**

For purposes of CEQA and these Findings and Statement of Overriding Considerations, the Record of Proceedings for the Project consists of the following documents and other evidence:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the Project;
- All responses to the NOP received by the City;
- The Final EIR;
- The Draft EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the Project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in any responses to comments in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the EIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and Statement; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

#### **c. Custodian and Location of Records**

The documents and other materials which constitute the record of proceedings for the City's actions on the Project are located at the City's Development Services Department (DSD), 1222 1<sup>st</sup> Avenue, 5<sup>th</sup> Floor, San Diego, CA 92101. The City's DSD is the custodian of the Project's administrative record. Copies of the document that constitute the record of proceedings are on the City's website and at all relevant times have been available upon request at the offices of the City's DSD. The Draft EIR was also placed on the City's website at [www.sandiego.gov/ceqa/draft](http://www.sandiego.gov/ceqa/draft), and the Final EIR was placed on the City's website at [www.sandiego.gov/final](http://www.sandiego.gov/final). This information is provided in compliance with the Public Resources Code 21081.6(a)(2) and State CEQA Guidelines 15091(e).

## **II. PROJECT SUMMARY**

### **a. Project Objectives**

The objectives of the Costa Verde Center Revitalization Project include the following:

- Revitalize an aging shopping center to better serve present and future community needs by enhancing and diversifying neighborhood/community-serving retail, dining, and commercial opportunities and local services.
- Integrate new land uses (such as commercial office/research and development and visitor accommodations) to create a more vibrant activity center that contributes to the City's goals of smart growth.
- Provide a hotel in a transit-accessible location to serve visitors and the community's research, business, and educational hub.
- Implement transit-supportive land uses and a built environment embracing the Blue Line Trolley Station, which will be located in the center of Genesee Avenue within a Transit Priority Area.
- Increase mobility options by providing pedestrian and bicycle linkages to improve connectivity within the Costa Verde Specific Plan (CVSP) Area and between the center and adjacent neighborhood.
- Provide a place for gathering spots for the public that promote social interaction between University community residents, students, seniors, visitors, and workers.
- Improve the environmental sustainability of the existing retail center through the implementation of features such as energy conservation, sustainable landscape, water conservation, and support for alternative transportation, consistent with the City's Climate Action Plan (CAP).

### **b. Project Description**

The Project entails the reconfiguration and expansion of the existing Costa Verde Center to create a local, walkable hub that provides neighborhood services, retail shops, restaurants, office/research and development uses, a hotel, and community gathering spaces. The Project proposes to retain the current amount (approximately 178,000 square feet [SF]) of commercial/retail uses, add approximately 360,000 SF of research and development, and 40,000 SF of office uses, and re-designate an approximately one-acre portion of the Project site as Visitor Commercial to reintroduce a hotel use to the CVSP area. A 200-room hotel would serve residents, visitors, and the community's research, business, and educational hub. The hotel would be up to 10 stories in height and would encompass approximately 125,000 SF. The maximum building heights would be 45 feet for commercial/retail structures, and 135 feet for commercial/office/research and development and hotel uses.

The northern portion of the center sits approximately 14 feet higher in elevation (approximately 360 feet above mean sea level [AMSL]) than the southern portion of the site (approximately 350 feet AMSL, to approximately 335 feet AMSL). A uniform podium level of approximately 360 feet AMSL

would be established across the entire site to provide a more cohesive experience and facilitate mobility throughout the site. The majority of parking would be provided beneath this podium level. At the southern portion of the site, the base of two commercial/retail structures would be located at an elevation similar to the existing ground elevation, but lower than the podium level, due to the difference in elevation across the site.

The northern portion of the center would consist of a pedestrian-orientated promenade. The promenade would extend southward from a circular style cul-de-sac at the end of Esplanade Court. It would be lined with retail, restaurant, and office/research and development buildings, as well as a central lawn and gathering area, outdoor seating and dining areas, decorative planters, site furniture, landscaping, and accent paving. Elevators and stairs would provide connections to the Trolley Station platform.

The southern portion of the center would be oriented around a surface parking lot. This area is intended for essential neighborhood services, such as a grocery store, pharmacy, and banks. Landscaping and sidewalks would be provided.

The architecture of the center would consist of modern design and materials, consistent with the character of the community's urban core. This would include clean lines and materials such as cast-in-place concrete, fiber cement panels, metal panels, paint over smooth plaster, brick veneer, and wood siding.

### **III. ENVIRONMENTAL REVIEW PROCESS AND PUBLIC PARTICIPATION**

The lead agency approving the Project and conducting environmental review under CEQA (California Public Resources Code Sections 21000, et seq., and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, Sections 15000 et seq. (CEQA Guidelines)), shall be the City of San Diego (City). The City as lead agency shall be primarily responsible for carrying out the Project. In compliance with Section 15082 of the State CEQA Guidelines, the City published a Notice of Preparation on July 12, 2016, which began a 30-day period for comments on the appropriate scope of the EIR. Consistent with CEQA Section 21083.9, the City held a public agency scoping meeting on July 28, 2016 at the Costa Verde Center Hi Neighborhood Room. The purpose of this meeting was to seek input and concerns from the public regarding the environmental issues that may potentially result from the Project.

A previous iteration of the Project was evaluated, and the related environmental effects disclosed in a Draft EIR that was circulated for public review on January 31, 2018; however, since that time, the Project has been redesigned. The City published a Draft EIR addressing the revised project on March 12, 2020 in compliance with CEQA. Pursuant to State CEQA Guidelines Section 15085, upon publication of the Draft EIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review and comment by the public. The City also posted a Notice of Availability of the Draft EIR at this time pursuant to State CEQA Guidelines Section 15087. During the public review

period, the City received comments on the environmental document. After the close of public review period, the City provided responses in writing to all comments received on the Draft EIR.

The Final EIR for the Project was published on September 4, 2020. The Final EIR has been prepared in accordance with CEQA and the State CEQA Guidelines.

#### **IV. SUMMARY OF IMPACTS**

Impacts associated with specific issue areas (e.g., transportation and noise) resulting from approval of the Project and future implementation are discussed below.

The Final EIR concludes the Project will have **no impacts** with respect to the following issue areas:

- Agriculture and Forestry Resources
- Biological Resources
- Hazardous Materials
- Historical Resources
- Mineral Resources
- Tribal Cultural Resources
- Population and Housing

The Final EIR concludes the Project will have a **less than significant impact** and require no mitigation measures with respect to the following issue areas:

- Air Quality
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use
- Paleontological Resources
- Public Utilities
- Public Services and Facilities
- Visual Effects/Neighborhood Character

The Final EIR concludes the Project will potentially have a **significant impact but mitigated to below a level of significance** with respect to the following issue areas:

- Noise
- Transportation/Circulation (Direct impacts to two intersections; cumulative impacts to five intersections, one metered freeway ramp)

The Final EIR concludes the Project will potentially have a **significant unmitigated impact** and no feasible mitigation measures are available to reduce impacts to below a level of significance for the following issue area:

- Transportation/Circulation (Direct impacts to three intersections, two roadway segment, three freeway segments, one metered freeway ramp; cumulative impacts to four intersections, six roadway segments, three freeway segments, one metered freeway ramp)

As of July 1, 2020, the City of San Diego was required to change how a project's transportation impacts are evaluated under CEQA by switching from the Level of Service (LOS) metric to the Vehicle Miles Traveled (VMT) metric per Senate Bill 743 (SB 743). The Draft EIR was circulated for public comment prior to July 1, 2020, and prior to the City's adoption of the VMT metric. Pursuant to the CEQA Guidelines, the City policies and standards with regard to transportation analysis in place at the time of public circulation remain applicable to the Project EIR after July 1, 2020. In addition to the applicable Level of Service or "LOS" metric used to evaluate the project's transportation impacts, the Project's transportation/circulation impacts were also evaluated using VMT methodology per the City's draft Transportation Study Manual guidelines (dated 6/10/20). Under the City's VMT methodology, the Project is presumed to have less than significant transportation impacts. Although impacts were presumed to be less than significant, a detailed analysis was completed which concluded that impacts related to VMT would be less than significant. However, the Draft EIR concluded the Project would have significant unmitigated transportation impacts utilizing the City's LOS standards applicable at the time of Draft EIR public circulation.

## **V. FINDINGS REGARDING SIGNIFICANT IMPACTS**

The Findings incorporate the facts and discussions in the Final EIR for the Project as fully set forth therein.

### **a. Findings Regarding Impacts that Can Be Mitigated to Below a Level of Significance**

The City, having independently reviewed and considered the information contained in the Final EIR and the record of proceedings, finds pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1) AND adopts the following findings regarding the significant effects of the Project, as follows:

Changes or alterations have been required in, or incorporated into, the Project that mitigate, or avoid, or substantially lessen the significant effects on the environment as identified in the Final EIR. The basis for this conclusion follows.

#### **i. NOISE (Operations)**

**Impact:** Noise levels from Project operations at off-site noise sensitive land uses (NSLUs) would exceed the San Diego Municipal Code (SDMC) noise standards.

**Facts in Support of Finding:** Operations associated with the Project would include noise generated by heating, ventilation, and air conditioning (HVAC) units, truck deliveries at loading docks, trash compaction, vehicles entering/exiting the parking structure, and indoor/outdoor music events. The noise analysis included an assumption that operational noise levels would occur simultaneously and determined that these activities would result in combined noise levels at NSLUs of up to 61.0 A-weighted decibels over a one-hour average (dBA  $L_{EQ}$ ). As a result, operational noise levels associated with the Project could exceed the City's noise level standards that range between 52.5 and 60 dBA  $L_{EQ}$ , depending on the time of day or night, which would result in a potentially significant impact. Specifically, potentially significant impacts were identified for outdoor amplified music events, operation of HVAC units, and indoor music events.

**Mitigation Measures:** Three mitigation measures were identified to address operational noise impacts associated with the Project. Mitigation Measure NOI-1 would require a moveable or permanent bandshell at least 6 feet in height be located between the performers and off-site areas west of the Project during amplified outdoor music events. Prior to an amplified outdoor music event, a sound test by a qualified acoustician is required to demonstrate compliance with the City's applicable noise level standards. The results of the sound test must be reviewed and accepted by the City's Environmental Designee and Mitigation Monitoring Coordination (MMC). Mitigation Measure NOI-2 would require that noise barriers be identified on Project plans around all rooftop HVAC units prior to the issuance of building permits. Lastly, Mitigation Measure NOI-3 specifies that if a Conditional Use Permit (CUP) is obtained for indoor music events, a noise analysis must be completed and demonstrate compliance with the City Noise Ordinance at off-site NSLUs prior to the issuance of the CUP.

**Finding:** Implementation of mitigation measures NOI-1, NOI-2, and NOI-3 would reduce operational noise impacts to a less than significant level.

**Reference:** See EIR Section 5.7 for a complete discussion of operational noise impacts associated with the Project.

ii. **NOISE (Construction)**

**Impact:** Noise levels from Project construction associated with at off-site NSLUs would exceed the SDMC construction noise standards.

**Facts in Support of Finding:** Construction associated with the Project includes noise associated with demolition of the underground parking garage, building demolition and grading adjacent to the western property line, and building construction of Buildings A, B, C, D, and L. Demolition of the parking garage would involve the use of a breaker and concrete saw; building demolition and grading would involve the simultaneous use of a dozer or excavator, in addition to a loader and off-highway truck; and building construction would involve the use of an excavator-mounted drill, cement truck, and crane. These three components of construction activity would each exceed the City's construction noise standard of 75 dBA  $L_{EQ}$  over a 12-hour period, resulting in a temporary significant impact.

**Mitigation Measures:** Two mitigation measures were identified to address construction noise impacts associated with the Project. Mitigation Measure NOI-4 would require that Project plans for demolition of the underground parking garage include a note that noise control is required if a breaker or concrete saw is used within 145 or 139 feet of the pocket park, respectively. If an alternate method is desired, it must be reviewed and accepted by the City's Environmental Designee and MMC. Similarly, Mitigation Measure NOI-5 would require that Project plans for building demolition and grading, and building construction include a note that noise control is required if specific types of construction equipment are within a specific distance of residentially zoned property lines. Distances range between 40 and 70 feet from construction equipment to residentially zoned property lines.

**Finding:** Implementation of mitigation measures NOI-4 and NOI-5 would reduce construction noise impacts to a less than significant level.

**Reference:** See EIR Section 5.7 for a complete discussion of construction noise impacts associated with the Project.

### iii. **TRANSPORTATION/CIRCULATION**

**Impact:** Traffic associated with the Project would result in significant impacts that could be mitigated to a level of below significance under Existing Plus Project conditions at one intersection, Near-Term 2023 Plus Project (Opening Day) scenario at two intersections, and cumulative impacts under Year 2035 (Community Buildout) Plus Project scenario at five intersections and one metered freeway on-ramp at the following locations:

#### *Intersections*

- Genesee Avenue/Esplanade Court (Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project);
- Genesee Avenue/Decoro Street (Near-Term 2023 Plus Project (Opening Day) and Year 2035 Plus Project);
- La Jolla Village Drive/Genesee Avenue (Year 2035 Plus Project);
- Costa Verde Boulevard/Loop Road South (Year 2035 Plus Project); and
- Nobel Drive/Costa Verde Boulevard (Year 2035 Plus Project).

#### *Metered Freeway On-ramp*

- I-5 Northbound On-Ramp/La Jolla Village Drive (Year 2035 Plus Project)

#### *Intersections*

##### Genesee Avenue/Esplanade Court

**Facts in Support of Finding:** The intersection of Esplanade Court at Genesee Avenue operates at unacceptable levels under Existing conditions (level of service [LOS] E during the a.m. peak hour and



LOS F during the p.m. peak hour) and is expected to remain at an unacceptable LOS under Near-Term 2023 (LOS F during the p.m. peak hour) and Year 2035 (LOS E during the a.m. peak hour and LOS F during the p.m. peak hour) scenarios without the Project. With the addition of Project traffic under Existing, Near-Term 2023, and Year 2035 scenarios, intersection operations would be significantly impacted.

**Mitigation Measures:** Mitigation Measure TRA-1 (as well as mitigation measures TRA-9 and TRA-21, both of which refer to Mitigation Measure TRA-1) would be required. The Project would be required to reconfigure the eastbound approach to provide two dedicated left-turn lanes, a through lane, a dedicated right-turn lane and install an eastbound right-turn overlap phase, and modify the traffic signal in conjunction with the changed lane designations.

**Finding:** With implementation of Mitigation Measures TRA-1, TRA-9, and TRA-21, impacts at Genesee Avenue/Esplanade Court would be reduced to less than significant.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### Genesee Avenue/Decoro Street

**Facts in Support of Finding:** The intersection of Genesee Avenue/Decoro Street is expected to operate at unacceptable levels in Near-Term 2023 conditions (LOS E during the a.m. peak hour) and Year 2035 scenario (LOS F during a.m. and p.m. peak hours) and is expected to remain at unacceptable levels under Near-Term 2023 (LOS F during p.m. peak hour) and Year 2035 (LOS F during the a.m. and p.m. peak hour) scenarios without the Project. With the addition of Project traffic under Near-Term 2023 Plus Project (Opening Day) and Year 2035 Plus Project scenarios, intersection operations would be significantly impacted.

**Mitigation Measures:** Mitigation Measure TRA-10 (as well as Mitigation Measure TRA-24, which refers to Mitigation Measure TRA-10) would be required. The Project would be required to restripe of the westbound approach to include a shared through left-turn lane and an exclusive right-turn lane, along with associated traffic signal modifications, and would require the removal of approximately six on-street parking spaces on the westbound approach.

**Finding:** With implementation of Mitigation Measures TRA-10 and TRA-24, impacts at Genesee Avenue/Decoro Street would be reduced to less than significant.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### La Jolla Village Drive/Genesee Avenue

**Facts in Support of Finding:** The intersection of La Jolla Village Drive/Genesee Avenue operates at unacceptable levels under Existing conditions (LOS F during the a.m. peak hour and LOS E during the

p.m. peak hour) and is expected to remain at unacceptable levels under Near-Term 2023 (LOS E during a.m. and p.m. peak hours) and Year 2035 (LOS F during the a.m. peak hour and LOS E during the p.m. peak hour) without the Project. With the addition of Project traffic, intersection operations would result in a cumulative significant impact under Year 2035 Plus Project scenario only.

**Mitigation Measure:** Mitigation Measure TRA-19 would be required. Mitigation Measure TRA-19, which identifies widening the westbound approach to provide a second dedicated right-turn lane, is a condition of approval for the Monte Verde project as included in that project's EIR transportation mitigation measures and permit conditions. The required improvement is currently permitted and bonded by Monte Verde.

**Finding:** With implementation of Mitigation Measure TRA-19, impacts at La Jolla Village Drive/Genesee Avenue would be reduced to less than significant.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### Costa Verde Boulevard/Loop Road (South)

**Facts in Support of Finding:** The intersection of Costa Verde Boulevard/Loop Road South is expected to operate at unacceptable levels under Year 2035 conditions (LOS F during the p.m. peak hour) without the Project. With the addition of Project traffic, intersection operations would be significantly impacted under the Year 2035 Plus Project scenario.

**Mitigation Measure:** Mitigation Measure TRA-20 would be required. The Project would be required to widen the westbound approach to provide a dedicated left-turn lane. To accommodate the additional lane, approximately 10 feet of widening can be accomplished by widening 5 feet on both sides of the driveway). The Project would also restripe the northbound approach to provide a dedicated right-turn lane.

**Finding:** With implementation of Mitigation Measure TRA-20, impacts at Costa Verde Boulevard/Loop Road South would be reduced to less than significant.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### Nobel Drive/Costa Verde Boulevard

**Facts in Support of Finding:** The intersection of Nobel Drive/Costa Verde Boulevard is expected to operate at unacceptable levels under Year 2035 scenario (LOS E during the a.m. and p.m. peak hours) without the Project. With the addition of Project traffic, intersection operations would be significantly impacted.

**Mitigation Measure:** Mitigation Measure TRA-22 would be required. The Project would be required to restripe the southbound approach to provide a dedicated right-turn lane, with associated signal modification.

**Finding:** With implementation of Mitigation Measure TRA-22, impacts at Nobel Drive/Costa Verde Boulevard would be reduced to less than significant.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### *Metered Freeway On-ramps*

##### I-5/La Jolla Village Drive Northbound On-Ramp

**Facts in Support of Finding:** The northbound metered on-ramp at I-5/La Jolla Village Drive is expected to operate at unacceptable levels under Year 2035 conditions (i.e., experiencing delays in excess of 15 minutes) without the Project. With the addition of Project traffic, metered on-ramp operations would be significantly impacted.

**Mitigation Measure:** Mitigation Measure TRA-33 would be required. The UTC Revitalization project is conditioned to construct a high-occupancy vehicle (HOV) lane at the I-5/La Jolla Village Drive northbound on-ramp. This improvement has been completed and is open to traffic.

**Finding:** With implementation of Mitigation Measure TRA-33, which is expected to be completed prior to 2035, the impact at the I-5/La Jolla Drive northbound on-ramp would be reduced to less than significant.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### **b. Findings Regarding Impacts that Are Found to be Significant and Unavoidable**

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings regarding transportation/circulation.

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (Project No. 477943 / SCH No. 2016071031) as described below.

***“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The CEQA***

***statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility.***

These findings are based on the discussion of impacts in Section 5.2 of the EIR.

**i. Transportation/Circulation**

**Impact:** Traffic associated with the Project would result in significant and unavoidable impacts at two intersections, six roadway segments, three freeway segments, and one metered freeway on-ramp at the following locations:

*Intersections*

- Genesee Avenue/Governor Drive (Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project); and
- Nobel Drive/Genesee Avenue (Year 2035 Plus Project).

*Roadway Segments*

- La Jolla Village Drive from Genesee Avenue to Executive Way (Year 2035 Plus Project);
- Genesee Avenue from La Jolla Village Drive to Esplanade Court (Year 2035 Plus Project);
- Genesee Avenue from Nobel Drive to Decoro Street (Year 2035 Plus Project);
- Genesee Avenue from Decoro Street to Centurion Square (Near-Term and Year 2035);
- Genesee Avenue from Centurion Square to Governor Drive (Near-Term 2023 Plus Project (Opening Day) and Year 2035 Plus Project); and
- Genesee Avenue from Governor Drive to State Route SR 52 (Year 2035 Plus Project).

*Freeway Segments*

- I-5: Gilman Drive to Nobel Drive (Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project);
- I-805: Governor Drive to Nobel Drive (Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project); and
- SR 52: Genesee Avenue to I-805 (Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project).

*Metered Freeway On-ramps*

- I-805/Nobel Drive interchange southbound on-ramp (Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project)

### *Intersections*

#### Genesee Avenue/Governor Drive

**Facts in Support of Finding:** The configuration of the southbound approach of this intersection includes a right-turn only lane onto westbound Governor Drive and the eastbound approach includes two left-turn only lanes onto northbound Genesee Avenue. This intersection currently operates at LOS F during the a.m. peak hour and LOS E during the p.m. peak hour. These conditions would further deteriorate with implementation of the Project, ultimately to LOS F in the p.m. peak hour under the Year 2035 Plus Project scenario.

**Mitigation Measures:** Implementation of Mitigation Measure TRA-2 (as well as Mitigation Measure TRA-11 and TRA-25) would require the Project to install right-turn overlap phasing on the southbound approach and modify the traffic signal accordingly. However, the installation of southbound right-turn overlap would prohibit access to the parcel in the northwest corner of the intersection due to the inability to make eastbound U-turns. Therefore, this mitigation measure is determined to be infeasible. As partial mitigation, the Project will upgrade and/or repair the signal interconnect, communications, detection, and controller equipment on Genesee Avenue between Esplanade Court and Governor Drive.

**Finding:** This impact would remain significant and unavoidable in the Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project scenarios.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### Nobel Drive/Genesee Avenue

**Facts in Support of Finding:** The configuration of the eastbound approach of this intersection includes a right-turn only lane onto southbound Genesee Avenue. This intersection currently operates at LOS D in the a.m. and p.m. peak hours. The LOS would be expected to degrade to LOS F in the a.m. peak hour and LOS E in the p.m. peak hour without the Project in the Year 2035 scenario. With the addition of Project traffic, the LOS would be expected to remain the same, but the increase in delay would result in a significant cumulative impact.

**Mitigation Measure:** Implementation of Mitigation Measure TRA-23 would require the Project to install right-turn overlap phasing from the eastbound approach with associated traffic signal modification. However, the installation of an eastbound right-turn overlap would restrict access to the residential development on the west side of Genesee Avenue, south of Nobel Drive, due to the inability to make northbound U-turns. Therefore, this mitigation measure is determined to be infeasible. As partial mitigation, the Project will upgrade and/or repairs to the signal interconnect, communications, detection, and controller equipment on Genesee Avenue between Esplanade Court and Governor Drive.

**Finding:** This impact would remain significant and unavoidable in the Year 2035 Plus Project scenario.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

### *Roadway Segments*

#### La Jolla Village Drive from Genesee Avenue to Executive Way

**Facts in Support of Finding:** The functional classification of this roadway segment is a 6-lane Major Arterial and includes street parking. This roadway currently operates at LOS D, but would be expected to operate at LOS F in the Year 2035 scenario either with or without the Project. The volume-to-capacity ratio increase that would result from the Project would result in cumulative significant impact.

**Mitigation Measure:** As part of the approvals for the University Community Plan Amendment (CPA) Final Program EIR, the City Council in December 2016 deemed repurposing the segment of La Jolla Village Drive between Genesee Avenue and Executive Way to a 6-lane Prime Arterial to be infeasible as it was determined that on-street parking would remain. As such, the Project's contribution to significant cumulative impacts along La Jolla Village Drive between Genesee Avenue and Executive Way would not be mitigated to a less than significant level.

**Finding:** This impact would remain significant and unmitigated in the Year 2035 Plus Project scenario.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### Genesee Avenue from La Jolla Village Drive to Esplanade Court

**Facts in Support of Finding:** The functional classification of this roadway segment is currently a 4-lane Major Arterial and includes a driveway serving the UTC mall. It will be reconstructed back to six lanes upon completion of the Mid-Coast Trolley construction. This roadway currently operates at LOS C, but would be expected to deteriorate to LOS E in the Year 2035 scenario either with or without the Project. The volume-to-capacity ratio increase that would result from the Project would result in a significant cumulative impact.

**Mitigation Measure:** Per the University Community Plan Amendment (December 5, 2016), the repurposing of this segment to a 6-lane Prime Arterial was deemed infeasible given that the existing conditions include a loading driveway serving the UTC mall. As such, the Project's significant cumulative impacts along Genesee Avenue between La Jolla Village Drive and Esplanade Court would not be mitigated to a less than significant level.

**Finding:** This impact would remain significant and unmitigated in the Year 2035 Plus Project scenario.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### Genesee Avenue from Nobel Drive to Decoro Street

**Facts in Support of Finding:** The functional classification of this roadway segment is a 4-lane Major Arterial. This roadway currently operates at LOS D, but would be expected to operate at LOS F in the Year 2035 scenario either with or without the Project. The volume-to-capacity ratio increase would result in a significant cumulative impact.

**Mitigation Measure:** As part of the approvals for the University CPA , Final Program EIR (SCH: 2015121011), the City Council in December 2016 rejected the widening of Genesee Avenue between Nobel Drive and the SR 52 westbound ramps to six lanes as infeasible as it would not substantially reduce the significant impacts from the CPA project. Furthermore, the repurposing of Genesee Avenue right-of-way to provide for a modified six lane arterial was also rejected as it would require modification of the existing street design along this segment, including removal of the center median, resulting in a loss of trees, which would be inconsistent with CAP Strategy 5. As partial mitigation, the Project will upgrade and/or repair the signal interconnect, communications, detection and controller equipment on Genesee Avenue between Esplanade Court and Governor Drive. As such, the Project's significant cumulative impacts along Genesee Avenue between Nobel Drive and Decoro Street would not be mitigated to a less than significant level.

**Finding:** This impact would remain significant and unmitigated in the Year 2035 Plus Project scenario.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### Genesee Avenue from Decoro Street to Governor Drive

**Facts in Support of Finding:** The functional classification of this roadway segment is a 4-lane Major Arterial. This roadway currently operates at LOS D, but would be expected to operate at LOS E in the Near-Term 2023 scenario and to LOS F in the Year 2035 scenario either with or without the Project. The volume-to-capacity ratio increase that would result from the Project's traffic would result in a significant direct impact and a significant cumulative impact.

**Mitigation Measure:** As part of the approvals for the University CPA, Final Program EIR (SCH: 2015121011), the City Council in December 2016 rejected the widening of Genesee Avenue between Nobel Drive and the SR 52 westbound ramps to six lanes as infeasible as it would not substantially reduce the significant impacts from the CPA project. Furthermore, the repurposing of Genesee Avenue right-of-way to provide for a modified six lane arterial was also rejected as it would require modification of the existing street design along this segment, including removal of the center median, resulting in a loss of trees, which would be inconsistent with CAP Strategy 5. As partial mitigation, the Project would upgrade and/or repair the signal interconnect, communications, detection, and controller equipment on Genesee Avenue between Esplanade Court and Governor Drive. As such, the Project's significant direct impact and significant cumulative impact along Genesee Avenue between Decoro Street and Governor Drive would not be mitigated to a less than significant level.

**Finding:** This impact would remain significant and unmitigated in the Near-Term 2023 Plus Project (Opening Day) and Year 2035 Plus Project scenarios.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### Genesee Avenue from Governor Drive to SR 52

**Facts in Support of Finding:** The functional classification of this roadway segment is a 4-lane Major Arterial. This roadway currently operates at LOS D, but would be expected to operate at LOS F in the Year 2035 scenario either with or without the Project. The volume-to-capacity ratio increase would result in a significant cumulative impact.

**Mitigation Measure:** As part of the approvals for the University CPA, Final Program EIR (SCH: 2015121011), the City Council in December 2016 rejected the widening of Genesee Avenue between Nobel Drive and the SR 52 westbound ramps to six lanes as infeasible as it would not substantially reduce the significant impacts from the CPA project. Furthermore, the repurposing of Genesee Avenue right-of-way to provide for a modified six lane arterial was also rejected as it would require modification of the existing street design along this segment, including removal of the center median, resulting in a loss of trees, which would be inconsistent with CAP Strategy 5. As partial mitigation, the Project would upgrade and/or repair the signal interconnect, communications, detection, and controller equipment on Genesee Avenue between Esplanade Court and Governor Drive, as part of Mitigation Measure TRA-28. As such, the Project's significant cumulative impact along Genesee Avenue between Governor Drive and SR 52 would not be mitigated to a less than significant level.

**Finding:** This impact would remain significant and unmitigated in the Year 2035 Plus Project scenario.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### *Freeway Segments*

##### I-5: Gilman Drive to Nobel Drive

**Facts in Support of Finding:** Under both Existing and Near-Term 2023 scenarios without the Project, this freeway segment would be expected to operate at LOS E northbound during the p.m. peak hour and southbound during the a.m. peak hour, and at LOS F southbound during the p.m. peak hour. In the Existing Plus Project and Near-Term 2023 Plus Project (Opening Day) scenarios, LOS would remain the same, but a significant direct impact would be expected to occur to the southbound direction during the p.m. peak hour due to the reduction in speed exceeding the allowable threshold. In the Year 2035 scenario without the Project, this freeway segment would be expected to operate at LOS E northbound in the a.m. peak hour and at LOS F northbound during the p.m. peak hour and southbound during both the a.m. and p.m. peak hours. With the Project, LOS would be expected to remain the same, but a



significant cumulative impact would occur to the southbound direction during the p.m. peak hour due to the reduction in speed exceeding the allowable threshold.

**Mitigation Measures:** The addition of managed lanes on I-5 between I-8 and La Jolla Village Drive, as identified in the San Diego Association of Governments (SANDAG) 2050 Revenue Constrained RTP, would improve freeway operations. However, there is currently no funding in place at this time and no guarantee that the improvements would occur.

- As partial mitigation, Mitigation Measure TRA-5 (as well as TRA-15 and TRA-29, which reference TRA-5) requires the following transportation demand management (TDM) measures to incentivize use of alternate forms of transportation other than single-occupancy vehicles: Provide a 25 percent transit subsidy to hourly employees working on the property. The subsidy value will be limited to the equivalent value of 25 percent of the cost of a Metropolitan Transit System "Regional Adult Monthly/30-Day Pass" (currently \$72 for a subsidy value of \$18 per month). Subsidies will be available to 75 percent of the hourly employees. The subsidy will be offered at the Opening Day of the project and will be provided for a period of three years.
- Implement a parking management plan, which will charge salaried employees market-rate for single-occupancy vehicle parking and provide reserved, discounted, or free spaces for registered carpools or vanpools.
- Provide carpool/vanpool parking spaces as a part of the overall project parking requirements at the project site. These spaces will be signed and striped "carpool/vanpool parking only."
- Provide shower and locker facilities. These showers and lockers will be located in the parking structure adjacent to the security office.
- Maintain an employer network in the SANDAG iCommute program (which replaces the previous RideMatcher service) to tenants/employees.
- Provide on-site carsharing vehicle(s) and/or bikesharing.
- Provide transit pass sales at the site's concierge.
- Provide a shuttle for workers in the research and development and office buildings to access other properties within the community that are owned by the same entity. If a public zero-emission shuttle is established in the community in the future, provide a stop within the project site.
- Implement smart parking technologies to provide real-time space availability, carpool/vanpool priority, and the option to reserve spaces in advance.
- Install micromobility parking to accommodate a variety of micromobility forms, near the elevators to the trolley.
- Provide additional bicycle and micromobility amenities, such as tire pump/repair stands as well as electric bike and scooter charging stations.
- Consider enhanced wayfinding investments as part of the final design process.

**Finding:** Impacts would remain significant and unmitigated in the Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project scenarios.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

I-805: Governor Drive to Nobel Drive

**Facts in Support of Finding:** Under both Existing and Near-Term 2023 scenarios without the Project, this freeway segment would be expected to operate at LOS F northbound during the a.m. peak hour and southbound during the p.m. peak hour. In the Existing Plus Project and Near-Term 2023 Plus Project (Opening Day) scenarios, LOS would be expected to remain the same, but a significant direct impact would be expected to the northbound direction during the a.m. peak hour due to the reduction in speed exceeding the allowable threshold. In the Year 2035 condition with or without the Project, this freeway segment would be expected to operate at LOS F northbound in the a.m. peak hour and southbound during the p.m. peak hour. A significant cumulative impact would occur to the northbound direction during the a.m. peak hour due to the reduction in speed exceeding the allowable threshold.

**Mitigation Measures:** Currently, there is one managed lane of I-805 between SR 52 and I-5, which was constructed as Stage I of the I-805 North Managed Lanes Project. Stages II through IV of the I-805 North Managed Lanes Project would construct the second carpool lane in the median from just north of SR 52 to just north of La Jolla Village Drive. Additionally, the Nobel Drive Direct Access Ramp (DAR) and the Nobel Drive Park & Ride and Transit Station would be constructed, and the Governor Drive interchange would be reconfigured. The addition of managed lanes and a new DAR on Nobel Drive would improve freeway operations on the I-805. The construction start dates for these improvements are pending as there is no funding in place to guarantee that these improvements would be completed. As partial mitigation, TRA-6 (as well as TRA-16 and TRA-30, which reference TRA-6) requires TDM measures (as indicated above for the impact to I-5: Gilman Drive to Nobel Drive) to incentivize use of alternate forms of transportation other than single-occupancy vehicles.

**Finding:** Impacts would remain significant and unmitigated in the Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project scenarios.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

SR 52: Genesee Avenue to I-805

**Facts in Support of Finding:** Under Existing conditions both with and without the Project, this freeway segment would be expected to operate at LOS F eastbound during the a.m. and p.m. peak hours, and at LOS E westbound during the a.m. peak hour. Although the LOS would not change, a significant direct impact would occur to the westbound direction during the a.m. peak hour and eastbound during the p.m. peak hour due to the reduction in speed exceeding the allowable threshold. Under Near-Term 2023 conditions with and without the Project, this freeway segment would be expected to operate at LOS F eastbound during the a.m. and p.m. peak hours, as well as westbound during the a.m. peak hour. Although the LOS would not be expected to change, a significant direct impact would occur to the westbound direction during the a.m. peak hour and eastbound during the p.m. peak hour due to the

reduction in speed exceeding the allowable threshold. Under 2035 conditions with and without the Project, this freeway segment would be expected to operate at LOS F eastbound during the a.m. and p.m. peak hours and westbound during the a.m. peak hour, as well as at LOS E westbound during the p.m. peak hour. Although the LOS would not change, the Project's impact to the westbound direction during the a.m. peak hour and eastbound during the p.m. peak hour would result in a cumulative significant impact due to the reduction in speed exceeding the allowable threshold.

**Mitigation Measures:** The addition of a third lane in each direction along SR 52 between I-5 and I-805, as identified in SANDAG's 2050 Unconstrained Network RTP, would improve freeway operations. However, there is currently no funding in place at this time and no guarantee that the improvements would occur. As partial mitigation, TRA-7 (as well as TRA-17 and TRA-31, which reference TRA-7) requires TDM measures (as indicated above for the impact to I-5: Gilman Drive to Nobel Drive) to incentivize use of alternate forms of transportation other than single-occupancy vehicles.

**Finding:** Impacts would remain significant and unmitigated in the Existing Plus Project, Near-Term 2023 Plus Project, and Year 2035 Plus Project scenarios.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

#### *Metered Freeway On-ramps*

##### I-805/Nobel Drive Interchange Southbound On-Ramp

**Facts in Support of Finding:** Under Existing, Near-Term 2023, and 2035 scenarios both with and without the Project, delay at this on-ramp would exceed the City's threshold of 15 minutes. The Project's contribution to the delay would result in significant direct and cumulative impacts.

**Mitigation Measures:** Stages II through IV of the I-805 North Managed Lanes (as discussed above), the Nobel Drive DAR, the Nobel Drive Park & Ride and Transit Station, and the reconfiguration of the Governor Drive interchange would relieve the congestion and delay at the freeway ramp meter and improve overall freeway operations, but there is no funding in place to ensure that the improvements would occur. As partial mitigation, TRA-8 (as well as TRA-18 and TRA-32) requires TDM measures (as indicated above for the impact to I-5: Gilman Drive to Nobel Drive) to incentivize use of alternate forms of transportation other than single-occupancy vehicles.

**Finding:** Impacts at this freeway ramp meter would remain significant and unmitigated in the Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project scenarios.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

**VI. FINDINGS REGARDING MITIGATION MEASURES WHICH ARE THE RESPONSIBILITY OF ANOTHER AGENCY (CEQA 21081(a)(2) AND CEQA GUIDELINES 15091 (a)(2))**

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to CEQA §21081(a)(2) and CEQA Guidelines §15091(a)(2) that there are changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency, and that such changes can and should be adopted by such other agency and/or approved for the Project to implement.

**Impact:** Traffic associated with the Project would result in significant and unavoidable impacts at two intersections where improvements would require California Department of Transportation (Caltrans) approval, including:

- Genesee Avenue/SR 52 Westbound Ramps (Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project); and
- Genesee Avenue/SR 52 Eastbound Ramps (Existing Plus Project, Near-Term 2023 Plus Project (Opening Day), and Year 2035 Plus Project).

Genesee Avenue/SR 52 Westbound Ramp

**Facts in Support of Finding:** Under Existing and Near-Term 2023 scenarios with or without the Project, Genesee Avenue/SR 52 Westbound Ramp intersection is expected to operate at LOS F during the p.m. peak hour. In Year 2035 with or without the Project, it is expected to operate at LOS E during the a.m. peak hour and LOS F during the p.m. peak hour. Although the Project would not change the LOS, the addition of Project traffic would exceed the City's thresholds for additional delay at this intersection and cause significant direct and cumulative impacts.

**Mitigation Measures:** The significant direct and cumulative impacts would be reduced to less than significant through implementation of Mitigation Measure TRA-3 (as well as TRA-12 and TRA-26, which reference TRA-3), which requires that the Owner/Permittee assures by permit and bond the installation of a traffic signal to allow for protected northbound left turns, satisfactory to the California Department of Transportation (Caltrans) and the City Engineer.

**Finding:** Although the identified improvements would fully mitigate the impact, the Project's impact to this intersection is considered significant and unmitigated because the timing of the identified improvements is not within the Applicant's or the City's control as it requires Caltrans approval.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

### Genesee Avenue/SR 52 Eastbound Ramp

**Facts in Support of Finding:** Under Existing conditions with or without the Project, Genesee Avenue/SR 52 Eastbound Ramp intersection operates and is expected to operate at LOS F during the p.m. peak hour. Although the Project would not change the LOS, the addition of Project traffic would exceed the City's thresholds for additional delay at this intersection, resulting in a significant direct impact. In the Near-Term 2023 scenario, the intersection would continue to operate at LOS with or without the Project in the p.m. peak hour, but the addition of Project traffic would result in degradation from LOS D to LOS E during the a.m. peak hour. Both the increase in delay during the p.m. peak hour and degradation of LOS during the a.m. peak hour would be considered significant direct impacts. In Year 2035 with or without the Project, the intersection would be expected to operate at LOS F during the a.m. and p.m. peak hours. Although the Project would not change the LOS, the addition of Project traffic would exceed the City's thresholds for additional delay at this intersection and the Project would have significant cumulative impact.

**Mitigation Measures:** The significant direct and cumulative impacts would be reduced to less than significant through implementation of Mitigation Measure TRA-4 (as well as TRA-13 and TRA-27 reference TRA-4), which requires that the Owner/Permittee assures by permit and bond the installation of right-turn overlap phasing on the westbound approach and associated traffic signal modification satisfactory to Caltrans and the City Engineer.

**Finding:** Although the identified improvements would fully mitigate the impact, the Project's impact to this intersection is considered significant and unmitigated because the timing of the identified improvements are not within the Applicant's or the City's control as it requires Caltrans approval.

**Reference:** See EIR Section 5.2 for a complete discussion of transportation impacts associated with the Project.

## **VII. FINDINGS REGARDING PROJECT ALTERNATIVES**

In accordance with Section 15126.6(a) of the Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the proposed Project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1) of the Guidelines, among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site.

As required in Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given to an alternative's ability to meet most of the basic objectives of the project. Because the Project will cause potentially significant environmental effects unless mitigated, the City must consider the feasibility of any environmentally superior alternatives to the project, evaluating whether these alternatives could avoid or substantially lessen the potentially significant environmental effects while achieving most of the objectives of the project.

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings with respect to the alternatives identified in the Final EIR (Project No. 477943/ SCH No. 2016071031):

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (Project No. 442880 / SCH No. 2016031026) as described below.

***“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other considerations” may form the basis for a finding of infeasibility.***

#### **a) Alternatives under Consideration**

The project alternatives are summarized below along with the findings relevant to each alternative.

##### **1. No Project Alternative**

CEQA Guidelines, Section 15126.6(e), requires that an EIR evaluate a “no project” alternative along with its impact. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Under the No Project/No Development Alternative, the project would not be implemented, and the site would remain in its current condition. Accordingly, the No Project Alternative assumes that the Project would not be adopted, no redevelopment of the existing retail uses would be implemented, and no new hotel, office, or research and development uses would be constructed. With completion of the Monte Verde towers currently under construction, the existing CVSP area will be completely built out, and no additional work would occur to fulfill the existing plan. The pedestrian bridges planned to extend from the Trolley station would connect to elevators and stairways that extend into a landscaped area at the eastern edge of the Costa Verde Center, in accordance with plans developed by SANDAG. Modifications to the Costa Verde Center and off-site improvements to improve connectivity between transit, bicycle, and pedestrian modes would not occur.

Potentially Significant Effects:

The No Project Alternative would avoid the significant and unmitigated (or unavoidable) impacts to transportation/circulation (traffic congestion) as well as short-term construction and long-term operational noise identified for the Project. It also would incrementally reduce impacts to paleontological resources, public utilities, and public services and facilities, which would be less than significant for the Project. This alternative would not generate additional fees to address existing deficiencies in public facilities. It would be similar to the Project with regard to geology. This alternative would not require plan amendments but would be less preferred than the Project with regard to consistency with the environmental goals and objectives of applicable land use plans. It also would be less preferred with regard to alternative transportation modes, aesthetics, and hydrology/water quality, due to the retention of existing conditions as opposed to the upgrades that are proposed by the Project. With regard to air quality, GHG, and energy, this alternative would result in reduced impacts on a site-specific basis. It would not, however, implement strategies designed to reduce these impacts on a regional, long-term basis.

Facts In Support of Finding:

While the No Project Alternative would reduce the significant environmental effects associated with Project related to construction noise and operational noise and transportation/circulation, it would not meet any of the Project objectives. The No Project Alternative would not revitalize an aging shopping center, integrate new land uses to better serve present and future community needs, or create a more vibrant activity center that contributes to the goals of smart growth and supports transit (Objectives 1 through 4). It also would not increase mobility options by providing improved pedestrian and bicycle linkages between the center and the adjacent neighborhood (Objective 5), provide a place for public gathering spots that promote social interaction (Objective 6), or improve the sustainability of the existing center through features consistent with the City's CAP (Objective 7).

Finding:

The No Project Alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible.

Rationale:

This alternative is rejected because it could not feasibly accomplish the basic objectives of the Project.

Reference:

See EIR Section 8.4.1 for a complete analysis of this alternative.

## **2. Retail, Hotel, and Residential Alternative**

The Retail, Hotel, and Residential Alternative reflects the project as submitted to the City in March 2016 and circulated for public review in January 2018. This alternative would involve increasing the development intensity of commercial/retail uses by approximately 125,000 SF for a total of approximately 303,000 SF distributed among a total of 15 new and existing buildings and redesignating an approximately one-acre portion of the project site to Visitor Commercial to reintroduce a hotel use to the CVSP area. A 200-room hotel would serve residents, visitors, and the community's research, business, and educational hub. Additionally, a mixed-use residential component, consisting of ground floor retail and six floors of multi-family residential use (with the top floor incorporating a mezzanine level) totaling 120 units would be incorporated as a future project phase.

The hotel would be up to 10 stories in height, up to a maximum of 125 feet, and would encompass approximately 125,000 SF. The maximum height of commercial structures would be 90 feet and the mixed-use residential component would total a maximum height of 100 feet.

The redesigned shopping center generally would be comprised of two areas due, in part, to site topography. The northern portion of the center sits approximately 15 feet higher in elevation than the southern portion of the site. A parking structure would be provided in each of these two areas.

The northern portion of the center would consist of a pedestrian-orientated "Main Street." The Main Street would extend from a gateway entry at Genesee Avenue and Esplanade Court to a circular style cul-de-sac and a central thoroughfare. It would be lined with commercial/retail and restaurant buildings, an outdoor living room, a central plaza, pedestrian walkways, decorative planters, site furniture, landscaping, and accent paving. Other amenities would include a rooftop park open to the community, rooftop gardens, green roofs, a community meeting room, and direct connections to the planned Trolley Station and off-site community facilities and uses.

The lower-elevation, southern, portion of the center would primarily consist of neighborhood convenience services generally within free-standing buildings separated by surface parking lots. This area is intended for essential neighborhood services, such as a grocery store, pharmacy, and banks. The future mixed-use residential component would also be located in this portion of the site. Landscaping, sidewalks, and parking facilities would be provided. Pedestrian connections between the northern and southern portions of the center would be provided primarily from the central plaza along Main Street.

### Potentially Significant Effects:

The Retail, Hotel, and Residential Alternative would increase significant and unmitigated direct and cumulative transportation/circulation impacts to street segments, while



decreasing impacts at intersections, freeway segments, and ramp meters. This alternative would incrementally reduce significant operational noise impacts from HVAC operations. Potentially significant, but mitigable, impacts related to demolition and construction noise would be similar under this alternative as for the Project. This alternative would incrementally reduce impacts to land use (noise compatibility), aesthetics, air quality, energy, paleontological resources, public utilities, and public services and facilities, which would be less than significant for the Project. It would be similar to the Project with regard to greenhouse gas emissions, hydrology/water quality, and geology.

Facts in Support of Finding:

The Retail, Hotel, and Residential Alternative would fulfill all of the Project objectives, including revitalization of an aging shopping center by expanding, enhancing, and diversifying neighborhood/community-serving retail, dining, and commercial opportunities and local services (Objective 1) and integrating some new land uses (visitor accommodations and residential uses) to create a more vibrant activity center (Objective 2). It also would provide a hotel in a transit-accessible location (Objective 3), implement transit-supportive land uses (Objective 4), increase mobility options by providing improved pedestrian and bicycle linkages between the center and the adjacent neighborhood (Objective 5), provide a place for public gathering spots that promote social interaction (Objective 6), and improve the sustainability of the existing center through features consistent with the City's CAP (Objective 7). It would not, however, integrate research and development uses to the site as an element of Objective 2. As described above, it would decrease some impacts, while increasing others.

Finding:

The Retail, Hotel, and Residential Alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible.

Rationale:

This alternative would not provide employment opportunities for highly trained workers, as the Project would through the addition of research and development uses to the site.

Reference:

See EIR Section 8.4.2 for a complete analysis of this alternative.

**3. Retail, Hotel, Office, and Reduced Research and Development Alternative**

The Retail, Hotel, Office, and Reduced Research and Development Alternative would construct 210,000 SF of research and development, which is 150,000 SF less than the Project. It also proposes to revitalize the 178,000 SF of existing retail space and add a hotel and

40,000 SF of office space, similar to the Project. The mobility improvements and community facilities, as well as sustainable design features, proposed as part of the Project would occur under this alternative.

Potentially Significant Effects:

The Retail, Hotel, Office, and Reduced Research and Development Alternative would reduce significant, direct and cumulative transportation/circulation (traffic congestion) impacts, although significant and unmitigated impacts would still occur. Potentially significant, but mitigable, impacts related to demolition and construction noise would be the same under this alternative as for the Project, while operational noise impacts would be incrementally reduced. It would slightly reduce impacts related to aesthetics, air quality, energy, GHG, paleontological resources, public utilities, and public facilities and services, which also would be less than significant under the Project. Less-than-significant impacts to land use, hydrology/water quality, and geology would be similar to the Project.

Facts in Support of Finding:

This alternative would revitalize an aging shopping center by expanding, enhancing, and diversifying neighborhood/community-serving retail, dining, and commercial opportunities and local services (Objective 1). It also would provide a hotel in a transit-accessible location (Objective 3), increase mobility options by providing improved pedestrian and bicycle linkages between the center and the adjacent neighborhood (Objective 5), provide a place for public gathering spots that promote social interaction (Objective 6), and improve the sustainability of the existing center through features consistent with the City's CAP (Objective 7). While this alternative would create a built environment that would embrace the Trolley Station, it would implement transit-supportive land uses within a Transit Priority Area (Objective 4) and integrate new land uses to create a more vibrant activity center that contributes to the goals of smart growth (Objective 2) to a lesser degree than the Project. In summary, this alternative would fulfill five and partially fulfill two of the seven Project objectives.

Finding:

The Retail, Hotel, Office, and Reduced Research and Development Alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible.

Rationale:

The reduction in research and development uses under this alternative would reduce the availability of employment opportunities for highly trained workers, relative to what would occur through implementation of the Project. This alternative would also not as fully implement transit-supportive land uses within a Transit Priority Area and integrate new land

uses to create a more vibrant activity center that contributes to the goals of smart growth.

Reference:

See EIR Section 8.4.3 for a complete analysis of this alternative.

**4. Retail and Office/Research and Development Alternative**

The Retail and Office/Research and Development Alternative proposes to revitalize the 178,000 SF of existing retail space and add 360,000 SF of research and development and 40,000 SF of office uses, similar to the Project. This alternative would not, however, include development of a 200-room hotel at the site. It is anticipated that two restaurants would operate at the site where a hotel would be located under the Project. The mobility improvements and community facilities, as well as sustainable design features, proposed as part of the Project would occur under this alternative.

Potentially Significant Effects:

The Retail and Office/Research and Development Alternative would reduce significant, direct and cumulative transportation/circulation (traffic congestion) impacts. Potentially significant, but mitigable, impacts related to demolition and construction noise would be the same under this alternative as for the Project, while operational noise impacts would be incrementally reduced. It would slightly reduce impacts related to land use (related to noise compatibility), aesthetics, air quality, energy, GHGs, paleontological resources, public utilities, and public facilities and services, which also would be less than significant under the Project. Less-than-significant impacts to hydrology/water quality and geology would be similar to the Project. This alternative is identified as the environmentally superior alternative among the build alternatives because it would reduce significant and unmitigated transportation / circulation impacts, as well as reduce significant but mitigable operational noise impacts. Specifically, it would result in the least amount of traffic generation of any of the build alternatives.

Facts in Support of Finding:

The Retail and Office/Research and Development Alternative would revitalize an aging shopping center by expanding, enhancing, and diversifying neighborhood/community-serving retail, dining, and commercial opportunities, and local services (Objective 1). It also would increase mobility options by providing improved pedestrian and bicycle linkages between the center and the adjacent neighborhood (Objective 5), provide a place for public gathering spots that promote social interaction (Objective 6), and improve the sustainability of the existing center through features consistent with the City's CAP (Objective 7). While this alternative would create a built environment that would embrace the Trolley Station, it would implement transit-supportive land uses within a Transit Priority Area (Objective 4) and integrate new land uses to create a more vibrant activity center that contributes to the goals

of smart growth (Objective 2) to a lesser degree than the Project. It also would not provide a hotel in a transit-accessible location (Objective 3). In summary, this alternative would fulfill four, partially fulfill two, and not fulfill one of the seven Project objectives.

Finding:

The Retail and Office/Research and Development Alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible,

Rationale:

This alternative would not provide a hotel in a transit-accessible location, which would serve researchers, academicians, business travelers, and other visitors to the community. By not providing a hotel, this alternative would not as fully implement transit-supportive land uses within a Transit Priority Area and integrate new land uses to create a more vibrant activity center that contributes to the goals of smart growth. It also would not generate Transient Occupancy Tax to fund City infrastructure and service needs.

Reference:

See EIR Section 8.4.4 for a complete analysis of this alternative.

## **VIII. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS**

### **a. Growth Inducement**

Section 15126.2(e) of the CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This discussion is presented in Section 7.2 of the EIR. The City finds that the Project would not result in short- or long-term growth-inducing impacts.

Short-Term Growth Inducement

During the Project construction, demand for various construction trade skills and labor would increase. It is anticipated that this demand would be met by the local labor force and would not require importation of a substantial number of workers that could cause an increased demand for temporary or permanent housing in this area.

Long-Term Growth Inducement

The Project would contribute to long-term growth through the redevelopment of existing commercial retail space, and addition of 360,000 SF of research and development, 40,000 SF of office uses, and a 200-room hotel. The completed development would create additional part-time and full-time employment, involving a wide variety of jobs ranging from low to high wage scales. None of the anticipated uses is expected to require the importation of a

specialized work force that is not already present in the region. The labor pool within the project area is adequate. While the Project has the potential to foster economic growth for the City through expanded retail sales and research and development/office jobs, it is expected to have a limited effect on regional population growth because it would draw from the local population for jobs. The Project would not directly or indirectly increase population growth in the region. No significant pressure on local housing supply or demand is expected to result from development of the Project.

The Project site is currently developed and is designated for urban uses and surrounded by existing and planned urban development and infrastructure. The Project would not require the extension or expansion of roadways, public services, utilities, or infrastructure into areas currently without service. It would be compatible with long-range plans for mass transit through expansion of the neighboring transit center and extension of the Metropolitan Transit System Blue Line Trolley. As a result, development of the Project would not remove any physical barriers to growth. Therefore, growth inducement would not be significant as a result of the Project.

**b. Significant Irreversible Environmental Changes that will be Caused by the Project**

Section 15126.2(d) of the CEQA Guidelines requires an evaluation of significant irreversible environmental change that may occur as a result of project implementation. This discussion is presented in Section 7.4 of the EIR. Irreversible environmental changes typically fall into three categories: (1) primary impacts, such as the use of nonrenewable resources (i.e., biological habitat, agricultural land, mineral deposits, water bodies, energy resources and cultural resources); (2) secondary impacts, such as road improvements which provide access to previously inaccessible areas; and (3) environmental accidents potentially associated with the project. Section 15126.2(d) of the State CEQA Guidelines states that irretrievable commitments of resources should be evaluated to assure that current consumption of such resources is justified.

As the site is currently developed with urban uses, implementation of the Project would not result in significant irreversible impacts to biological resources, historical resources, agricultural or forestry lands, or mineral resources. In addition, no water bodies are located on or adjacent to the site that would be impacted by the Project.

The Project would entail the commitment of energy and non-renewable resources, such as energy in the form of electricity, energy derived from fossil fuels, natural gas, construction materials (i.e., concrete, asphalt, sand and gravel, petrochemicals, steel, and lumber and forest products), potable water, and labor during the construction phase. The Project features a number of sustainability elements to minimize its consumption of energy and non-renewable resources and associated impacts would be less than significant. Nevertheless, use of these resources on any level would have an incremental effect on the regional consumption of these commodities, and therefore result in long-term, irretrievable losses of non-renewable resources, such as fuel and energy.

Paleontological resources which could be disturbed would be salvaged, as necessary, and data recovered in accordance with City standards. Impacts to paleontological resources would not be a reversible change to the resource. Lastly, the Project would not involve road or highway improvements that would provide access to previously inaccessible areas. Further, no major environmental accidents or hazards are anticipated to occur as a result of Project implementation.

**IX. FINDINGS REGARDING RESPONSES TO COMMENTS AND REVISIONS IN THE FINAL EIR**

The Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines Section 15088(c).

Finding/Rationale: Responses to comments made on the Draft EIR and revisions in the Final EIR merely clarify and amplify the analysis presented in the document, and do not trigger the need to recirculate per CEQA Guidelines Section 15088.5(b).

**STATEMENT OF OVERRIDING CONSIDERATIONS  
(PUBLIC RESOURCES CODE SECTION 21081(b))**

Pursuant to Section 21081(b) of CEQA and CEQA Guidelines §15093 and §15043, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code §21081. CEQA further requires that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Environmental Impact Report (EIR) but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the EIR and/or other information in the record.

Pursuant to the Public Resources Code §21081(b) and Guidelines § 15093, the City Council, having considered all of the foregoing, finds that the following specific overriding economic, legal, social, technological, or other benefits associated with the project outweigh unavoidable adverse direct impacts related to transportation/circulation.

The City Council declares that it has adopted all feasible mitigation measures to reduce the proposed environmental impacts to an insignificant level; considered the entire administrative record, including the EIR; and weighed the proposed benefits against its environmental impacts. This determination is based on the following specific benefits, each of which is determined to be, by itself and independent of the other project benefits, a basis for overriding and outweighing all unavoidable adverse environmental impacts identified in the Final EIR. Substantial evidence supports the various benefits and can be found in the preceding sections (which are incorporated by reference into this section), the Final EIR, or in documents that comprise the Record of Proceedings for this matter.

1. The Project would create Base Sector Employment uses in the UTC/Sorrento Mesa Subregional Employment Area (City General Plan Economic Prosperity Element Figure EP-2) in accordance with the City's General Plan Economic Prosperity Element. Specifically, the Project would support the policies of this Element by:
  - Encouraging a broader geographic distribution of high-technology businesses throughout the City (Policy EP-A.2);
  - Encouraging large regional employers to locate and expand in a Subregional Employment Area (Policy EP-A.3);
  - Including base sector uses appropriate to an office setting in a village context (Policy EP-A.4);
  - Providing for the establishment and retention of non-base sector employment uses near housing to serve base sector industries and community needs and encourage the development of small businesses (Policy EP-A.6);

- Increasing the allowable intensity of employment uses in a Subregional Employment Area where transit exists (Policy EP-A.7);
  - Concentrating more intense office development in a Subregional Employment Area with transit access (Policy EP-A.8);
  - Efficiently utilizing employment lands through increased intensity in an “urban village” and Subregional Employment Area (Policy EP-A.9); and
  - Locating compatible employment uses on an infill site and supporting job growth in an existing urban area (Policy EP-A.10).
2. The Project would implement the City of Villages Strategy in the City’s General Plan, which will sustain the long-term economic, environmental, and social health of the City, and implement the regional planning goals of the San Diego Association of Governments (SANDAG) Regional Plan. In particular, the Project would implement transit-supportive land uses and a built environment embracing the Blue Line Trolley Station, which is projected to start operations in late 2021. In addition to the approximately 17,800 housing units that exist within one mile of the Costa Verde Center, the Project would establish an employment center that is accessible by Trolley. The introduction of the research and development/office use supports the potential for daily commute of employees, furthering the economic viability of the Trolley. The Project would also provide pedestrian and bicycle linkages to improve connectivity between the Costa Verde Center, the adjacent neighborhood, and the Trolley. These design features, combined with other Transportation Demand Management (TDM) measures that the Project is committed to implementing, would decrease Vehicle Miles Traveled.
  3. Approval of this Project would represent another significant step toward achieving the City’s goal of encouraging scientific research and, in particular, the biotechnology industry, to locate in San Diego. In 2015, for example, Mayor Faulconer announced the results of “The Economic Impact of San Diego’s Research Institutions,” which revealed that San Diego’s scientific nonprofit, research institutes, and university centers have a \$4.6 billion total economic impact on the regional economy. He stated, “I look forward to continuing to work with these scientists, entrepreneurs and research institutions to ensure San Diego remains a global pioneer in scientific discovery.” The Project would reinforce San Diego’s valuable identity as a leader in the field of biotechnical research. The Project would be located in the University Community, which already supports a number of companies involved in biotechnology research and manufacturing. The site is ideally situated near the University of California, San Diego, Scripps Clinic, and Salk Institute.



4. The Project would revitalize a shopping center that was constructed in 1989 and is suffering from outdated design, deteriorating facilities, and resulting vacancies. The revitalized center would better serve present and future needs of the surrounding community, providing space for key services such as a grocery store, banks, dry cleaners, post office, and affordable dining establishments. Introduction of office, hotel, and research and development uses to the site would help to create a more vibrant activity center. This mix of uses would be supportive of retail uses in the current economic environment, minimize the trips that office employees need to make during the day (for food, banking, pharmacy, etc.), and increase the amount of public activity in the center for improved security.
5. The Project will include a new pharmacy that does not currently exist in the local neighborhood. Immediately behind the Project is the continuing care retirement community called the Vi. This new amenity will now be in walking distance to the Vi residential village.
6. The Project would provide a hotel in a transit-accessible location, which would serve researchers, academicians, family members of UCSD students and Vi residents, business travelers, and other visitors to the community. The construction of a hotel in this key location adjacent to the Blue Line Trolley, that also connects to UCSD and is in proximity to numerous research institutions, would help to enhance San Diego's role as a center for academic and scientific research collaboration.
7. The Project would support transit by building a dense, mixed-use project with employment uses adjacent to both the new Blue Line Trolley and the existing UTC Transit Center bus terminal. The Project is situated in a Transit Priority Area (TPA), which is ideal for denser projects that will facilitate transit ridership, improve the City's overall transit mode share, and reduce greenhouse gas emissions.
8. The Project will result in an improved pedestrian experience by leveling the site along the "Main Street," removing the need to use escalators to traverse the site, and creating a more welcoming entrance to visitors entering the site from neighborhoods to the west.

The City Council finds in accordance with Public Resources Code §21081(b) and 21081.5, and CEQA Guidelines §§15093 and 15043, that any, or any combination of, the Statement of Overriding Consideration benefits noted above would be sufficient to reach the conclusion that overriding findings justify the significant, unmitigable impacts that were found.