



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: August 11, 2022 REPORT NO. PC-22-039

HEARING DATE: August 18, 2022

SUBJECT: LA JOLLA COMMONS REZONE, Process Five

PROJECT NUMBER: [698279](#)

REFERENCE: [Project No. 324553 -La Jolla Commons III](#)

OWNER/APPLICANT: AAT LA JOLLA COMMONS 3, LLC

SUMMARY

Issue: Should the Planning Commission recommend to the City Council approval of a rezone from CV-1-2 (Commercial Visitor) to CO-3-1 (Commercial Office) and a Planned Development Permit, amending Planned Commercial Development No. 99-0762 to restrict the total amount of Research and Development (R&D) uses on the site to be no more than 735,000 square feet, on a 17-acre site, located at 4707, 4727, 4747, 4750, and 4757 Executive Drive within the University Community Plan area?

Staff Recommendations:

1. Recommend the City Council APPROVE Rezone No. 2588229; and
2. Recommend the City Council APPROVE Planned Development Permit No. 2600462, an amendment to Planned Commercial Development No. 99-0762.

Community Planning Group Recommendation: On February 8, 2022, the University Planning Group recommended voted 13-0-1 to recommend approval of the project without conditions (Attachment 11).

Environmental Review: On June 5, 2022, the Development Services Department (DSD) completed a consistency evaluation per California Environmental Quality Act (CEQA) Section 15162 for the proposed project (Attachment 6).

This evaluation was performed to determine if conditions specified in CEQA Guidelines Sections 15162 would require the preparation of an additional CEQA review for the proposed project. As outlined in the evaluation, DSD has determined that the proposed rezone and PDP Permit, a PCD

amendment, is consistent with the original Environmental Impact Report No. 99-0762/SCH No. 2000031097: Addendum to EIR No. 79804; and Addendum to EIR No. 324553. The original EIR 99-0762 was certified on November 14, 2000, by the San Diego City Council as Resolution Number R-294147, Addendum No. 79804 adopted by the San Diego City Council on June 15, 2006, as Resolution Number R-294147, and Addendum No. 324553 adopted by the San Diego City Council on February 24, 2014, as Resolution Number R-308754. The proposed project would not result in new impacts or an increase in the severity of those impacts previously analyzed.

Fiscal Impact Statement: All costs associated with the processing of this project are recovered through a deposit account funded by the applicant.

Housing Impact Statement: The proposed project does not include residential dwelling units.

BACKGROUND

The La Jolla Commons Project (Original Project) was entitled by the San Diego City Council on November 14, 2000, through the approval of Planned Commercial Development Permit (PCD) / Resource Protection Ordinance (RPO) Permit No. 99-0762, Vesting Tentative Map (VTM) No. 99-0762 and the certification of Environmental Impact Report (EIR) No. 99-0762 / SCH No. 2000031097. The Original Project included a rezone to the Commercial-Visitor Zone, a 327-room, fifteen-story hotel, 115-unit, thirty-two-story condominium building, a 450,000-square-foot, twenty-story office building, a 30,000-square-foot, two-story scientific research building; and a separate eight-level parking structure development (Attachment 9).

The Original Project was amended on June 15, 2006, by Planned Development Permit (PDP) No. 252591 / Addendum to EIR No. 99-0762, to increase the hotel building to construct a 581,557 square feet and 32 stories with 213 hotel rooms and 112 condominium units, reduce the condominium building to 287,771 square feet with 156 units, and to reduce the office building to 340,405 square feet and 15 stories.

On February 24, 2014, the La Jolla Commons III Project was approved to reallocate density within the remaining area of the Original Project. The City Council approved an amendment to the University Community Plan, PDP No. 1153095, VTM No. 99-0762, and certified an addendum to EIR No. 99-0762 / SCH No. 2000031097 (Resolution Numbers R-308754, R-308756, and R-308757). The La Jolla Commons III Project allowed for the construction of either a 223,900-square-foot office building, a 165,780-square-foot hotel with 264 hotel rooms, or a 285,960-square-foot, office/hotel building with up to 175 hotel rooms, on the remaining unbuilt portion of the property. The 223,900-square-foot office building is currently under construction.

The Original Project is currently developed as an office campus with two office buildings of 392,051 square feet and 317,277 square feet. As noted above, the third La Jolla Commons III building, the subject of the 2014 amendment, is currently under construction and when completed will be 223,900 square feet. Upon completion of the La Jolla Commons III and Original Project, the site will include 932,328 square feet of office development.

The La Jolla Commons Rezone (Project) is subject to the following San Diego Municipal Code (SDMC) discretionary actions:

- Rezone – Section [123.0101](#) to rezone the property from CV-1-2 (Commercial Visitor) to CO-3-1 (Commercial Office); and
- Planned Development Permit - Section [126.0602\(a\)](#) to amend Planned Commercial Development No. 99-0762 to restrict the total amount of Research and Development (R&D) uses on the site to be no more than 735,000 square feet.

All discretionary actions have been consolidated under this application and processed concurrently, pursuant to the Consolidation of Processing regulations contained in [SDMC Section 112.0103](#). Therefore, the decision to approve, conditionally approve, or deny this project will be made by the City Council, a Process Five decision.

DISCUSSION

Project Description:

The La Jolla Commons Rezone (Project) will rezone the property located at 4704, 4727, 4747, 4750, and 4757 Executive Drive (Property) from CV-1-2 (Commercial Visitor) to CO-3-1 (Commercial Office). In addition, the Project will include a Planned Development Permit (PDP) amending the underlying Planned Commercial Development Permit (PCD) to restrict the total amount of R&D uses on the site to be no more than 735,000 square feet to ensure that total and peak hour trips do not exceed the trip levels in the original CEQA approvals and addenda.

The underlying CV – Commercial Visitor zone was originally implemented on the Project site to accommodate the hotel use included in the Planned Commercial Development (“PCD”) Permit. The hotel use was never constructed. Although the amended PCD permit describes the overall square footage and development mix allowed on the Property, the underlying zone controls the types of uses that may be conducted on the Property unless otherwise stated in the PCD Permit. The existing CV zone does not allow most forms of office uses, except those uses that are explicitly allowed under the PCD Permit. Although R&D Office uses are allowed under the PCD Permit, the use is limited to 30,000 square feet.

The applicant is processing the rezone and PDP amendment to change from a Commercial Visitor to Commercial Office zone to more accurately reflect the existing office uses on-site which are allowed by the PCD permit, and to allow for the full range of commercial office uses throughout the Project, including R&D beyond the restricted square footage in the PCD.

The La Jolla Commons Project was originally approved as a mixed-use development with residential, hotel/office uses. As the Project permits were amended and the Project was built out, only office uses were constructed. Upon completion of the La Jolla Commons III building (currently under construction), the Project will be fully built out.

The rezone would allow for R&D Office on the site. An evaluation of AM and PM Peak Hour trips was completed which shows that a maximum of 735,000 square feet of R&D Office use total and peak hour vehicle trips do not exceed the AM/PM peak hour trips evaluated in the original CEQA document. In addition, the Project site is located in a Transit Priority Area (TPA) and is therefore presumed to have less than a significant impact in relation to Vehicle Miles Traveled (VMT), a new standard for the evaluation of transportation impacts. The rezone would qualify as a "Redevelopment Project" under screening criteria number 8 in the City's Transportation Study Manual (TSM) for VMT Analysis. Although there will be no change in the physical condition of the Project, under the new zone, new uses will be allowed which have a total project VMT that is less than or equal to the existing land use's total VMT. As noted above, a 100% R&D Office use would reduce the average daily trips (ADT) by 2,935 trips, and therefore shows that VMT would also be reduced.

The original PCD Permit required a minimum of 2,320 parking spaces. The existing garages include 2,965 parking spaces. The Project involves no change to the existing physical conditions of the site, would allow no new construction, and would allow no expansion of the existing development square footage.

Community Plan Analysis:

The Property is designated Commercial in Figures 4 and 5 of the University Community Plan ("Community Plan") and as Office in Figures 14 and 33 of the Community Plan. Therefore, the proposed rezone is consistent with the land use designations for the Property. In addition, the University Community Plan Intensity Element in Table 3 designates the Property as Subarea 29, which is allowed 1,000,000 square feet of office use. At build-out, the Property will include 932,328 square feet of office development. Therefore, the requested rezone is consistent with the land use designation and development intensity contemplated in the Community Plan.

The PCD Permit for the Project will remain in place and will continue to govern the Property's development regulations. The requested rezone will allow for R&D use anywhere within the Project. The PCD Permit already allows up to 30,000 square feet of Scientific Research uses in the Project.

The applicant is processing the rezone and PDP amendment to change from a Commercial Visitor to Commercial Office zone to more accurately reflect the existing office uses on-site, which are permitted by the PCD Permit, and to allow for the full range of commercial office uses throughout the Project, including R&D beyond the restricted square footage in the PCD. Under the Project, the R&D Office use will be restricted to 735,000 square feet to ensure that the Project's total and peak hour vehicle trips do not exceed the trip levels in the original CEQA approvals and addenda.

Conclusion:

The rezone involves no new construction and no change to the physical environment and existing conditions will remain. In addition, the Project will include a PCD amendment to restrict the total amount of Research and Development uses on the site to be no more than 735,000 square feet to

ensure that total and peak hour trips do not exceed the trip levels in the original CEQA approvals and addenda.

The Project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided the draft findings to support approval of the Project and draft conditions of approval. Staff recommends the Planning Commission recommend the City Council approve the Project as proposed.

ALTERNATIVES

1. Approve Rezone No. 2588229 and Planned Development Permit No. 2600462, an amendment to Planned Commercial Development No. 99-0762, with modifications.
2. Deny Rezone No. 2588229 and Planned Development Permit No. 2600462, an amendment to Planned Commercial Development No. 99-0762, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



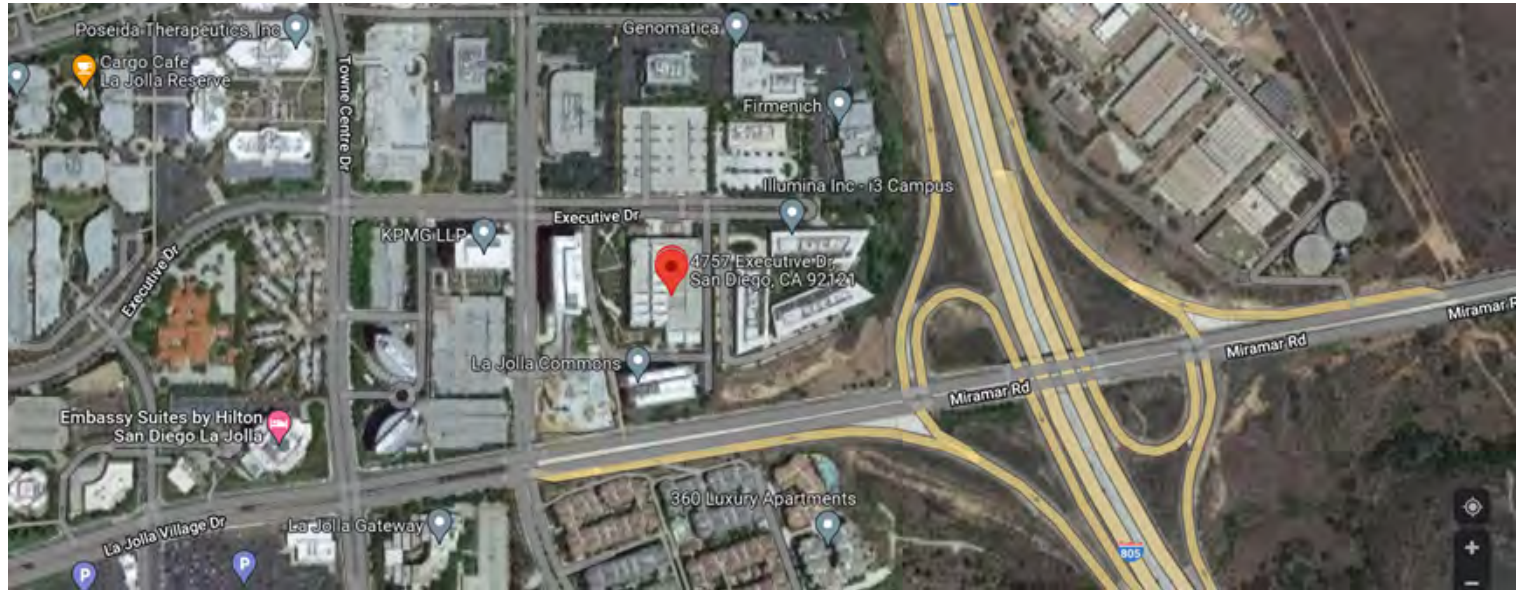
Renee Mezo
Assistant Deputy Director
Development Services Department



Oscar Galvez III
Development Project Manager
Development Services Department

Attachments:

1. Aerial Photographs
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Analysis
7. Draft Ordinance
8. Rezone - B Sheet
9. Copy of Recorded (existing) Permit(s)
10. Project Plans
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement



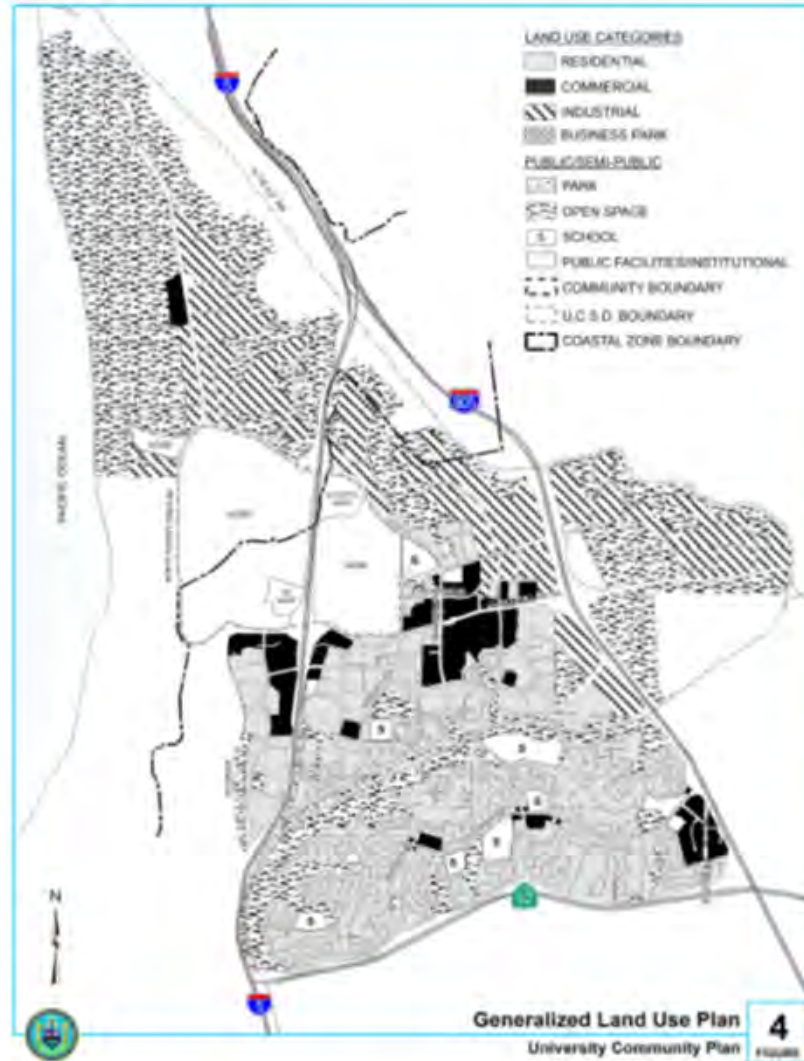
Aerial Photograph

La Jolla Commons Rezone

Project No. 698279 – 4757 Executive Drive

North

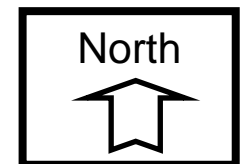




Land Use Map

La Jolla Commons Rezone

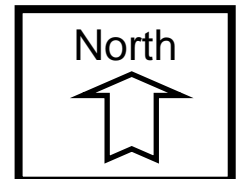
Project No. 698279 - 4757 Executive Drive





Project Location Map

La Jolla Commons Rezone
Project No. 698279 – 4757 Executive Drive



CITY COUNCIL RESOLUTION NO. [REDACTED]
PLANNED DEVELOPMENT PERMIT NO. 2600462
LJ COMMONS REZONE PROJECT NO. 698279

WHEREAS, AAT LA JOLLA COMMONS 3, LLC, Owner/Permittee, filed an application with the City of San Diego for a PLANNED DEVELOPMENT PERMIT to amend Planned Commercial Development No. 99-0762 to restrict the total amount of Research and Development uses on the site to be no more than 735,000 square feet known as the LJ Commons Rezone project, located at 4707, 4727, 4747, 4750 and 4757 Executive Drive (Property), and legally described as Lots 1 through 5 of La Jolla Commons III, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 16247, filed in the office of the County Recorder for San Diego County on December 28, 2017 as File No. 2017-7000533 of Official Records, in the University Community Plan area.

WHEREAS, the project also includes a rezone of the site from the CV-1-2 zone to the CO-3-1 zone; and;

WHEREAS, on June 5, 2022, the City of San Diego, as Lead Agency, through the Development Services Department, determined the project is consistent with the original Environmental Impact Report No. 99-0762/SCH No. 2000031097, Addendum No. 79804, and Addendum No. 324553 per California Environmental Quality Act (CEQA) Guideline Section 15162; and

WHEREAS, on August 18, 2022, the Planning Commission of the City of San Diego considered Planned Development Permit No. 2600462, and pursuant to Resolution No. XXXX, the Planning Commission voted to recommend [INSERT: City Council approval/disapproval] of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on **Month Day, Year**, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 2600462:

A. PLANNED DEVELOPMENT PERMIT SDMC Section 126.0605

1. Findings for all Planned Development Permits:

a. The proposed development will not adversely affect the applicable land use plan.

The proposed project (Project) will amend Planned Commercial Development Permit No. 99-0762 to restrict the total amount of Research and Development uses on the site to be no more than 735,000 square feet to ensure that total and peak hour trips do not exceed the trip levels in the original CEQA approvals and addenda. The Project proposes to rezone the property from CV-1-2 to CO-3-1. No additional construction is proposed with this amendment. The La Jolla Commons Project is currently developed as an office campus with two office buildings of 392,051 square feet and 317,277 square feet. The third La Jolla Commons III building is currently under construction and when completed will be 223,000 square feet. Upon completion of La Jolla Commons III, the Project will include approximately 932,328 square feet of office development.

The University Community Plan ("Community Plan") designates the property as both Office (Figures 14 and 33) and Commercial (Figures 4 and 5). Therefore, the proposed amendment to restrict the Research and Development use and the rezone are consistent with the land use designations for the site. In addition, the University Community Plan Intensity Element at Table 3 designates the Property as Subarea 29, which allows for 1,000,000 square feet of office uses. At build out, the Property will include 932,328 square feet of office development. Therefore, the Project is

consistent with the land use designation and development intensity contemplated in the Community Plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed development as currently designed will not be detrimental to the public health, safety, and welfare. The La Jolla Commons Project is currently developed as an office campus with two office buildings of 392,051 square feet and 317,277 square feet. The third La Jolla Commons III building is currently under construction and when completed will be 223,000 square feet. Upon completion of La Jolla Commons III, the Project will include a total of approximately 932,328 square feet of office development.

The proposed development has been reviewed by City staff and is consistent with the City's policies and requirements. The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Section 15162 consistency evaluation for the Project (PTS# 698279). This evaluation was performed to determine if conditions specified in CEQA Guidelines Sections 15162 would require preparation of additional CEQA review for the Project. As outlined in the evaluation, DSD determined that the proposed rezone and PCD amendment is consistent with the original Environmental Impact Report No. 99-0762/SCH No. 2000031097, Addendum No. 79804, and Addendum No. 324553. The original EIR 99-0762 being certified on November 14, 2000, by the San Diego City Council as Resolution Number R-94147 and Addendum No. 79804 adopted by the San Diego City Council on June 15, 2006, as Resolution Number R-294147 and Addendum No. 324553 adopted by the San Diego City Council on February 24, 2014, as Resolution Number R-308754. The Project would not result in new impacts.

No new development and no change to the physical environment is proposed. Additionally, the permit controlling the development contains conditions addressing the Project compliance with the City's regulations and policies, and other regional, state, and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Compliance with these regulations and project conditions would result in a development that will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The Project includes a Planned Commercial Development Permit (PCD) amendment to restrict the total amount of Research and Development uses on the site to allow no more than 735,000 square feet to ensure that total and peak hour trips from the

Project do not exceed the trip levels in the original CEQA approvals and addenda. A rezone of the property is also proposed. No new development and no change to the physical environment is proposed.

The Property is designated Commercial in Figures 4 and 5 of the University Community Plan ("Community Plan") and as Office in Figures 14 and 33 of the Community Plan. Therefore, the proposed rezone is consistent with the land use designations for the Property. In addition, the University Community Plan Intensity Element at Table 3 designates the Property as Subarea 29, which is allowed 1,000,000 square feet of office uses. At build out, the Property will include 932,328 square feet of office development.

No deviations are requested with the amendment to the PCD; therefore, the proposed development will comply with the regulations of the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Planned Development Permit No. 2600462 is granted to AAT LA JOLLA COMMONS 3, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24009094

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 2600462
LJ COMMONS REZONE PROJECT NO. 698279
AMENDMENT TO PLANNED COMMERCIAL DEVELOPMENT NO. 99-0762
CITY COUNCIL

This Planned Development Permit No. 2600462, an amendment to Planned Commercial Development No. 99-0762, San Diego County Recorder's Office Document Number 2001-0335065, dated May 24, 2001, is granted by the City Council of the City of San Diego to AAT LA JOLLA COMMONS, LLC 3, a Delaware limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0605. The 17-acre site is located at 4707, 4727, 4747, 4750 and 4757 Executive Drive in the CO-3-1 zone of the University Community Plan. The project site is legally described as: Lots 1 through 5 of La Jolla Commons III, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 16247, filed in the office of the County Recorder for San Diego County on December 28, 2017, as File No. 2017-7000533 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to amend Planned Commercial Development and Resource Protection Ordinance Permit No. 99-0762 to restrict the total amount of Research and Development uses on the site to be no more than 735,000 square feet described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 20, 2022, on file in the Development Services Department.

The project shall include:

- a. An amendment to Planned Commercial Development and Resource Protection Ordinance Permit No. 99-0762 to restrict the total amount of Research and Development uses on the site to be no more than 735,000 square feet; and
- b. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by **Month Day, Year**.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. Planned Commercial Development No. 99-0762, San Diego County Recorder's Office Document Number 2001-0335065, dated May 24, 2000, shall remain in force and effect except where amended by this Permit.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report LDR No. 99-0762, October 5, 2000, (SCH No. 2000031097) and Addenda (Project No. 79804 and 324553), shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report LDR No. 99-0762, October 5, 2000, (SCH No. 2000031097) and Addenda (Project No. 79804 and 324553), to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer.

CLIMATE ACTION PLAN REQUIREMENTS:

14. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

15. All laboratory equipment and related operations associated with Research & Development (R&D) uses shall comply with all applicable rules and regulations relating to emission standards and the use of any hazardous materials associated with such equipment or operations including, without limitation, San Diego County Air Pollution Control District (SDAPCD) Regulation II, Rule 11. Rule 11 generally exempts such equipment and operations from SDAPCD permitting requirements provided specified criteria are met. Any emission control devices or systems installed as necessary to meet SDAPCD standards for the exemption shall be shown on applicable plans.

16. In conjunction with any future Substantial Conformance Review (SCR) or amendments to this permit for new R&D buildings, the plans for such R&D buildings shall generally identify the proposed use and any hazardous materials or emissions that may be present and shall identify any emission control devices or systems that are installed to control or contain any potential hazards. An updated Exhibit "A" will be provided with any future SCR or amendment submittal, including the following information/ tables: development summary, unit acreage summary, parking, and unit construction type/occupancy summary.

17. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

18. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

19. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on Month Day, Year and [Approved Resolution Number].

DRAFT

Planned Development Permit No. 2600462

Date of Approval: Month Day, Year

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Oscar Galvez III
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

AAT LA JOLLA COMMONS 3, LLC
Owner/Permittee

By _____
Adam Wyll
President and Chief Operating Officer

AAT LA JOLLA COMMONS 3, LLC
Owner/Permittee

By _____
Jerry Gammieri
Senior Vice President of Construction and
Development

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: June 5, 2022

TO: Oscar Galvez III, Development Project Manager, Development Services Department

FROM: Sara Osborn, Senior Planner, Development Services Department

SUBJECT: LJ Commons Rezone (PTS# 698279) California Environmental Quality Act – Section 15162 Evaluation

The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Section 15162 – Subsequent EIRs and Negative Declaration consistency evaluation for the proposed LJ Commons Rezone (PTS# 698279).

This evaluation was performed to determine if conditions specified in CEQA Guidelines Sections 15162 would require preparation of additional CEQA review for the proposed project. As outlined in the evaluation, DSD has determined that the proposed rezone and PCD amendment is consistent with the original Environmental Impact Report No. 99-0762/SCH No. 2000031097, Addendum 79804 and Addendum No. 324553. The original EIR 99-0762 being certified on November 14, 2000 by the San Diego City Council as Resolution Number R-294147 and Addendum No. 79804 adopted by the San Diego City Council on June 15, 2006 as Resolution Number R-294147 and Addendum No. 324553 adopted by the San Diego City Council on February 24, 2014 as Resolution Number R-308754. The proposed project would not result in new impacts.

PROJECT

The La Jolla Commons Rezone will rezone the property at 4704, 4727, 4747, 4750 and 4757 Executive Drive in San Diego (“Property”) from CV-1-2 to CO-3-1. The rezone involves no new development and no change to the physical environment. Existing conditions will remain. In addition, the Project will include a PCD amendment to restrict the total amount of Research and Development uses on the site to be no more than 735,000 square feet to ensure that total and peak hour trips do not exceed the trip levels in the original CEQA approvals and addenda.

The La Jolla Commons Project was originally approved as a mixed use development with residential, hotel and office uses. As the Project permits were amended and the Project was built out, only office uses were constructed. Upon completion of the La Jolla Commons III building (currently under construction), the Project will be fully built out.

The underlying CV – Commercial Visitor zone was originally implemented on the Project site to accommodate the hotel use included in the Planned Commercial Development (“PCD”) Permit. The hotel use was never constructed.

Although the amended PCD permit describes the overall square footage and development mix allowed on the Property, the underlying zone controls the types of uses that may be conducted on the Property unless otherwise stated in the PCD Permit. The CV zone does not allow most forms of office uses, except those uses that are explicitly allowed under the PCD Permit. Although Research and Development Office uses are allowed under the PCD Permit, only 30,000 square feet of these uses are permitted in the PCD. The applicant is processing the rezone and PDP amendment to change from a Commercial Visitor to Commercial Office zone to more accurately reflect the existing office uses on-site which are permitted by the PCD Permit, and to allow for the full range of commercial office uses throughout the Project, including Research & Development (“R&D”) Office beyond the restricted square footage in the PCD. R&D Office would be restricted to 735,000 square feet to ensure that the Project’s total and peak hour vehicle trips do not exceed the trip levels in the original CEQA approvals and addenda.

BACKGROUND

The Property was first entitled as the La Jolla Commons Project by the San Diego City Council on November 14, 2000 through the approval of Planned Commercial Development Permit (“PCD”) / Resource Protection Ordinance (“RPO”) permit 99-0762, Vesting Tentative Map (“VTM”) 99-0762 and the certification of EIR No. 99-0762/SCH No. 2000031097. The Original Project included a 327 room, fifteen story hotel; 115 unit, thirty-two story condominium building; 450,000 square foot, twenty story office building; 30,000 square foot, two story scientific research building; and separate eight level parking structure development. The CV zone was chosen to accommodate the hotel use that was part of the original Project.

The original Project was amended on June 15, 2006 by PDP No. 252591 and included 213-room/112-unit hotel / condominium building, a 156-unit condominium building, a 340,405 square foot office building, a 30,000 square foot R&D Office building, and an eight story parking garage. Addendum No. 79804 to the Final EIR was approved as Resolution No. R-294147 for CEQA compliance. No new impacts or substantial changes were determined to have occurred.

In 2011 a Substantial Conformance Review (“SCR”) was approved by the Development Services Department (PTS No. 216243) to further modify the Project within the confines of the 2006 PDP amendment. The 2011 SCR permitted a new 460,577 square foot office building, and a new 383,243 Hotel/Residential buildings, in addition to the existing 309,004 square foot office building for a total of 1,152,824 square feet of development. As the SCR was a Process 1, ministerial review, no additional CEQA analysis was required.

On February 24, 2014, the City Council approved the La Jolla Commons III Project to reallocate density within the remaining area of the La Jolla Commons Project. The City Council approved an amendment to the University Community Plan, PDP No. 1153095, and a VTM. The 2014 revised La Jolla Commons III Project allowed for the construction of either a 223,900 square foot office building; a 165,780 square foot hotel building with 264 hotel rooms; or a 285,960 square foot mixed use office and hotel building with up to 175 hotel rooms, on the remaining unbuilt portion of the Property. The office building permitted by the 2014 City Council approval is currently under construction. An Addendum No. 324553 approved on February 24, 2021 by R-308754 to the Final EIR No. 99-0762 (SCH No. 2000031097) and Addendum No. 79804 was approved by the City Council in compliance with CEQA.

The La Jolla Commons Project is currently developed as an office campus with two office buildings of 392,051 square feet and 317,277 square feet. The third La Jolla Commons III building, the subject of the 2014 amendment, is currently under construction and when completed will be 223,000 square feet. Upon completion of La Jolla Commons III, the Project will include approximately 932,328 square feet of office development.

EVALUATION

The Property is designated Commercial in Figures 4 and 5 of the University Community Plan (“Community Plan”) and as Office in Figures 14 and 33 of the Community Plan. Therefore, the proposed rezone is consistent with the land use designations for the Property. In addition, the University Community Plan Intensity Element at Table 3 designates the Property as Subarea 29, which is allowed 1,000,000 square feet of office uses. At build out, the Property will include 932,328 square feet of office development. Therefore, the requested rezone is consistent with the land use designation and development intensity contemplated in the Community Plan.

Exhibit A (attached) provides a comparison table of the CV and CO zone development regulations. The only significant difference between the CV-1-2 and CO-3-1 zones are that residential uses are allowed in the CV zone and there is a differential in allowed structure height. However, under the Community Plan land use designation of Commercial and Office, no residential uses are allowed on the Property and therefore no change would occur. Structure height for the Project is controlled by the PCD Permit, which exceeds the allowed height in both CV and CO zones. The PCD Permit will continue to govern the development regulations of the site.

The PCD Permit for the Project will remain in place and will continue to govern the Property’s development regulations. The requested rezone will allow for R&D Office use anywhere within the Project. The PCD Permit already allows up to 30,000 square feet of Scientific Research uses in the Project. Under Land Development Code section 126.0113, if the requested rezone is granted, R&D Office uses will be allowed in the Project (and unrestricted by the square footage in the PCD Permit) as it will be an allowed use under the base zone.

The Original La Jolla Commons Project EIR (99-0762/SCH 2000031097) trip generation anticipated 10,455 average daily trips (“ADT”) based on the development mix in the original

permit that included office, hotel, and residential uses. Mitigation for the Project was based on the 10,455 ADT in the EIR. This mitigation has been completed.

The rezone would allow for R&D Office on the site. Pursuant to the City of San Diego Trip Generation Manual, R&D Office uses generate traffic at a rate of 8 trips per 1,000 square feet of development. The Project includes Approximately 940,000 square feet. The building is currently an office complex that is allowed 10,455 ADT consistent with the original EIR and Addendum. If 100% of the building were converted to R&D Office the Project would generate 7,520 ADT, which is 2,935 ADT less than the project that was analyzed in the original EIR. An evaluation of AM and PM Peak Hour trips was completed which shows that a maximum of 735,000 square feet of R&D Office use total and peak hour vehicle trips do not exceed the AM/PM peak hour trips evaluated in the original CEQA document. The PCD will be amended to restrict the amount of R&D Office uses to 735,000 square feet. Therefore, no new impacts will occur.

Scenario	Daily	AM In	AM Out	PM In	PM Out
Approved	10319	847	219	395	817
Rezone (735 ksf R & D)	5880	847	94	82	741
Change	-4439	0	-125	-313	-76

In addition, the Project site is located in a Transportation Priority Area (“TPA”) and is therefore presumed to have less than a significant impact in relation to Vehicle Miles Traveled (“VMT”), a new standard for the evaluation of transportation impacts. The rezone would qualify as a “Redevelopment Project” under screening criteria number 8 in the City’s Transportation Study Manual (“TSM”) for VMT Analysis. Although there will be no change in the physical condition of the Project, under the rezone, new uses will be allowed which have a total project VMT that is less than or equal to the existing land use’s total VMT. As noted above, a 100% R&D Office use would reduce ADT by 2,935 trips, and therefore shows that VMT would also be reduced. Appendix C of the TSM notes that, “Consistent with the OPR Technical Advisory, ”[w]here a project replaces existing VMT generating land uses, if the replacement leads to a net overall decrease in VMT, the project would lead to a less-than-significant transportation impact.”

The original PCD Permit required a minimum of 2,320 parking spaces. The existing garages include 2,965 parking spaces. The Project is in a TPA. Pursuant to municipal code table 142-05G the Project would have no minimum parking requirement. However, outside of a TPA, R&D Office uses require 2.5 parking spaces per 1,000 sf of development. The Project includes approximately 940,000 square feet of office development. If 100% of the Project were occupied by R&D office, 2,350 parking spaces would be required outside of a TPA. The existing parking on site exceeds required parking for a 100% R&D Office use by 615 spaces.

The proposed Project involves no change to the existing physical conditions of the site, would allow no new construction, and would allow no expansion of the existing development square footage.

CEQA 15162 CONSISTENCY EVALUATION

DSD reviewed the proposed amendments and conducted an CEQA Guidelines Section 15162 consistency evaluation with the previously certified Final EIR No. 99-0762 (SCH No. 2000031097), Addendum No. 79804 and Addendum No. 324553. The evaluation above substantiates the conclusion that supports a determination that no subsequent document is required.

CONCLUSION

Overall, it is not anticipated that the implementation of the proposed rezone would result in any significant direct, indirect or cumulative impacts over and above those disclosed in the previously certified Final EIR No. 99-0762 (SCH No. 2000031097), Addendum No. 79804 and Addendum No. 324553. The project would not result in new impacts or changed circumstances that would require a new environmental document.

Section 15162 of the CEQA Guidelines states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

DSD finds that none of the three criteria listed above has occurred. In addition, this evaluation supports the use of the certified Final EIR No. 99-0762 (SCH No. 2000031097) and Addendum No. 79804 and Addendum No. 324553 for the proposed project pursuant to CEQA Guidelines Section 15162.

Therefore, the certified Final EIR No. 99-0762 (SCH No. 2000031097), Addendum No. 79804 and Addendum No. 324553 adequately covers the La Jolla Commons Rezone Project being proposed.

Sara Osborn

Sara Osborn
Senior Planner

Attachments:

- Exhibit A: Comparison table of the CV and CO zone development regulations
- Exhibit B: Previous Environmental documents

**Attachment A – Comparison Table
CO vs CV Zones**

**Table 131-05B
Use Regulations Table for
Commercial Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones							
	1st & 2nd>> 3rd >> 4th >>	CO-						CV-	
		1-		2-		3-		1-	
		1	2	1	2	1	2	3	1
Open Space									
Active Recreation		-		-		-		-	
Passive Recreation		-		-		-		-	
Natural Resources Preservation		-		-		-		-	
Park Maintenance Facilities		-		-		-		-	
Agriculture									
Agricultural Processing		-		-		-		-	
Aquaculture Facilities		-		-		-		-	
Dairies		-		-		-		-	
Horticulture Nurseries & Greenhouses		-		-		-		-	
Raising & Harvesting of Crops		-		-		-		-	
Raising, Maintaining & Keeping of Animals		-		-		-		-	
Separately Regulated Agriculture Uses									
Agricultural Equipment Repair Shops		-		-		-		-	
Commercial Stables		-		-		-		L	
Community Gardens		L		L		L		L	
Equestrian Show & Exhibition Facilities		-		-		-		C	
Open Air Markets for the Sale of Agriculture-related Products & Flowers		-		-		-		-	
Residential									
Mobilehome Parks		-		-		-		-	
Multiple Dwelling Units		P ⁽²⁾		-		P ⁽²⁾		P ⁽²⁾	
Rooming House [See Section 131.0112(a)(3)(A)]		P		-		P		P ⁽²⁾	
Shopkeeper Units		P ⁽²⁾		-		P ⁽²⁾		P ⁽²⁾	
Single Dwelling Units		-		-		-		-	
Separately Regulated Residential Uses									
Accessory Dwelling Units		L		-		L		L	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones								
	1st & 2nd>> 3rd >> 4th >>	CO-							CV-	
		1-		2-		3-			1-	
		1	2	1	2	1	2	3	1	2
Continuing Care Retirement Communities		L		-		L			L	
Employee Housing:										
6 or Fewer Employees		-		-		-			-	
12 or Fewer Employees		-		-		-			-	
Greater than 12 Employees		-		-		-			-	
Fraternities, Sororities and Student Dormitories		C		-		-			C ⁽²⁾	
Garage, Yard, & Estate Sales		-		-		-			-	
Guest Quarters		-		-		-			-	
Home Occupations		L		-		L			L	
Interim Ground <i>Floor Residential</i>		N ⁽¹⁸⁾		-		N ⁽¹⁸⁾			N ⁽¹⁸⁾	
<i>Junior Accessory Dwelling Units</i>		-		-		-			-	
Live/Work Quarters		L		-		L			L ¹⁸	
Low Barrier Navigation Center		L		-		L			L	
<i>Movable Tiny Houses</i>		-		-		-			-	
<i>Permanent Supportive Housing</i>		L		L		L			L	
Residential Care Facilities:										
6 or Fewer Persons		P		-		P			P ⁽²⁾	
7 or More Persons		C		-		C			C ⁽²⁾	
Transitional Housing:										
6 or Fewer Persons		P		- P		P			P ⁽²⁾	
7 or More Persons		L		L		L			L ⁽²⁾	
Watchkeeper Quarters		-		-		-			-	
Institutional										
Separately Regulated Institutional Uses										
Airports		C		C		-			C ⁽¹⁰⁾	
Botanical Gardens & Arboretums		C		C		-			P	
Cemeteries, Mausoleums, Crematories		C		C		-			C ⁽¹⁰⁾	
Correctional Placement Centers		C		C		-			C ⁽¹⁰⁾	
Educational Facilities:										
Kindergarten through Grade 12		C		C		C			C ⁽¹⁰⁾	
Colleges / Universities		C		C		C			C ⁽¹⁰⁾	
Vocational / Trade School		P		P		C			-	
Electric Vehicle Charging Stations		L		L		L			L	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>> 3rd >> 4th >>	CO-							CV-		
		1-		2-		3-			1-		
		1	2	1	2	1	2	3	1	2	
Energy Generation & Distribution Facilities		P		P		C			P ⁽¹⁰⁾		
Exhibit Halls & Convention Facilities		C		C		-			P		
<i>Flood Control Facilities</i>		L		L		L			L		
<i>Historical Buildings</i> Used for Purposes Not Otherwise Allowed		C		C		C			C ⁽¹⁰⁾		
Homeless Facilities:											
Congregate Meal Facilities		C		C		C			C		
Emergency Shelters		C		C		C			C		
Homeless Day Centers		C		C		C			C		
Hospitals, Intermediate Care Facilities & Nursing Facilities		C		C		C			P ⁽¹⁰⁾		
Interpretive Centers		-		-		-			-		
Museums		C		C		C			P		
Major Transmission, Relay, or Communications Switching Stations		C		C		C			C ⁽¹⁰⁾		
<i>Placemaking</i> on Private Property		L		L		L			L		
<i>Satellite Antennas</i>		L		L		L			L		
<i>Social Service Institutions</i>		C		C		C			C ⁽¹⁰⁾		
Solar Energy Systems		L		L		L			L		
<i>Wireless Communications Facilities</i>		See Section 141.0420									
Retail Sales											
Building Supplies & Equipment		-		-		-			-		
Food, Beverages and Groceries		P ⁽¹¹⁾		P ⁽¹¹⁾		P ^(11,19)			P ⁽¹¹⁾		
Consumer Goods, Furniture, Appliances, Equipment		P ^(3,11)		P ^(3,11)		P ^(3,11,19)			P ⁽¹³⁾		
Pets & Pet Supplies		-		-		-			-		
Sundries, Pharmaceutical, & Convenience Sales		P ⁽¹¹⁾		P ⁽¹¹⁾		P ^(11,19)			P ⁽¹¹⁾		
Wearing Apparel & Accessories		-		-		P ^(11,19)			P ⁽¹¹⁾		
Separately Regulated Retail Sales Uses											
Agriculture Related Supplies & Equipment		-		-		-			-		
Alcoholic Beverage Outlets		L		L		L			L		
<i>Cannabis Outlets</i>		-		C		-			-		
Farmers' Markets											
Weekly Farmers' Markets		L		L		L			L		

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>> 3rd >> 4th >>	CO-						CV-			
		1-		2-		3-		1-			
		1	2	1	2	1	2	3	1	2	
Daily Farmers' Market Stands		L		L		L			L		
Plant Nurseries		-		-		-			-		
Retail Farms		L		L		L			-		
Retail Tasting Stores		L		L		L			L		
Swap Meets & Other Large Outdoor Retail Facilities		-		-		-			C ⁽¹⁰⁾		
Commercial Services											
Building Services		P ⁽⁶⁾		P ⁽⁶⁾		P ⁽⁶⁾			-		
Business Support		P ⁽⁵⁾		P ⁽⁷⁾		P ⁽⁷⁾			-		
Eating & Drinking Establishments		P ^(5,16)		P ^(5,16)		P ^(5,16)			P ⁽¹⁶⁾		
Financial Institutions		P		P		P			-		
Funeral & Mortuary Services		-		-		-			-		
Instructional Studios		P		P		P			P ⁽¹²⁾		
Maintenance & Repair		P ⁽⁶⁾		P ⁽⁶⁾		P ⁽⁶⁾			-		
Off-site Services		-		-		-			-		
Personal Services		-		-		P			P		
Radio & Television Studios		-		-		P			-		
Tasting Rooms		-		-		P			-		
Visitor Accommodations		-		P		P			P		
Separately Regulated Commercial Services Uses											
Adult Day Care Facility		L		-		L			L		
Adult Entertainment Establishments:											
Adult Book Store		-		-		-			-		
Adult Cabaret		-		-		-			L		
Adult Drive-In Theater		-		-		-			L		
Adult Mini-Motion Picture Theater		-		-		-			L		
Adult Model Studio		-		-		-			L		
Adult Motel		-		-		-			L		
Adult Motion Picture Theater		-		-		-			L		
Adult Peep Show Theater		-		-		-			L		
Adult Theater		-		-		-			L		
Body Painting Studio		-		-		-			L		
Massage Establishment		-		-		-			-		
Sexual Encounter Establishment		-		-		-			L		
Assembly and Entertainment Uses, Including Places of Religious Assembly		L		L		L			L ⁽¹⁰⁾		

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>> 3rd >> 4th >>	CO-							CV-		
		1-		2-		3-			1-		
		1	2	1	2	1	2	3	1	2	
Boarding Kennels/Pet Day Care		N		N		-			N ⁽¹⁰⁾		
Camping Parks		C		C		-			C		
<i>Child Care Facilities:</i>											
Child Care Centers		L		L		L			L ⁽¹⁰⁾		
Large Family Child Care Homes		L		L		L			L ⁽¹⁰⁾		
Small Family Child Care Homes		L		L		L			L		
Eating and Drinking Establishments with a Drive-in or Drive-through Component		P		P		-			P		
Fairgrounds		-		-		-			C		
Golf Courses, Driving Ranges, and Pitch & Putt Courses		C		C		-			C		
Helicopter Landing Facilities		C		C		C			C ⁽¹⁰⁾		
Massage Establishments, Specialized Practice		-		-		-			L ⁽¹⁴⁾		
Mobile Food Trucks		L ⁽¹⁵⁾		L ⁽¹⁵⁾		L ⁽¹⁵⁾			L ⁽¹⁵⁾		
Nightclubs & Bars Over 5,000 Square Feet in Size		C		C		C			C		
Parking Facilities as a <i>Primary Use</i> :											
Permanent Parking Facilities		C		C		-			C		
Temporary Parking Facilities		C		C		C			C		
Private Clubs, Lodges and Fraternal Organizations		P		P		P			P ⁽¹⁰⁾		
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size(9)		C		C		-			C		
Pushcarts:											
Pushcarts on Private Property		L		L		L			L		
Pushcarts in <i>Public Right-of-Way</i>		N		N		N			N		
Recycling Facilities:											
Large Collection Facility		N		N		-			N ⁽¹⁰⁾		
Small Collection Facility		L		L		-			L ⁽¹⁰⁾		
Large Construction & Demolition Debris Recycling Facility		-		-		-			-		
Small Construction & Demolition Debris Recycling Facility		-		-		-			-		
Drop-off Facility		L		L		-			L		
Green Materials Composting Facility		-		-		-			-		

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones								
	1st & 2nd>> 3rd >> 4th >>	CO-						CV-		
		1-		2-		3-			1-	
		1	2	1	2	1	2	3	1	2
Mixed Organic Composting Facility		-		-		-			-	
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-		-		-			-	
Large Processing Facility Accepting All Types of Traffic		-		-		-			-	
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-		-		-			-	
Small Processing Facility Accepting All Types of Traffic		-		-		-			-	
Reverse Vending Machines		L		L		L			L	
Tire Processing Facility		-		-		-			-	
Sidewalk Cafes		L		L		L			L	
Sports Arenas & Stadiums		C		C		-			C	
Theaters that are Outdoor or Over 5,000 Square Feet in Size		C		C		-			C	
Urgent Care Facilities		N		N		N			N ⁽¹⁰⁾	
Veterinary Clinics & Animal Hospitals		N		N		N			-	
Zoological Parks		-		-		-			-	
Offices										
Business & Professional		P		P		P ¹⁹			-	
Government		P		P		P ¹⁹			-	
Medical, Dental & Health Practitioner		P		P		P ¹⁹			P ⁽¹⁰⁾	
Regional & Corporate Headquarters		P		P		P ¹⁹			-	
Separately Regulated Office Uses										
Real Estate Sales Offices & Model Homes		L		L		L			L	
<i>Sex Offender</i> Treatment & Counseling		L		L		L			L ⁽¹⁰⁾	
Vehicle & Vehicular Equipment Sales & Service										
Commercial Vehicle Repair & Maintenance		-		-		-			-	
Commercial Vehicle Sales & Rentals		-		-		-			-	
Personal Vehicle Repair & Maintenance		-		-		-			-	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>> 3rd >> 4th >>	CO-							CV-		
		1-		2-		3-			1-		
		1	2	1	2	1	2	3	1	2	
Personal Vehicle Sales & Rentals		-		-		-			-		
Vehicle Equipment & Supplies Sales & Rentals		-		-		-			-		
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses											
Automobile Service Stations		C		C		C			C		
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>		-		-		-			-		
Vehicle Storage Facilities as a <i>Primary Use</i>		-		-		-			-		
Distribution and Storage											
Equipment & Materials Storage Yards		-		-		-			-		
Moving & Storage Facilities		-		-		-			-		
Distribution Facilities		-		-		-			-		
Separately Regulated Distribution and Storage Uses											
Junk Yards		-		-		-			-		
Temporary Construction Storage Yards Located Off-site		L		L		L			L		
Industrial											
Heavy Manufacturing		-		-		-			-		
Light Manufacturing		-		-		-			-		
Marine Industry		-		-		-			-		
Research & Development		P		P		P			-		
Testing Labs		-		P		-			-		
Trucking & Transportation Terminals		-		-		-			-		
Separately Regulated Industrial Uses											
Artisan Food and Beverage Producer		-		-		L			-		
<i>Cannabis Production Facilities</i>		-		-		-			-		
<i>Hazardous Waste</i> Research Facility		-		-		-			-		
<i>Hazardous Waste</i> Treatment Facility		-		-		-			-		
Marine Related Uses Within the Coastal Overlay Zone		C		L		-			C		
Mining and Extractive Industries		-		-		-			-		
Newspaper Publishing Plants		C		C		-			C ⁽¹⁰⁾		

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>> 3rd >> 4th >>	CO-							CV-		
		1-		2-		3-			1-		
		1	2	1	2	1	2	3	1	2	
Processing & Packaging of Plant Products & Animal By-products Grown Off- premises		-		-		-			-		
Very Heavy Industrial Uses		-		-		-			-		
Wrecking & Dismantling of Motor Vehicles		-		-		-			-		
Signs											
Allowable Signs		P		P		P			P		
Separately Regulated Signs Uses											
Community Entry Signs		L		L		L			L		
Neighborhood Identification Signs		-		-		-			-		
Comprehensive Sign Program		N		N		N			N		
Revolving Projecting Signs		N		N		N			N		
Signs with Automatic Changing Copy		N		N		N			N		
Theater Marquees		-		-		-			N		

Attachment A

Table 131-05D
Development Regulations for CR, CO, CV, CP Zones

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones				
	1st & 2nd >>	CO-			CV-	
	3rd>>	3-			1-	
	4th>>	1	2	3	1	2
Max Permitted Residential Density ⁽¹⁾		1,000	800	600	1,500	1,500
Supplemental Residential Regulations [See Section 131.0540]		applies	applies	applies	applies	applies
Supplemental Commercial Regulations [See Section 131.0541]		applies	--	--	--	--
Lot Area						
Min <i>Lot</i> Area (sf)		5,000	5,000	5,000	15,000	5,000
Max <i>Lot</i> Area (ac)		--	--	--	--	--
Lot dimensions						
Min <i>Lot</i> Width (ft)		50	50	50	100	50
Min <i>Street Frontage</i> (ft)		50	50	50	100	50
Min <i>Lot</i> Depth (ft)		100	100	100	100	100
Setback Requirements ⁽⁵⁾						
Min Front <i>Setback</i> (ft) Max Front <i>Setback</i> (ft) [See Section 131.0543(a)]		-- 10 ⁽²⁾	-- 10 ⁽²⁾	-- 10 ⁽²⁾	10 --	-- 10 ⁽²⁾
Min Side <i>Setback</i> (ft) Optional Side <i>Setback</i> (ft)		10 0	10 0	10 0	10 --	10 0 ⁽³⁾
Side <i>Setback</i> Abutting Residential [See Section 131.0543(c)]		applies	applies	applies	applies	applies
Min <i>Street</i> Side <i>Setback</i> (ft) Max <i>Street</i> Side <i>Setback</i> (ft) [See Section 131.0543(a)]		-- 10 ⁽²⁾	-- 10 ⁽²⁾	-- 10 ⁽²⁾	-- 10 ⁽²⁾	-- 10 ⁽²⁾
Min Rear <i>Setback</i> (ft) Optional Rear <i>Setback</i> (ft)		10 0 ⁽³⁾	10 0 ⁽³⁾	10 0 ⁽³⁾	10 0 ⁽³⁾	10 0 ⁽³⁾
Rear <i>Setback</i> Abutting Residential [See Section 131.0543(c)]		applies	applies	applies	applies	applies
Max Structure Height (ft)		50	65	70	60	45
Min Lot Coverage (%)		--	--	--	--	35
Max Floor Area Ratio		2.0 ⁽⁴⁾	2.0 ^(4,5)	2.0 ⁽⁴⁾	2.0 ⁽⁴⁾	2.0 ⁽⁴⁾

<i>Floor Area Ratio</i> Bonus for Residential Mixed Use [See Section 131.0546(a)]	1.0	2.5	2.5	--	--
Minimum <i>Floor Area Ratio</i> for Residential Use	1.0	1.5	2.5	--	--
<i>Floor Area Ratio</i> Bonus for Child Care [See Section 131.0546(b)]	applies	applies	applies	--	--
Ground-floor Height [See Section 131.0548]	applies	applies	applies	applies	applies
Pedestrian Paths [See Section 131.0550]	applies	applies	applies	applies	applies
Transparency [See Section 131.0552]	applies	applies	applies	--	applies
Building Articulation [See Section 131.0554]	applies	applies	applies	applies	applies
Street Yard Parking Restriction [See Section 131.0555]	applies	applies	applies	--	--
Parking Lot Orientation [See Section 131.0556]	applies	--	--	applies	applies
Refuse and Recyclable Material Storage [See Section 142.0805]	applies	applies	applies	applies	applies
Loading Dock and Overhead Door Screening Regulations [See Section 142.1030]	applies	applies	applies	applies	applies
Visibility Area [See Section 113.0273]	applies	applies	applies	applies	applies
Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12]	applies	applies	applies	applies	applies

Footnotes for Table 131-05D

¹ One dwelling unit per specified minimum square footage of lot area as determined in accordance with Section 113.0222.

² See section 131.0543(a)(2).

BINDER

Environmental Impact Report

Land Development
Review Division
(619) 446-5460

LDR No. 99-0762
SCH No. 2000031097

SUBJECT: La Jolla Commons Project: PROGRESS GUIDE & GENERAL PLAN AMENDMENT, COMMUNITY PLAN AMENDMENT, REZONE, VESTING TENTATIVE MAP/PLANNED COMMERCIAL DEVELOPMENT PERMIT/RESOURCE PROTECTION PERMIT NO. 99-0762 for the construction of a 325327-room, 15-story hotel, a 420115-unit, 3032-story condominium, a 450,000 square-foot, 3020-story office building, a 30,000 square-foot, 2-story scientific research building, and an eight-level stand-alone parking structure on an approximately 17-acre site. The project site is generally bound by the planned extension of Judicial Drive to the west, Nexus Centre Drive to the north, approximately nine acres of vacant land to the east, and La Jolla Village Drive to the south. The site is bisected by the partially-improved east-west extension of Executive Drive which terminates approximately mid-way through the site. The La Jolla Commons Project is within the University Community Planning Area (A portion of Pueblo Lot No. 1307, Map No. 36). Applicant: Polygon Development, Inc.

UPDATE:

Minor revisions/corrections have been made to the Environmental Impact Report (EIR) subsequent to the distribution of the draft EIR and the completion of the public review period. Some of these revisions/corrections were made in response to comments received on the draft EIR, as specified in the applicable responses to comments. Revisions are denoted by **strikeout** and underline.

CONCLUSIONS:

This Environmental Impact Report (EIR) analyzes the environmental impacts of the proposed La Jolla Commons Project. The proposed discretionary actions consist of a Progress Guide and General Plan Amendment, Community Plan Amendment, Rezone, and Vesting Tentative Map/Planned Commercial Development Permit/Resource Protection Permit No. 99-0762.

Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP), which is attached to this EIR, would reduce the environmental effects of the project to below a level of significance with the exception of significant, unmitigated ~~land use and~~ transportation/circulation impacts. Implementation of the proposed MMRP would reduce the following impacts to below a level of significance: biological resources, transportation/circulation (partially mitigated), noise, hydrology/water quality, and paleontological resources.

SIGNIFICANT UNMITIGATED IMPACTS:

Land Use

~~The proposed filling of on-site wetlands conflicts with the regulations of the City's Resource Protection Ordinance (RPO). Because staff has determined that deviation findings required under RPO to allow impacts to wetlands are not supported by the evidence in the record at the time of publication of the draft EIR, the proposed project would result in a significant and unmitigated land use impact.~~

Transportation/Circulation

The addition of traffic generated by the proposed project is projected to contribute to long delays and lengthy queues at three Interstate 805 (I-805) access ramps. Although two segments of I-805 would operate at LOS F with or without the proposed project, impacts to segments of I-805 and the interchange of I-805 and La Jolla Village Drive projected to result from the addition of project-generated traffic would constitute significant, unmitigated transportation impacts.

RECOMMENDED ALTERNATIVES FOR SIGNIFICANT UNMITIGATED IMPACTS:

No Project Alternative

Under the No Project Alternative, the project site would remain in its current condition as an undeveloped and partially disturbed vacant site, and in the near-term the only man-made improvements on-site would consist of the City utility infrastructure currently located within the main canyon. The proposed mix of land uses would not be constructed and the Circulation Element improvements along two of the site boundaries (i.e., construction of the full width of the Judicial Drive extension and the westbound lane on La Jolla Village Drive) would not be provided in the near-term by the project applicant.

Development Under the Existing Community Plan

Under the existing University Community Plan, the land use designations of the site consist of primarily Visitor Commercial (VC) south of Executive Drive and Scientific Research (SR)

north of Executive Drive and a Development Intensity Element allowance of 3,811 average daily trips (ADTs). Based upon the existing Community Plan land use designations and the ADT allocation for the site, various land uses compatible with the VC and SR designations could be developed, such as a 100-room extended stay hotel and 100,000 square-foot scientific research facility, or a 295,000 square-foot office building.

RPO Consistent Alternative

Implementation of the Resource Protection Ordinance (RPO) Consistent Alternative would restrict development to the southeast corner of the site. Approximately 2.5 acres of developable land would be available for pad grading and a building footprint outside the top of slope that protects the wetlands and wetland buffers. The RPO Consistent Alternative would include a 295,000 square-foot office building located in the southeast corner of the project site, with a multi-level parking structure located north of the office building and east of the setback from the canyon slopes.

Environmentally Superior Alternative

Implementation of the "RPO Consistent Alternative" would avoid ~~both~~ of the significant, unmitigated impacts of the proposed project (~~Land Use and Transportation/Circulation~~) and would not result in the creation of any new significant impacts. Therefore, this alternative is considered to be the Environmentally Superior Alternative to the proposed project.

Unless a project alternative is adopted which would avoid the significant, unmitigated impacts of the proposal, project approval will require the decision maker to make findings, substantiated in the record, which state that: a) individual project alternatives are infeasible, and b) the overall project is acceptable despite significant impacts because of specific overriding considerations.

MITIGATION, MONITORING AND REPORTING PROGRAM INCORPORATED INTO THE PROJECT:

Biological Resources

Grading associated with proposed site development would result in the loss of sensitive upland habitat, consisting of 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral, and wetlands, consisting of 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed. The applicant shall mitigate for impacts to 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral through the preservation of 8.53 acres off-site of Tier I-III habitat within the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program Subarea Plan or as appropriate outside the MHPA in accordance with the City of San Diego *Land Development Code Biology Guidelines* (adopted 9/28/99). The applicant shall assure wetland mitigation at a ratio of

3:1. The applicant proposes to mitigate for wetland impacts through the restoration of 0.42 acre of wetland habitat within Los Peñasquitos Lagoon watershed on land owned and managed by the California State Department of Parks and Recreation. The proposed wetland restoration site is currently occupied by giant reed (*Arundo donax*) which is proposed to be removed followed by replanting of the cleared area with southern willow scrub species.

Transportation/Circulation

The project would result in significant traffic impacts to certain roadway segments and intersections including La Jolla Village Drive, Towne Centre Drive, Nobel Drive, Interstate 805 (I-805), and the intersection of Miramar Road/Eastgate Mall. Either of two mitigation options would be satisfied by the applicant to reduce the significant traffic impacts of the project, other than the project impacts to segments of I-805 and the I-805/ La Jolla Village Drive interchange, to below a level of significance. Option 1 consists of development in three phases (transportation phasing plan), while Option 2 consists of a non-phased development. Traffic circulation improvements to be completed by the applicant under both options include a) the construction of a traffic signal at the intersection of Executive Drive and Judicial Drive; b) the construction of the full width of Judicial Drive as a four-lane major street along the project frontage; c) the construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange; and d) the construction of Executive Drive as a four-lane major street between Towne Centre Drive and Judicial Drive.

Noise

Exterior ambient noise levels at the project site would exceed an exterior Community Noise Equivalent Level (CNEL) of 65 decibels (dB) at the proposed hotel outdoor swimming pool area. Exterior noise levels greater than 60 dB CNEL associated with automobile traffic and MCAS Miramar aircraft operations could result in interior noise levels in excess of 45 dB CNEL for hotel and condominium uses, and exterior noise levels greater than 65 dB could result in interior noise levels in excess of 50 dB for office uses. The applicant shall construct a minimum six- to seven-foot high permanent noise barrier along the western and southern edges of the hotel swimming pool area. The applicant shall also submit a final acoustical report identifying all mitigation measures which are necessary in the design of the proposed structures to achieve an interior noise level of 45 dB CNEL for the condominium and hotel and 50 dB CNEL for the office building.

Hydrology/Water Quality

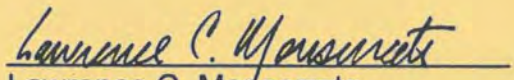
Potential erosion during construction could significantly impact the ability of downstream areas to accommodate silt-laden runoff or the accumulation of silt. During post-construction conditions, contaminants transported off-site by stormwater runoff (e.g.,

grease, oils, and synthetic organic chemicals) would impact the water quality of downstream waters. Comprehensive short-term Best Management Practices (BMPs) shall be incorporated into the project plans to control construction-related erosion and sedimentation. Permanent post-construction BMPs, consisting of catch basin filtration devices within all on-site storm drain inlets collecting runoff from the proposed structures, walkways, the private street, parking and landscape areas, as well as a street sweeping program for the private street and parking areas, shall be provided by the applicant. The applicant will be the responsible party for the permanent maintenance of all BMPs.

Paleontological Resources

The project would involve substantial grading within potentially fossil-bearing geologic formations to prepare the site for development which may result in significant impacts to paleontological (fossil) resources. The applicant will retain a qualified paleontologist and/or paleontological monitor to implement a paleontological monitoring program. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed formational materials. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.

The Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$5,000 to be collected prior to the issuance of any grading permit and/or recordation of the final map to cover the City's costs associated with implementation of the MMRP.


Lawrence C. Monserrate
Environmental Review Manager
Planning and Development Review

July 27, 2000
Date of Draft Report

October 5, 2000
Date of Final Report

Analyst: Thomas

PUBLIC REVIEW:

The following individuals, organizations, and agencies received a copy or notice of the draft EIR and were invited to comment on its accuracy and sufficiency:

Federal Government

Department of the Interior, Fish and Wildlife Service (23)
Environmental Protection Agency (19)
U.S. Army Corps of Engineers (26)
Marine Corps Air Station Miramar, Commanding General (13)

State of California

State Clearinghouse (46)
Department of Transportation (Caltrans), District 11 (31)
Caltrans, Division of Aeronautics (51)
Department of Fish and Game (32A)
Regional Water Quality Control Board, Region 9 (44)
Air Resources Board (49)

City of San Diego

Councilmember Mathis, District 1 (MS 10A)
Planning & Development Review
Secretary to the Historical Resources Board (87)
Wetlands Advisory Board (91A)
University City Library (488)

Other Agencies, Organizations and Individuals

University Community Planning Group (480)
Metropolitan Transit Development Board (115)
San Diego Association of Governments (108)
San Diego Highway Development Association (117)
San Diego Unified School District (125)
County of San Diego Air Pollution Control District (65)
San Diego Gas and Electric Company (114)
San Diego Natural History Museum (166)
EC Allison Research Center, San Diego State University (181)
Citizens Coordinate for Century III (179)
Opal Trublood (485)
Greater San Diego Chamber of Commerce (492)
Sierra Club, San Diego Chapter (165)
Carolyn Chase, San Diego Earth Times (165A)
San Diego Audubon Society (167)
California Native Plant Society (170)
Southwest Center for Biological Diversity (176)
Endangered Habitats League (182)
San Diego County Archaeological Society, Inc. (218)
Dr. Florence Shipek (208)
Dr. Lynne Christenson (208A)
South Coastal Information Center, San Diego State University (210)
Save Our Heritage Organisation (214)
Ron Christman (215)
Louie Guassac (215A)
Kumeyaay Cultural Repatriation Committee (225)
Barona Group of Capitan Grande Band of Mission Indians (225A)

Campo Band of Mission Indians (225B)
Cuyapaipe Band of Mission Indians (225C)
Inaja and Cosmit Band of Mission Indians (225D)
Jamul Band of Mission Indians (225E)
La Posta Band of Mission Indians (225F)
Manzanita Band of Mission Indians (225G)
Sycuan Band of Mission Indians (225H)
Viejas Group of Capitan Grande Band of Mission Indians (225I)
Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Santa Ysabel Band of Diegueno Indians (225L)
La Jolla Band of Mission Indians (225M)
Pala Band of Mission Indians (225N)
Pauma Band of Mission Indians (225O)
Pechanga Band of Mission Indians (225P)
Rincon Band of Luiseno Mission Indians (225Q)
Los Coyotes Band of Mission Indians (225R)
Polygon Development, Inc.
Janay Kruger

Copies of the draft EIR, the Mitigation Monitoring and Reporting Program and any technical appendices may be reviewed in the office of the Land Development Review Division, or purchased for the cost of reproduction.

RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the environmental report. No response is necessary and the letters are attached at the end of the EIR.
- (X) Comments addressing the accuracy or completeness of the EIR were received during the public input period. The letters and responses follow.

RESPONSES TO COMMENTS

INDEX TO RESPONSES TO COMMENTS

All letters received during the Public Review period for the Draft EIR are reproduced in their entirety and are addressed in the following Response to Comments Section. Numbered responses correspond to the numbered comments at the point the comment occurs for purposes of continuity. Changes made to the text of the Final EIR are indicated by underline and strikeouts, as referenced in the applicable response to public comments.

The following agencies or respondents have commented on the Draft EIR:

<u>AGENCY/RESPONDENT</u>	<u>RESPONSE NO.</u>
1. United States Marine Corps, Marine Corps Air Station Miramar	1 - 4
2. San Diego County Archaeology Society	5
3. Metropolitan Transit Development Board	6 - 9
4. George Lattimer, Member University Community Planning Group	10 - 48
5. Richard L. Romney, Spieker Properties	49 - 58
6. E.T. & Aileen Lipscomb	59 - 67
7. State, Governor's Office of Planning and Research	68
8. State Department of Transportation, District 11	69 - 77
9. Sierra Club	78 - 82



UNITED STATES MARINE CORPS
MARINE CORPS AIR BASES WESTERN AREA MIRAMAR
P.O. BOX 452001
SAN DIEGO, CA 92145-2001

11103.17
AQ/99-0762(4)
August 11, 2000

CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW
ATTN LAWRENCE MONSERRATE
1222 FIRST AVENUE MS 302
SAN DIEGO CA 92101

RE: UNIVERSITY COMMUNITY PLAN, LA JOLLA COMMONS/POLYGON, PUBLIC
NOTICE OF A DRAFT ENVIRONMENTAL IMPACT REPORT, LDR NO. 99-
0762

Dear Mr. Monserrate,

This is in response to the Public Notice of a Draft
Environmental Impact Report which addresses a mixed use of
Scientific Research, office, hotel and residential construction
within the University Community Planning area.

The project is subject to a Restrictive Use Easement under
Instrument Number 83-261435 recorded on July 27, 1983, a copy of
which is attached as Enclosure (1). Further, information
contained within the project submittal details the incorporation
of Scientific Research within the easement area, which may not
be permitted by the easement depending on the specific use.
Additionally, please note that, "professional services" are also
prohibited by this easement. This easement will continue to
supercede any adopted land use compatibility guidelines within
the Miramar Comprehensive Land Use Plan (CLUP) for land use
planning purposes.

The proposed site is contained within the "Miramar Airport
Influence Area" identified in the 1992 Miramar CLUP and will be
affected by operations of military aircraft transiting to and
from this installation. The proposed project is transected by
the adopted Accident Potential Zone (APZ) I and 65 dB Community
Noise Equivalent Level (CNEL) noise contour for Miramar
operations. Residential land use is incompatible within the 65-
70 dB CNEL noise contours. To ensure compliance with the adopted
land use compatibility guidelines of the Miramar CLUP and the
Airport Environs Overlay Zone, a formal consistency

RESPONSES TO COMMENTS

Comment noted. Section 4.10, Human Health and Public Safety, of the Draft EIR summarizes the permitted land uses within the Restrictive Use Easement (RUE) (page 4.10-2) and refers to Appendix I for the RUE restrictions in their entirety. The commentor is correct in that the RUE further restricts the types of land uses/tenants permitted within its boundary. As such, scientific research land uses must be in conformance with Marine Corps Air Bases Western Area Miramar Easement Restrictions.

Comment noted. The Draft EIR identifies the Accident Potential Zone (APZ) I boundary and the 65dB Community Noise Equivalent Level (CNEL) noise contour for the airport in Sections 4.10, Human Health and Public Safety, and Section 4.5, Noise, respectively. No residential land uses are proposed within either of these two boundaries. As noted in Sections 4.1, Land Use, and 4.10, Human Health & Public Safety, of the Draft EIR, the proposed project is compatible with the Miramar Comprehensive Land Use Plan (CLUP). A consistency determination by SANDAG is therefore not necessary. Prior to the issuance of building permits for the proposed project's condominium and office buildings, the proposed project will be reviewed by the Federal Aviation Administration (FAA) for compliance with Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace. At such time, proposed building heights will be examined for penetration of horizontal planes and transitional surfaces associated with Marine Corps Air Station Miramar. The construction plans for these buildings will comply with the recommendations and/or requirements of the FAA.

RESPONSES TO COMMENTS

determination by the San Diego Association of Governments is recommended.

2

Operationally, fixed-wing aircraft will remain concentrated in this area. APZ I continues to possess a measurable potential for aircraft mishaps with significant safety impacts in this location. The proposed hotel is located just 200 feet outside of APZ I, which technically complies with the Miramar CLUP but should be closely examined for safety considerations.

3

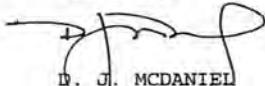
Normal hours of operation at MCAS Miramar are as follows:

Monday through Thursday	7:00 a.m. to 12:00 midnight
Friday	7:00 a.m. to 6:00 p.m.
Saturday, Sunday, Holidays	8:00 a.m. to 6:00 p.m.

4

Thank you for the opportunity to review this land use proposal. If we may be of any further assistance, please contact Ms. C. Laura Thornton at (858) 577-6603.

Sincerely,



D. J. MCDANIEL
Colonel, U.S. Marine Corps
Community Plans and Liaison Officer
By direction of the Commander

Encl:

- (1) Restrictive Use Easement, 83-261435
- (2) COMCABWEST Ltr 11103.17 AQ/99-0762 of 03 Apr 00
- (3) COMCABWEST Ltr 11103.17 AQ/99-0762 (AM) of 31 Jan 00
- (4) COMCABWEST Ltr 11103.17 AQ/99-0762 of 14 Sep 99

Copy to:

HQMC (LFL-3)
SWDIVNAVFACENGCOM (579.CH) Attn: Christopher Haskett
UCPG, Attn: Alice Tana

3

See Response to Comment 2. The proposed residential and transient occupancy uses (condominiums and hotel) are located outside the defined APZ 1 boundary. At its closest point, the APZ 1 boundary is approximately 340 feet away from the proposed 15-story hotel (380 feet away from the tower portion), 215 feet away from the proposed 20-story office, and 110 feet away from the 32-story residential condominium (120 feet away from the tower portion).

4

Comment noted.

RESPONSES TO COMMENTS



San Diego County Archaeological Society

Environmental Review Committee

6 August 2000

To: Mr. Jeff Thomas
Land Development Review Division
Planning and Development Review Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Environmental Impact Report
La Jolla Commons Project
LDR No. 99-0762

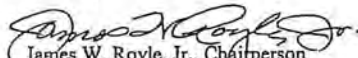
Dear Mr. Thomas:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and the historical resources report for the project, we agree that the project should have no significant impacts upon cultural resources and that no mitigation measures for such resources are therefore required.

SDCAS appreciates this opportunity to participate in the City's environmental review process.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Affinis
SDCAS President
File

5

5

Comment noted.

RESPONSES TO COMMENTS

From: "Chris Kluth" <CKluth@mtdb.sdmts.com>
 To: "art@sdcity.sannet.gov" <art@sdcity.sannet.gov>
 Date: Mon, Sep 11, 2000 4:50 PM
 Subject: Draft Environmental Impact Report-La Jolla Commons Project (LDR No. 99-0762)

Dear Mr. Thomas:

Thank you for providing MTDB the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the La Jolla Commons Project.

MTDB has met with the developer of the project 3 times during the last 11 months and has reviewed and commented on the conceptual site plan at various stages in its development. Our most current comments were submitted to City of San Diego Project Manager, Farah Mahzari, on April 14, 2000. MTDB's interest in the project is that it would create development on the site of the terminal station of the extension of light rail transit (LRT) service in the Mid-Coast Corridor. The LRT line will approach the site via Executive Drive. The terminal station itself will lie along Executive Drive on the east side of Judicial Drive and will include a 240 space park-and-ride lot. For information relating to the station configuration, please refer to the comments submitted to Ms. Mahzari referenced above. In 1995, this mode, alignment and station location were adopted by the MTD Board of Directors and endorsed by the San Diego City Council as the Locally Preferred Alternative. In the future, the LRT line will continue east across Interstate 805 as part of the Mira Mesa LRT extension.

The existence of LRT service on Executive Drive to the site and the accompanying park-and-ride will have significant impact on transportation and traffic in the area. In addition to producing site-specific impacts, it can reduce traffic, improve air quality, increase access capacity to north University City, and reduce parking requirements in the area. The DEIR, however, does not mention LRT service. The executive summary and Section 4.4, Transportation/Traffic Circulation (particularly the section on buildout conditions for the horizon year 2020), should include a general discussion of the benefits of transit and specifically mention the impacts of the Mid-Coast Corridor LRT service.

The following figures require adjustment:

* Figures 3-1 and 3-7 locate the LRT station on the eastern half of the project. In fact, it is located on the western half of the project, adjacent to Judicial Drive.

* Figures 3-9, 4.1-1, 4.5-1, 4.5-3, 4.5-4, 4.5-5, 4.5-6, 4.10-9, and 9-3 appear to project the LRT station west into and across Judicial Drive. Again, the location of the station, as last reviewed by MTDB, is just east of Judicial Drive in what would be the median of Executive Drive

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Comment noted.

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Environmental impacts and benefits associated with the future Metropolitan Transit District Board (MTDB) light-rail transit (LRT) station, including effects on local vehicular circulation, would be addressed in a project specific environmental document prepared by MTDB as lead agency. The future MTDB LRT station is not a specific component of the proposed project. As such, the specific environmental effects of the future MTDB LRT station were not addressed. The Draft EIR for the proposed La Jolla Commons Project does address the proposed future LRT station and alignment in the project description (Section 3.2.6, Road Improvements and Circulation), as well as within Section 4.1, Land Use (Table 4.1-1), relative to compliance with the University Community Plan's Urban Design Element.

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Comment noted and correction made. Figures 3-1 and 3-7 of the Final EIR have been modified to show the future LRT station within the Executive Drive right-of-way, immediately east of Judicial Drive. The Architectural Site Plan included in "Exhibit A" also correctly depicts the location of the future proposed LRT station.

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Comment noted. See Response to Comment 8.

RESPONSES TO COMMENTS

If it were extended through the development property.

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If you have questions about these comments or about other transit matters in the area, please call Mark Thomsen at (619) 557-4570.

Chris Kluth
Assistant Transportation/Land Use Planner
Metropolitan Transit Development Board
(619) 557-4556

RESPONSES TO COMMENTS

BSB 456 9694

FROM : LATTIMER

FAX NO. : BSB-456-9694

Sep. 10 2000 11:42PM P2

GEORGE W. LATTIMER
1589 CALLE DELICADA
LA JOLLA, CA 92037
September 8, 2000

Mr. Lawrence C. Monserrate,
Environmental Review Manager
Land Development Review Division
Planning and Development Review Department
1222 1st Avenue MS 501
San Diego, CA 92101-4155

Re: Proposed La Jolla Commons Project (LDR No. 99-0762)

Dear Mr. Monserrate:

Please consider the following comments and questions regarding the accuracy and completeness of the Draft Environmental Impact Report (DEIR) for subject property.

1. The University Community Plan (Plan), as adopted by the San Diego City Council, implements the City's Progress Guide and General Plan. The Plan sets forth goals as well as specific uses and densities for the development of every property within University City. Adherence to the Plan has served the City well, as University City is recognized as a premier mixed use high density urban environment featuring UCSD and a unique concentration of technology enterprises. Thus, every project proposed in University City should be evaluated relative to the Plan.

The DEIR inadequately evaluates the proposal relative to the Community Goals of the Plan (pages 16 through 19). Among those which are very relevant to the subject project, but not considered are:

- II A 4 Create an "urban node" with two relatively high density mixed-use core areas located in the University Towne Centre and La Jolla Village Square areas.
- II A 5. Develop an equitable allocation of development intensity among properties, based on the concept of the "urban node"
- II C 2 Encourage the development of life sciences-research facilities which maximize the resources of the University.
- II D 2 Concentrate community activities such as retail, professional, cultural, recreational and entertainment within the Towne Centre and La Jolla Village Square.
- II H 2 Minimize the impact of aircraft noise and the consequences of potential aircraft accidents.
- II H 6 Limit traffic conditions which produce congestion and air pollution.
- II I Emphasize the City-wide importance of and encourage the location of scientific research uses in the North University City area because of its proximity to UCSD.

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Comment noted.

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The proposed project was assessed in terms of compatibility with the goals and policies of the University Community Plan in Section 4.1, Land Use, and Table 4.1-1 of the Draft EIR. However, it should be noted that the proposed project includes a Community Plan Amendment (CPA) to change the land use designation on 9.39 acres of the project site from the existing Visitor Commercial (VC) designation to a VC designation with an Office (O) and Residential (R) overlay. The CPA includes amendments to the Community Plan document text, as well as revisions to various land use figures, including Figures 4, 14, 29, 33, and 34. The Draft EIR addresses the proposed CPA and associated Rezone.

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The proposed project is located in proximity to the urban node of Central Subarea #2, as identified on Figure 6 of the Community Plan. The proposed mixed-use development is consistent with the historical pattern of development in the University Community that has expanded the boundaries of the urban node.

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The proposed project would increase the development intensity envisioned for the project site and therefore includes a Community Plan Amendment for that purpose.

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The proposed project promotes the development of life sciences-research facilities by developing the portion of the site designated for Scientific Research (SR) with SR land uses.

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Retail, cultural, recreational and entertainment land uses are concentrated within the Towne Centre and La Jolla Village Square shopping centers; however, these uses are also found outside these centers, along with professional/office land uses. This goal does not limit these land uses to these two areas only, as evidenced by the current distribution of mixed-uses throughout the community.

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See Responses to Comments 2 and 3. As stated in Section 4.5, Noise, of the Draft EIR (page 4.5-7), potential interior noise impacts (from traffic and MCAS Miramar aircraft operations) would be mitigated through the incorporation of appropriate measures into the design of the proposed structures such that an interior noise level of 45 decibels Community Noise Equivalent Level (CNEL) is not exceeded at the hotel and condominium, and an interior noise level of 50 decibels CNEL is not exceeded at the office building. Most of the proposed project structures and improvements are located outside of the Accident Potential Zone 1 (APZ-1). The proposed scientific research building and part of the parking structure are located within APZ-1. The proposed scientific research building would result in a maximum population of 8 persons per acre, where 50 or fewer persons per acre are allowed based upon the Miramar Comprehensive Land Use Plan methodology.

17

The proposed project includes a Community Plan Amendment which would allow for an increase in the development intensity of the site and an associated increase in the vehicular Average Daily Trips (ADTs). Project traffic impacts to roadway segments and intersections were determined to be significant but mitigated. Project traffic impacts to segments of I-805 and the I-805 ramps at La Jolla Village Drive were determined to be significant and unmitigated. Appropriate CEQA Findings and a Statement of Overriding Considerations will therefore be required to be adopted by the City Council in order to approve the project.

18

The proposed project is developing the Scientific Research (SR) portion of the site with SR land uses, which would provide opportunities for research related facilities in proximity to UCSD; however, the SR portion of the site is limited in terms of building density and tenant type due to the existing Restrictive Use Easement which has been granted to the federal government due to military aircraft operations in close proximity.

RESPONSES TO COMMENTS

BSB 456 9694

COM : LATTIMER

FAX NO. : 858-456-9694

Sep. 18 2008 11:42PM P3

The proposed project, in addition to being inconsistent with many of the Plan goals, is also in direct conflict with three specific and important elements of the Plan:

USE. The Plan specifies Visitor Commercial (VC) and Science Research (SR). The proposal would add substantial office and residential and only develop 20% of the designated Science Research.

DENSITY. The Plan, respecting the significant impacts of noise and human safety proximate to the Miramar Marine Corps Air Station departure corridor, designates the site for 20,000 sq. ft. per acre (SR) and about 24,000 sq. ft./ac. (VC). The proposal would put more than THREE times as much density on the property.

TRAFFIC GENERATION. The Plan specifies 3,620 ADT, while the proposal, at approximately 10,300 ADT would be 2.8 times greater.

When discussing objectives the DEIR does not utilize the adopted Plan goals, but rather sets forth the developer's rationale for project approval, which would appear to be contrary to the very concept of the environmental review process.

Shouldn't the DEIR use the City adopted Plan to evaluate the project ?? At a minimum the DEIR should clearly differentiate between the Plan goals and developer rationalization. This occurs in several areas of the DEIR commencing on page ES-3 and including Article 3.1.

2. Development Under the Existing Community Plan (ES-21). The Plan's Land Use and Development Intensity designations (Figure 29 and Table 3, pages 165-174) identify the proposed development as 9.39 acres of Subarea 29 and 7.5 acres of Subarea 31 Visitor Commercial.

A. The 9.39 acres are specified as Visitor Commercial at 258 trips per acre. The Trip Generation Rate Summary found at the end of the Plan, indicates that hotels produce 8 trips per room. Thus,

Visitor Commercial 258 trips per acre X 9.39 acres / 8 trips per room = 303 Hotel rooms

The Plan sets forth no restrictions regarding what type of hotel should be developed, full service, luxury, extended stay or motel. Indeed facilities of each of these types have been developed on other sites designated by the Plan as VC.

B. The 7.5 acres of SR are designated for a density of 20,000 sq.ft./ac, therefore,

Science Research 20,000 sq.ft. per acre X 7.5 acres = 150,000 sq. ft. of SR

The Plan thus provides for 303 hotel rooms and 150,000 sq.ft. of science research space generating 3,623 ADT. (258 ADT/ac on 9.39 acres and 150,000sq.ft. of SR generating 8 trips/1,000 sq.ft.). The DEIR is misleading in even suggesting that the property be developed for only "100 room extended stay hotel and 100,000 sq. ft. of SR" which would be substantially underdeveloping the site by 200 hotel rooms and 50,000 sq. ft. of SR.

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See Response to Comment 18.

See Response to Comments 2, 3, 13 and 16.

The proposed project includes a Community Plan Amendment (CPA) which would increase the development intensity of the site and the associated ADTs. The CPA includes a reduction in the development intensity at the Regents Park Planned Commercial Development to help alleviate overall traffic congestion beyond acceptable levels of service as defined in the University Community Plan. The Mitigated Negative Declaration for the Regents Park Villas, LLC (Phase II)(City of San Diego, LDR No. 96-0722), an amendment to the Regents Park Planned Commercial Development Permit No. 85-0492, identified that the Regents Park change in use from commercial to residential and the reduction in building square footage would reduce overall traffic generation by at least 3,000 ADT at the Regents Park site. The proposed CPA would memorialize this reduction.

The California Environmental Quality Act (CEQA) Guidelines, §15124(b), requires a statement of the objectives sought by the proposed project, with the intent that a clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR. Additionally, the statement of objectives should include the underlying purpose of the project. The Draft EIR addresses the proposed project's consistency with the University Community Plan's goals and policies in Section 4.1, Land Use, as well as in Section 9.3, Development Under the Existing Community Plan Alternative. The proposed project's objectives are listed in Section 3.1, Project Purpose and Objectives, with the Plan goals listed in Table 4.1-1. The project's objectives are clearly differentiated from the University Community Plan goals. The proposed project's objectives contained in the EIR were determined by City staff to be consistent with City objectives for the development of the site.

CEQA requires that an EIR describe a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project while avoiding or substantially lessening one or more of the significant environmental effects of the project. The Draft EIR describes two possible development scenarios in Section 9.3, Development Under the Existing Community Plan. The first scenario includes a combination of hotel and scientific research use. The second scenario is comprised solely of an office use. These scenarios describe to the lead agency an alternative that does not exceed the development intensity anticipated by the University Community Plan while attaining some of the basic project objectives. There is no requirement in CEQA that an alternative that is consistent with existing land use regulations be one that assumes development at a maximum density.

RESPONSES TO COMMENTS

BSB 456 9694

FROM : LATIMER

FAX NO. : BSB-456-9694

Sep. 18 2008 11:43PM P4

The DEIR also suggests that a 295,000 sq.ft. office building would be compatible with the Plan. The Plan (Figure 33 page 205) clearly does not designate any land east of Judicial Drive for office. Further, 295,000 sq.ft. of office would generate 4,720 ADT (at 16 ADT/1,000 sq. ft. as specified in the Plan's Trip Generation Summary) which is 30% greater than the Plan. Why would the DEIR call an alternative that clearly provides a conflicting use and generates excess traffic as a conforming use ???

The second paragraph under this heading then concludes that the alternatives chosen in the DEIR are incompatible with the objectives of the proposed project. It appears that this is the right conclusion for the wrong reasons:

One alternative underbuilds the site and thus does not contribute fully to satisfying the Plan and the office option is inconsistent with the Plan.

More importantly, as discussed above, the Plan, not the developer's desires, set forth the criteria by which the project should be judged. Nowhere does the Plan designate the subject property to provide "residential or recreational land use", nor a "destination resort" hotel (with a great view of a waste water treatment facility) nor a "comprehensively planned commercial development that integrates compatible activities".

This section appears to require a complete rewrite in order to be accurate as to facts and conclusion.

3. The RPO Consistent Alternative (ES-22) The DEIR states that this alternative of a 295,000 sq.ft. office building would comply with the Plan, when in reality it is in direct conflict, as outlined above. The DEIR also fails to note that not developing Judicial Drive would have a major negative impact on the Plan's circulation element. Further and yet again, the DEIR elects to evaluate the RPO consistent alternative relative to the developer's goals rather than those of the Plan.

4. Figure 2-8 The Generalized Land Plan (Figure 4 pg. 20 of the Plan) shows the broad land use categories for the University Community. The DEIR is inadequate in that inclusion of the following documents from the Plan would be far more illustrative and appropriate:

Figure 6 (pg. 34) Major Subareas, which clearly delineates the community's "urban node", Goal Item II A 4 (pg. 16), as having an easterly boundary of Towne Center Drive and

Figure 33 (pg. 205) Commercial Land Uses showing that office land uses are not designated on any properties east of Judicial Drive.

5. Project Purpose and Objectives Article 3.1 The key project objectives are as stated in the adopted University City Plan not those suggested by the developer. Please refer to the foregoing discussion in item 1 above.

6. Table 3-1 Project Characteristics is inadequate in that it fails to show the density of the subject project's 11.89 acre property south of Executive Dr. which is proposed for Visitor Commercial, Residential and Office and exceeds 91,000 sq. ft./acre (1,086,193 sq.ft./11.89 ac) and the 5 acre site north of Executive Drive which is proposed for 30,000 sq. ft. of Science Research and has a density of 6,000 sq. ft./ac. The overall project has a density of more than 66,000 sq. ft./ac.

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The Draft EIR alternatives includes an office development scenario under Section 9.3, Development Under Existing Community Plan, because such a use could be allowed pursuant to a Planned Commercial Development Permit in a Commercial/Visitor zone. The 295,000 square feet of office use would result in 3,811 ADT based on the City's current Trip Generation Manual (dated September 1998).

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See Responses to Comments 22 and 23. The alternatives included in the Draft EIR reduce or avoid some environmental impacts while attaining most, but not all, project objectives.

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See Responses to Comments 22 and 23. The land use discussion of the Resource Protection Ordinance (RPO) Consistent Alternative (Section 9.4.1, page 9-9) clearly states that this alternative would not be compatible with the community plan's goals and objectives. The RPO Consistent Alternative would include the construction of Judicial Drive between La Jolla Village Drive and Executive Drive. The Final EIR has been revised to reflect this correction.

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See Response to Comment 12. Figure 2-8 was included in the Draft EIR in order to show the project site land use designations in relation to surrounding land uses. Figure 33 currently identifies the Commercial land use category of Visitor Commercial to the east of Judicial Drive, including the subject property. As noted in Response to Comment 11, the proposed project includes a Community Plan Amendment (CPA) to change the VC land designation to include the Office and Residential overlay. Figure 33 in the Community Plan is proposed to be revised to reflect the addition of the two overlays as part of the CPA.

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See Response to Comment 22.

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Table 3-1 in the Draft EIR provides a description of the proposed project in terms of building square feet, number of stories, number of rooms/units and height. The density of the proposed project is addressed in Section 4.1, Land Use, with respect to the proposed Community Plan Amendment and Section 4.4, Transportation/ Traffic Circulation, with respect to total ADT. See also Responses to Comments 11, 17 and 21.

RESPONSES TO COMMENTS

BSB 456 9694

FROM : LATTIMER

FAX NO. : BSB-456-9694

Sep. 18 2008 11:43PM PS

7. Community Plan Amendment Article 3.3.1 Contrary to the assertion in this article the Development Intensity Element of the Plan does not provide for the transfer of development rights see 11 below.

8. The DEIR fails to discuss the significance of the fact that the Plan calls for 150,000 sq.ft. of Science Research development and the applicant proposes just 30,000sq.ft. This is in direct conflict with the Plan's goal II C 2 and II I. The latter states "Emphasize the City-wide importance of and encourage the location of scientific research uses in the North University City area because of its proximity to UCSD". San Diego's current and future economic success is largely powered by technology that has a symbiotic relationship to UCSD. The elimination of 120,000 sq.ft. of SR development diminishes the potential for technology growth in San Diego and signals technologically oriented enterprises that San Diego is not interested in preserving land for SR development.

Note that under the DEIR's analysis on page 4.10.4 SR development generates 2.5 persons/1,000 sq.ft. Using that criteria 150,000 sq.ft. of SR, as designated in the Plan, would create 375 persons. Which on the 7.5 acres designated for SR in the Plan would be 50 persons per acre which is the threshold stipulated in the CLUP. Thus, 150,000 sq. ft. of SR on the 7.5 acres appears to comply with the CLUP and the RUE.

9. Figure 4.1.1 is incorrect. The SR designation actually applies to the 7.5 acre site shown on Figure 4.1-5 that is a part of the Plan's subarea 31 (Plan pg. 169) and Figure 26 pg. 165.

10. The table on 4.1-7 is incorrect in that it indicates only 7 ac. in Subarea 31 when the correct acreage is 7.5 acres, see above and refer also to Table 4.4-5.

11. The last sentence on 4.1-7 is incomplete, inaccurate and misleading, and the statement is incorrectly asserted as a fact in many places in the EIR. The Plan page 179 "E. Transfer of Development Rights (TDRs) Development rights may be transferred within subdivisions in conduction with a Planned Development Permit restricting both the sending and receiving sites." The Plan language clearly allows the transfer of development rights only within subdivisions that are part of a PCD.

Regents Park is a master planned 27.46 acre project in the "urban node" of University City, that is shown in the Plan as subarea 24 (Figure 26 pg. 165 and pg. 168). It has been developed as a PCD which provided for the transfer of development rights within the project's PCD boundaries. The subject property is located some distance from Regents Park and is not part of the PCD. Therefore the Plan does not allow transfer of development rights between Regents Park and the subject site.

In contrast to the DEIR, even the Applicant's *Project Brief* book acknowledges that the Plan does not allow transfers of development rights between non-adjacent properties when it states "A provision in the University Community Plan allows for the transfer of development intensity between adjacent parcels." The Brief also correctly states that the City of San Diego does not have provisions for the transfer of development rights between non contiguous properties.

Any comment or conclusion in the DEIR which implies, or is based on, the false premise that the Plan allows the transfer of development rights between distinctly separate PCD's is incorrect and misleading.

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Comment noted. The proposed density transfer is proposed to be accomplished by means of the Community Plan Amendment and not a Transfer of Development Rights. The Final EIR has been corrected to reflect this fact. Specifically, note the changes on pages 3-16, 4.1-7, 4.1-30, 4.4-10, 4.4-11, 4.4-35, 9-3 and 9-5. See also Response to Comment 21.

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See Response to Comment 18.

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Figure 4.1-1 is correct as shown in the Draft EIR. Please refer to Figures 4, 14 and 34 of the University Community Plan which show Scientific Research uses following the same boundaries as shown in these figures.

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Comment noted. Page 4.1-7 of the Final EIR has been corrected to show 7.5 acres. The correct acreage was utilized in the traffic analysis for the project.

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See Response to Comment 30.

RESPONSES TO COMMENTS

858 456 9694

FROM : LATTIMER

FAX NO. : 858-456-9694

Sep. 10 2008 11:44PM PG

12. The Noise and Safety Elements on page 4.1-8, 4.1-32 and elsewhere fail to discuss the Plan's purposeful restriction of density easterly of the "urban node" (Plan Figure 6 pg. 34). The Plan's development intensity provisions respect the adopted Miramar Air Station Comprehensive Land Use Plan and the less desirable and more dangerous environment created by the flight paths. In this regard, density comparisons are very indicative of the Plan's design and logic.

Representative properties starting in the Urban Node and proceeding easterly toward the Miramar Air Station flight path. Please refer to Figure 26 and pages 165-174:

Subarea #	Name	Approx. total sq. ft.	acres	Approx. Density
<i>Urban Node</i>				
24	Regents Park	1,735,000	27.46	63,100 sq.ft./acre
27	The Plaza	850,000	16.85	50,400 sq.ft./acre

Immediately east of Urban Node on Town Centre Dr. west of Judicial Dr.

35&33	La Jolla Centre I & II	304,000	7.84	38,800 sq.ft./acre
42	La Jolla Gateway	500,000	14.58	34,000 sq.ft./acre

Subject Property east of Judicial Dr. per Plan

29	The VC portion.	210,000	9.39	22,000 sq.ft./acre
31	The SR portion	150,000	7.5	20,000 sq.ft./acre

Clearly the Plan provides for relatively high densities within the designated urban node, diminishing rapidly toward the flight path.

In contrast the proposed development places the highest density in University immediately adjacent to the dangers of APZ-I and the 65 CNEL noise of the flight path:

Subject Property east of Judicial Dr. as proposed:

29	O.R. & VC portion	1,086,000	11.89	91,300sq.ft./acre
31	The SR portion	30,000	5.0	6,000

The applicant's project, by proposing a density 1.5 times greater than that in the urban node, would be exactly the opposite of the Community Plan concept. The proposal also conflicts with several specific Community Plan goals including:

II D 2 Concentrate community activities such as retail, professional, cultural, recreational and entertainment within the Towne Centre and La Jolla Village Square.

II H 2 Minimize the impact of aircraft noise and the consequences of potential aircraft accidents.

The DEIR appears to have a major deficiency in its failure to adequately discuss the illogical land planning that puts the greatest concentration of development adjacent to the greatest hazard and noise source impacting the community.

The Community Plan does not refer to the proximity of the air station in any of the Plan's discussion relative to urban nodes. The Community Plan does, however, require that proposed development be compatible with the provisions within the Miramar Comprehensive Land Use Plan (CLUP), including the requirements for land use compatibility in relationship to accident potential zones and noise contours. In this regard, the proposed project is consistent with the CLUP. See also Responses to Comments 2, 3, 15 and 16.

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RESPONSES TO COMMENTS

858 456 9694

FROM : LATTIMER

FAX NO. : 858-456-9694

Sep. 10 2008 11:44PM P7

13. Resource Protection Ordinance. The DEIR, for reasons outlined previously, should address the fact that the identified RPO consistent alternative conflicts with the Plan.

In the applicant's proposed findings there is the following statement "Research uses would be allowed per the CLUP and RUE; however, such uses would not achieve the intensity of development contemplated by the *University Community Plan*. As such, retention of the pre-existing canyon topography, pursuant to the provisions of RPO, would not allow for the reasonable use of the site as contemplated by the *University Community Plan*."

The applicant's stated logic supports the Plan and thus should be applied consistently throughout the DEIR. Namely:

The University Community Plan intensity of development for the site is correct.

The University Community Plan use for the site is reasonable.

14. Pg. 4.1-18 second paragraph. Fails to point out that office and residential uses within the VC designation is in direct conflict with the Plan (Figure 33 pg. 205).

15. Significance of Impacts. Pg. 4.1-21. The DEIR misstates the situation. Given all of the foregoing discussion it is apparent that:

The proposed project is not compatible with the University Community Plan land use plans and policies.

The applicant has offered no mitigation which will reduce all of the conflicts with the Plan below a level of significance.

16. Issue 3 (pg. 4.1-32) Fails to discuss the very dangerous land planning concept of placing the highest density within the community adjacent to the most hazardous and least desirable conditions in the community. Please refer to the discussion in item 12 above.

17. Issue 4 (pg. 4.1-32) The DEIR fails to:

Distinguish between land use intensities in the urban node and on subject site.

Discuss the Plan's land use concept of significantly reducing density easterly of the urban node.

Discuss that the Plan designates all of the land immediately adjacent to the project's east, north and west sides as SR at 20,000 sq.ft./acre.

Discuss building heights and note that SR, typically developed at one or two stories, would be incompatible with the proposed towers of 20 and 30 stories. Indeed these towers would be the tallest structures in University City.

See Response to Comment 26. The Resource Protection Ordinance (RPO) Consistent Alternative would be consistent with the development intensity element of the University Community Plan. The applicant's proposed findings (refer to the candidate RPO alternative compliance findings for steep slopes, page 4.1-15) are not to be confused with the RPO Consistent Alternative. These findings provide the applicant's justification for the proposed project's non-compliance with RPO. The point made by the applicant in these findings is that development of the site as anticipated by the University Community Plan, let alone the proposed Community Plan Amendment, cannot be achieved due to the site's topographic features and the extent of RPO-regulated steep slopes. The RPO Consistent Alternative addresses an alternative development scenario that could reduce significant environmental effects of the project while achieving consistency with RPO. In this context, there is no supporting logic defining the University Community Plan intensity of development as correct; however, the University Community Plan vision of site use is considered reasonable.

See Response to Comment 11.

See Responses to Comments 11 through 37.

See Response to Comment 35.

See Responses to Comments 11, 12 and 15. The proposed project includes 30,000 square feet of SR on the north side of the project site, which is consistent with the University Community Plan land use designation and compatible with the existing and proposed SR uses to the north, east and west. The proposed SR on-site provides a transition between the proposed office and condominium towers and the existing off-site SR to the north and northwest. The proposed condominium and office towers would be taller than the office towers located immediately west of the site; however, as discussed in Section 4.2.2 of the Draft EIR (Landform Alteration/Visual Quality), the proposed mixed-use development would be similar in mass, bulk and height to other similar types of land uses in the University Community, including other commercial and office uses on the north side of La Jolla Village Drive to the west of the site and residential towers south of La Jolla Village Drive and west of the project site.

RESPONSES TO COMMENTS

858 456 9694

FROM : LATTIMER

FAX NO. : 858-456-9694

Sep. 10 2008 11:45PM PB

18. Land Use 4.) The DEIR does not address the incompatibility of residential on this site. In the 150 acre area bounded by La Jolla Village Dr. on the south, Genesee on the west, Eastgate Mall on the North and I-805 on the east, there is no residential, with the exception of a townhouse project, that unfortunately lies in the shadow of the Embassy Suites Hotel. The proposed 30 story condominium tower, located 120 feet from the APZ 1 crash hazard zone, where there is hardly any other residential in the surrounding area is not compatible as the DEIR infers. See also preceding comments on land use and density consistency and appropriateness.

19. Project Trip Generation (pg. 4.4-10 and others) As previously discussed, contrary to the DEIR, neither City ordinances nor the Plan allow for the transfer of development rights between non-contiguous properties that are not a part of a Planned Development Permit. A fact with which the applicant concurs.

Nonetheless the DEIR proceeds to assume that there are more than 8,000 unused ADT within a portion of the Regents Park development. Since this is a critical element in the applicant's logic, the DEIR should analyze the source of the unused trips. However, the DEIR is silent in this regard.

The applicant, as part of the *Project Brief* book, in discussing the unused ADT stated "in 1996 and 1997, Regents Park Villas, LLC processed an amendment (PCD. No.96-0722) to the Regents Park PCD (No 85-0492). The amendment affected Lots 2,3,4,5,7,8 and a portion of Lot 6. The amendment substituted two 4-story apartment building containing 324 units in place of the following:

- (1) a 10-story office building containing 152,000 square feet of office space and a 10,650 square foot restaurant,
- (2) an 8-story office building containing 121,000 square feet of office space and a 10,650 square foot restaurant,
- (3) a 15,000 square foot conference center, and
- (4) a 5,000 square foot community room."

The developer then prepared Exhibit 8-1, which made the assumption that for ADT purposes, the two restaurants were stand alone facilities and not part of the larger Regents Park project. This is in direct conflict with the developer's own description of 1985 PCD. Not only were the restaurants to be part of the PCD, they were incorporated in the two office buildings. The Weekday Trip Generation Rates Summary at the end of the Plan has the following note "12 The restaurants and financial institutions rates shown apply to freestanding facilities only. If any of these uses are part of a larger project (e.g. an office building or a shopping center) they would have the same rate as the larger project has."

[In order for the following table to be easily readable it has been printed in its entirety on the following page rather than split between two pages]

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See Responses to Comments 2, 3, 11 and 15.

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See Responses to Comments 21 and 30.

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The referenced information contained in a "Project Brief" booklet prepared by the applicant that is not part of the Draft EIR. The proposed project is not relying on the transfer of density mechanism described in the Community Plan to implement the proposed project (See Response to Comment 21). Rather, the proposed project would implement a Community Plan Amendment reducing the density allocated in the Community Plan for the Regents Park site and increasing the density allocated in the Community Plan for the project site (See Response to Comment 30). Section 4.4, Transportation/Traffic Circulation, of the Draft EIR fully analyzes the traffic impacts that will result from the proposed project's trip generation of 10,319 ADT.

RESPONSES TO COMMENTS

858 456 9694

FROM : LATTIMER

FAX NO. : 858-456-9694

Sep. 10 2008 11:45PM PG

It is thus clear that the unused ADT from Regents Park PCD No. 96-0722 should be calculated as follows using the Weekday Trip Generation Rates Summary at the end of the Plan, unless noted:

ADT allocation on affected lots - Before Amendment

1. 10-story office building containing 152,000 sq. ft. of office space and a 10,650 sq. ft. restaurant, total 162,650 sq.ft. @ 16 trips/1,000 sq.ft.	= 2,602 ADT
2. 8-story office building containing 121,000 sq.ft. of office space and a 10,650 sq.ft. restaurant, total 131,650 sq.ft. @ 16 trips/1,000 sq.ft.	= 2,106 ADT
3. a 15,000 sq. ft. conference center @ 5 trips/1,000 sq.ft. (per the applicant's trip generation assumption in Exhibit 8-1)	= 75 ADT
4. a 5,000 sq. ft. community room @ 5 trips/1,000 sq.ft. (per the applicant's trip generation assumption in Exhibit 8-1)	= 25 ADT
TOTAL ADT	= 4,808 ADT

ADT Utilized by Regents Park on affected lots - After Amendment

<u>5. Apartments 324 units @ 6 trips per unit</u>	<u>= 1,944 ADT</u>
Unused ADT	= 2,864 ADT

Thus, Regents Park has 2,864 ADTs of development potential remaining within that PCD. This would translate, at 16 trips/1,000 sq.ft. into 179,000 of office space that could still be developed at Regents Park which, as earlier noted, is in the urban node where the Plan calls for the concentration of the highest densities in the community.

The DEIR fails to accurately state that the Plan does not allow the transfer of ADT from Regents Park and then greatly overstates the trips that would be available for transfer if a transfer were permitted. These errors are found elsewhere in the DEIR.

20. Mitigation Measures (pg4.4-33). The DEIR does not analyze the benefits of the City staff recommended phasing of the proposed development if it were it to be approved. The DEIR should discuss the implication of the applicant's desire to construct the project as a single phase relative to the North University City Public Facility Phasing Plan. Additionally, the DEIR should point out that Nobel Research Park, the proposed La Jolla Crossroads project as well as several other projects that will use Judicial Drive are or have been required to phase their developments in concert with the completion of specific circulation elements. Each of these other projects, that have been approved, comply with the Plan as adopted. Why should the proposed project, which doesn't comply with the Plan, be exempt from similar phasing constraints, if it were to be approved.

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The Draft EIR includes two traffic mitigation phasing alternatives. Both Option 1, a phased development recommended by the City, and Option 2, a non-phased development preferred by the applicant, would mitigate project traffic impacts with the exception of impacts to I-805; however, Option 2 does not include the construction of Judicial Drive as a four-lane major street from La Jolla Village Drive to Nobel.

RESPONSES TO COMMENTS

858 456 9694

FROM: LATTIMER

FILE NO. : 858-456-9694

Sep. 12 2000 12:58PM P2

21. Cumulative Effects (5.0) The DEIR fails to adequately address cumulative consequences. If the subject proposal were to be approved, it creates a powerful precedent for all of the land owners in Central Subarea #2 (Figure 14 pg. 110) and throughout University City to expect approval for different land uses, as well as intensities and trip generation factors 2 to 3 times that provided for in the Plan. Projects with vacant land, such as in subareas 11, 12, 29, 31, 37 and 40, as shown on Figure 26 page 165, would be the primary beneficiaries. However, the many large open plazas of many of the existing projects could be creatively designed for additional development. The DEIR inadequately analyzes the impact of such cumulative effects.

22. Cumulative Effects (5.3.1 and 5.3.2) The DEIR indicates consistencies that in view of the information present above are clearly inconsistent.

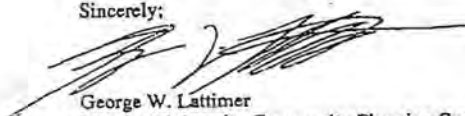
23. Growth Inducing Impacts (7.0). The DEIR misstates the intent of the Community Plan. The Plan specifically does not designate subject site for "a mix of uses". The Plan designation is for one use for each of the two subarea designations that apply to subject site. Further, the discussion in item 21 above indicates that project approval would be substantially more than "minimally growth inducing".

The issues raised in this letter would appear to warrant substantial reevaluation of major sections of the DEIR and its conclusions/

Should you or your staff wish to question or discuss any of the foregoing I would welcome the opportunity to be responsive.

Thank you for your consideration.

Sincerely,


George W. Lattimer
Member University Community Planning Group and past Chair.
858-459-1733

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Section 4.1, Land Use, does not identify a significant land use impact as a result of project implementation. The proposed project was determined to be compatible with the goals of the Community Plan and includes a Community Plan Amendment to add the VC overlays of Residential and Office. As such, no cumulative land use impact would be anticipated. Should other developers propose land use variations from the existing Community Plan designations and development intensities, such developers would be required to process amendments to the Plan. Such proposals would be evaluated independently of the proposed project on their own merits and would be subject to subsequent environmental review.

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See Responses to Comments 40 and 45.

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As noted in Section 7.0, Growth-Inducing Impacts, of the Draft EIR, §15126(f) of the State CEQA Guidelines recommends analysis of two key growth-inducing effects: 1) the potential of the proposed project to foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding community; and 2) the potential for the proposed project to encourage and facilitate other activities that could significantly affect the environment either individually or cumulatively, such as by the extension of non-planned services, utilities or infrastructure. Analysis of the proposed project in light of the University Community Plan is discussed in Section 4.1, Land Use. The analysis of growth-inducing impacts does not result from comparison of the proposed project to the University Community Plan land use designations. See also Responses to Comments 11 and 45.

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See Responses to Comments 10 through 47. Revisions have been made to the Final EIR, where warranted, for purposes of corrections or clarifications in response to specific comments. However, the Final EIR revisions do not constitute substantial changes to the EIR as defined in Section INSERT of the State CEQA Guidelines.

RESPONSES TO COMMENTS

9255 Towne Centre Drive
Suite 100
San Diego, CA 92121
(858) 453-5800
(858) 623-8506 Fax

SPIEKER PROPERTIES

September 8, 2000

Via Facsimile 619/446-5499

Mr. Paul Hellman
Land Development Review Division
THE CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW DEPARTMENT
1222 First Avenue, Fifth Floor
San Diego, CA 92101

Re: La Jolla Commons Project/
Draft Environmental Impact Report
LDR No. 99-0762

Dear Mr. Hellman:

Spieker Properties is a real estate investment trust owning and operating approximately 2.5 million square feet of office buildings in the San Diego area. In the University Towne Centre ("UTC") area, we own one million square feet of office space which is approximately twenty percent (20%) of the total office market. As the largest office landlord in the UTC area, we are greatly concerned with the negative impacts the La Jolla Commons Project will have on this community and our tenants. Our main concerns are as follows:

1. **Transportation/Circulation.** The proposed project is requesting an additional 6,508 ADTs than what is allowed in the University Community Plan. That is 2.7 times what is entitled, or 10,319 ADTs! This significant increase in ADTs is not in compliance with the University Community Plan and should not be approved by the City of San Diego for the following reasons:
 - a. The University City Planning Group voted against the proposed project primarily due to the negative impact this project will have on traffic. Twelve members opposed, while only four were in favor of the project.
 - b. Page ES-10 of the EIR concludes the transportation on La Jolla Village Drive and at the Miramar and Eastgate Mall intersection will be significantly impacted, with an "F" Level of Service. Acceptable Levels of Service by the City of San Diego are A-D. This area is already experiencing traffic congestion—how can we justify adding to this problem by allowing a project to increase its ADTs by 270%.
 - c. All developers within University City have complied with the University Community Plan and existing entitlements. It is not appropriate or prudent to allow the La Jolla Commons Project to drastically amend the existing Plan that has made this community the success it is.

In an attempt to protect the quality of our community, its businesses and residences, we suggest that the La Jolla Commons Project reduce the ADTs to a more manageable level. One suggestion is to reduce the office tower to ten stories, instead of twenty. This would reduce the ADTs by 2,623, to approximately 7,687—which is still double the amount entitled.
2. **Density.** The density of other projects in University City decrease as they approach the MCAS Miramar's Accidental Potential Zones in order to respect the potential risk associated with the flight path. The La Jolla Commons Project ~~boards~~ the MCAS Miramar's Accidental Potential Zone One (APZ1) and the density of the Project is approximately 30% greater than the most dense existing projects located in the center of the community (and further away from the flight zone).
3. **Height.** The office tower is proposed to be 20-stories and the residential tower is 30-stories. These heights present additional risk to potential accidents as it is so close (100 feet for the residential tower

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Comment noted.

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Comment noted. See Responses to Comments 11 and 21.

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Comment noted.

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Comment noted. See Responses to Comments 17 and 21.

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Comment noted.

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Comment noted. Alternatives to the project which would reduce the traffic generation of the project are presented and analyzed in Section 9.0 of the Draft EIR. However, these alternatives by no means limit the type of alternative which may be considered appropriate by the City Council.

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Comment noted. See Responses to Comments 2, 3 and 35.

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Comment noted. See Responses to Comment 3, 35, and 40.

RESPONSES TO COMMENTS

Mr. Paul Hellman
September 8, 2000
Page 2

and 200 feet for the office tower) to the APZ1 line. In addition, the height of the office tower is not consistent with the other office buildings in the area which are 10-15 stories high. Once again, all developers have complied with the Community Plan, it is not fair to allow the last project to be developed to make such a material variance.

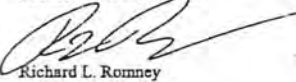
4. Residential Use/Noise. Miramar's CLUP does not allow residential use in the flight zone. Our concern is that this use is not compatible with the CLUP and that there may be added risk to the residents for being so close to the flight path. Furthermore, residents that are about half a mile from the APZ1 line are currently affected by the noise from the planes and jets. Placing this tower so close to the APZ1 line is bound to affect the residents that purchase these luxury condos.

We appreciate your consideration of our concerns with this project as it is proposed in the EIR. Please note that we will be contacting our tenants in our UTC office buildings (including Microsoft, SAIC, Intuit, Prudential Securities, IBM, and Wireless Facilities, Inc.), as well as other local developers and businesses to inform them of this project and our concerns and suggestions. We will present their concerns to the City of San Diego prior to and at the upcoming Planning Commission hearing.

Please feel free to contact me at 858/453-5800 with any other suggestions or questions.

Sincerely,

SPIEKER PROPERTIES


Richard L. Romney
Senior Vice President

Cc: Harry Mathis
University City Planning Group

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Comment noted. See Responses to Comments 2 and 3.

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Comment noted.

RESPONSES TO COMMENTS

September 11, 2000

To: City Operations Building
1222 First Ave. MS 501
San Diego, CA 92101-4155

Attention: Jeff Thomas

From: E. T. & Aileen Lipscomb
6136 Syracuse Lane
San Diego, CA 92122-3301

Phone: 858 458-0782
Fax: 858 458-9219
e-mail: ET@ellipscomb.com

Subject: La Jolla Commons Project, LDR No. 99-9762
Community Plan Area University City

This is our response to the EIR for the Commons Project. Unfortunately we did not receive a copy of Appendix A-1. Also, many of the figures mentioned in the EIR's table of contents were missing and no explanation was provided. In addition the EIR (for July 28, 2000) seems to confuse official requirements and definitions in the University City Community Plan land use with various San Diego City policies and ordinances, the Miramar CLUP APZs and the new (tentative) SANDAG CNEL projections for MCAS Miramar.

- 1) No grading should be allowed during the rainy season unless suitable precautions are taken to avoid muddy drainage into nearby canyons and streets.
- 2) Construction truck traffic should be restricted from using South Genesee and Governor Drive since two elementary schools, a middle school, Standley Park, U. C. High School, Citizens Condo plus other condos and apartments line these streets. Heavy construction truck traffic would endanger the health and safety of school children and residents.
- 3) The amount of additional traffic imposed upon South Genesee and Governor Drive by the project has not been addressed by the EIR.
- 4) It is noted that extensive noise mitigating construction is proposed for the project but no concern about mitigating street noise generated in U. C. by the additional traffic generated on surface streets when the project is completed and fully occupied.
- 5) A significant increase in traffic will be jammed onto the already crowded Genesee Avenue while Regents Road remains dead-ended. The La Jolla Commons project

59 Appendices A-1 were available for public review at the office of the Land Development Review Division of the City of San Diego, as noted in the Public Notice attached to the front of the Draft EIR. Several copies of the Draft EIR were reviewed for missing pages; all documents reviewed contained all figures referenced in the Table of Contents, List of Figures. Any pages which were inadvertently omitted from the copy of the Draft EIR reviewed by the commentor could have been obtained by calling the City staff contact identified in the Public Notice.

60 Because no specific references to the Draft EIR are provided, this comment cannot be responded to.

61 Comment noted. The Draft EIR includes a mitigation measure in Section 4.7, Hydrology/Water Quality (page 4.7-12), that states: "Grading will be allowed during the rainy season (November 15 through March 31) upon the approval of special erosion control measures by the City Engineer." Erosion control measures may include, but are not limited to, graded surface scarification, soil stabilizers, temporary hydroseeding/ planting, mulching, matting, blankets, geotextiles, sod stabilization, vegetative buffer strips, sediment traps/catch basins, silt fencing and gravel bags.

62 Construction vehicles accessing the project site are likely to utilize the most direct route from regional corridors, including Interstates 5 and 805, and local roadways including La Jolla Village Drive, North Genesee, Executive Drive and Towne Center Drive. It is unlikely that construction vehicles would utilize South Genesee or Governor Drive as these local roadways do not provide the most direct route to the site from Interstates 5 or 805.

63 The traffic study prepared by Darnell & Associates, Inc. titled *Traffic Study for La Jolla Commons Project in the City of San Diego* and dated May 18, 2000, was used as the basis for the Draft EIR traffic analysis. The Traffic Study (and Draft EIR) lists and graphically illustrates the various roadways expected to be impacted by project generated traffic. As shown in the Project Trip Distribution Figure (4.4-4) and the Projected Related Daily Traffic Volumes Figure (4.4-5) of the Draft EIR, a majority of vehicle trips generated by the proposed project are projected to utilize roadways in close proximity to the project site. Less than 1% of project traffic is projected to utilize South Genesee or Governor Drive. In addition, the project is projected to generate less than 50 peak hour trips on South Genesee and Governor Drive, the criteria for inclusion in a traffic analysis. The projected number of peak hour trips is considered to be less than significant and, therefore, is not included in the overall traffic impact analysis.

64 As noted in Section 4.5, Noise (page 4.5-2), of the Draft EIR, "The project's contribution to increasing the ambient noise level would be due to traffic generation. The existing ADT and build-out ADT with the project would not substantially change the Community Noise Equivalent Level contours on the project site." Future build-out traffic volumes on local roadways, with and without the proposed project, are shown in Table 4.4-12 of the Draft EIR. The increase in traffic from the proposed project (average increase of 0.9%) would not result in a discernable increase in ambient noise on local roadways. See also Response to Comment 16.

65 As noted in Response to Comment 63, South Genesee is projected to receive less than 1% of project generated traffic. Significant traffic impacts to South Genesee are not anticipated and thus mitigation measures and improvements to this segment are not warranted. As part of the proposed project, the applicant would be required to contribute funds to the North University City Facilities Benefit Assessment fund which is the primary financing source for the improvements cited.

RESPONSES TO COMMENTS

- should provide additional funds to help construct a bridge over the railroad tracks in order to relieve the traffic jam presently occurring on the south end of Genesee Ave.
- 6) The Commons project is transected by the adopted Accident Potential Zone (APZ). It doesn't make sense to construct a 30-story condominium or high rise hotel so close to the APZ contour. The location is affected by the Seawolf Departure, Julian, Touch & Go and Field Carrier Landing Practice Flight Corridors for fixed-wing operations. In addition, this location is affected by the Fairways Flight Corridor for helicopter operations. In addition it is noted that the sewerage plant located on the northeast corner of the I-805/Miramar Road interchange is directly across I-805. Large chemical tanks storing chlorine and other chemicals are of great concern since the plant is within the APZ. Will the condominium residents and hotel guests be provided with gas masks and other suitable safety equipment in case an aircraft crashes into the sewerage plant causing the release of a cloud of chlorine and or methane gas?
- 7) Both direct and reflective light emissions from the high rise buildings will not contribute to aircraft safety since they interfere with pilot vision. This is of particular concern since large numbers of flight operations will be conducted near the project. In case of aircraft equipment failure the light emissions from the project could make an aircraft problem into catastrophe if the light emissions confused or blinded the pilot.

Thanks for letting us have the opportunity to review this land use proposal.

Sincerely,



E. T. & Aileen Lipscomb

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See Responses to Comments 2, 3, 18, 35 and 40. The project site is located over 800 feet west of the North City Water Reclamation Facility, buffered in the middle by vacant land, topographic variations and a 10-lane interstate freeway. The reclamation facility would follow adopted emergency response procedures in the event of an incident.

No significant light and glare impacts were identified in the Draft EIR, Section 4.10 Human Health & Public Safety (page 4.10-5). This conclusion in the Draft EIR was further substantiated by the verbal testimony of an MCAS Miramar representative at the August 8, 2000, University Community Planning Group meeting. Prior to the issuance of building permits for the proposed project's condominium and office buildings, the proposed project will be reviewed by the Federal Aviation Administration (FAA) for compliance with Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace. The construction plans for these buildings will comply with the recommendations and/or requirements of the FAA.

RESPONSES TO COMMENTS



Gray Davis
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research State Clearinghouse



Steve Nissen
ACTING DIRECTOR

September 12, 2000

Jeff Thomas
City of San Diego
1222 First Avenue
MS-501
San Diego, CA 92101

Subject: La Jolla Commons
SCH#: 2000031097

Dear Jeff Thomas:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 11, 2000, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

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Comment noted.

RESPONSES TO COMMENTS

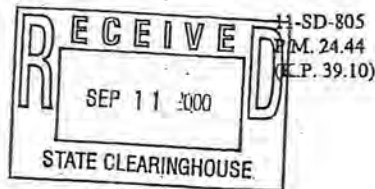
SEP-11-00 MON 5:01 PM CALTRANS PUBLIC TRANS FAX NO. 619 688 4299 P. 2
 STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor
 DEPARTMENT OF TRANSPORTATION
 DISTRICT 11
 P.O. BOX 85406
 SAN DIEGO, CA 92186-5406
 PHONE: (619) 888-6964
 FAX: (619) 688-4299

Clear
 9-11-00
 E



September 11, 2000

Mr. Scott Morgan
 State Clearinghouse
 1400 Tenth Street
 Sacramento, CA 95814



Dear Mr. Morgan:

Draft EIR for La Jolla Commons - SCH2000031097

Caltrans District 11 comments are as follows:

Visual Quality

- The view of the project from Interstate Route 805 (I-805) is not limited, as stated on page 4.2-4, because vehicular speeds are often quite low during peak commute periods. The DEIR concedes, "The proposed height and mass of the structures could be considered an adverse impact" (page 4.2-11) and proposes landscaping along the eastern property boundary. A more effective remedy would be a landscape transition within the State highway right of way. Furthermore, the view of the unlandscaped State highway from the project is not addressed.
- Caltrans encourages planting by others within the State right of way (R/W). The City should contact Stephen Alvarez, Caltrans District 11 Landscape Architecture Branch B, Senior Landscape Architect at 619.688.6719 for further information.
- The City of San Diego is responsible for requiring its permit applicants to provide any additional highway planting called for by its community standards.
- Caltrans funds will not be used to provide highway planting along the adjacent segment of I-805 to provide a level of landscaping that is compatible with the proposed development. The Caltrans Project Development Procedures Manual, Chapter 29 prohibits the use of such funds.

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The proposed project does not abut I-805 and is not located within the Interstate 805 (I-805) right-of-way. Rather, it is located west of a 9-acre parcel of vacant land designated within the University Community Plan for Scientific Research land uses, as illustrated in Figures 2-4 and 2-5 of the Draft EIR. In addition to the 9-acre parcel, the slope along the west side of I-805, north of the La Jolla Village Drive interchange, partially obscures the visibility of the project site from motorists. Because the site is partially visible from I-805, landscaping has been proposed along the project's eastern boundary to soften distant views from the east. Proposed land uses and landscaping to the east of the project site (i.e., the 9-acre parcel) is unknown at this time and would need to be evaluated relative to landscaping along the I-805 right-of-way at the time a future development proposal is submitted to the City of San Diego. Outward views from the project site are not considered by the City to represent potentially significant impacts under CEQA.

See Response to Comment 69.

See Response to Comment 69.

See Response to Comment 69.

RESPONSES TO COMMENTS

SEP-11-00 MON 5:02 PM CALTRANS PUBLIC TRANS

FAX NO. 619 688 4299

P. 3

Mr. Scott Morgan
September 11, 2000
Page 2

Preliminary Drainage Study

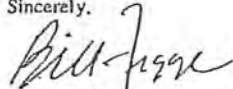
- The resultant runoff discharges determined in this preliminary study differ from the estimates derived in the La Jolla Crossroads study downstream of this site. That study showed less runoff from this site, and the existing 90" RCP was found to flow at approximately full capacity with these discharges. The City of San Diego Hydraulics Department should coordinate all of these studies to determine the anticipated hydraulic load on the downstream drainage systems.
- Intensity-Duration Design Chart; show both the pre-and post-development tc determination. Generally, this value changes with development.
- Table 2; the post-development tc value referenced above may alter the post-development discharges.
- Nomograph for Determination of Tc; this chart is for natural watersheds. Is it appropriate for the post-development condition? Also, show where the "H" and "L" values are determined on the watershed map.

Permit

- Some grading on the southeastern portion of the project appears to be within Caltrans R/W. Any work performed within Caltrans' right of way will require an encroachment permit. For those portions of the project within the Caltrans' right of way, the permit application must be stated in both English and Metric units (English first, with Metric in parentheses). Information regarding encroachment permits may be obtained by contacting our Permits Office at 619.688.6158. Early coordination with our agency is strongly advised for all encroachment permits.
- As part of the encroachment permit process, the developer must provide appropriate environmental approval (both NEPA and CEQA) for potential environmental impacts within the Caltrans right of way. The developer is responsible for quantifying the environmental impacts of the improvements (project level analysis) and completing appropriate mitigation measures for the impacts. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

Our contact person for I-805 is Erwin Gojuangco, Route Manager, at 619.688.6610.

Sincerely,



BILL FIOGE

Development Review and Public Transportation Branch

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Comment noted. The preliminary studies for the two projects were prepared by different engineers. The existing 90" RCP drain downstream of both projects was designed in 1988 pursuant to the City's Drainage Design Manual to accommodate the ultimate development of the upstream drainage basin. It has been demonstrated that this pipeline has capacity in excess of the stated Q100 flow rate computed for the upstream basin. The applicant will be required to submit a formal drainage study, satisfactory to the City Engineer, demonstrating that no adverse impacts will occur to downstream properties or existing drainage facilities as a result of the increased runoff of the proposed project prior to issuance of any grading permit for the development.

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Comment Noted. See Response to Comment 73.

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Comment Noted. See Response to Comment 73.

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Comment noted.

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Comment noted. It is anticipated that the proposed EIR will be adequate to address all project-related environmental impacts within Caltran's right-of-way.



San Diego Chapter
Serving the Environment in San Diego and Imperial Counties

Lawrence C. Monserrate
Environmental Review Manager
City of San Diego
Planning and Development Review Department
LAND DEVELOPMENT REVIEW
1222 First Avenue, 5th Floor
San Diego, CA 92101

Re: Comments on Draft EIR for the La Jolla Commons Project LDR No. 99-0762,
SCH No. 2000031097.

Dear Mr. Monserrate:

Summary The Sierra Club has reviewed the Draft EIR for this project and requests a review of the stated wetland mitigation and treatment of storm-water run-off. The DEIR states that the project will have significant, unmitigated land use impacts due to noncompliance with the RPO for wetlands (ES-7). We support the RPO Consistent alternative, which will reduce impacts to wetlands and steep slopes. We note that the current R1-5000 zoning does not support issuing a deviation finding for this project.

San Diego's wetlands provide an undervalued function in cleaning urban runoff before it reaches the ocean. The cleanliness of our ocean is an essential factor in the tourist economy. Yet this proposed development chooses to fill a canyon, eliminating its natural function in cleaning storm run-off. It is the responsibility of the City to manage development in a way that preserves public health and living standards.

Hydrology/wetlands

Mitigation for loss of wetlands

The mitigation proposed for the loss of 0.14 acres of wetlands is for 0.42 acres of off-site restoration in Los Peñasquitos Lagoon by removal of *Arundo donax* and replanting (Mitigation, Monitoring and Reporting Program, p2). However, weed removal from an area that is already a wetlands does not comply with the City and the CA Dept of Fish and Game (CDFG) policy of "no net loss of wetland habitat". "No net loss" requires that 0.14 acre of wetlands be created or recreated to mitigate for this project.

As the DEIR states, there is no support for a deviation finding to the no-wetlands-development component of the RPO. City-regulated wetlands include areas with wetlands soils or wetlands vegetation or wetlands hydrology. This would appear to cover a greater area than the 0.14 acres covered by "waters of the US" and Southern Willow scrub. The RPO-defined wetlands acreage was not specified in the report, but covers all of the canyon bottom, being inundated annually,

Office (619) 299-1743
Conservation (619) 299-1741
Fax (619) 299-1742
Voice Info. (619) 299-1744
Email san-diego.chapter@sierraclub.org

September 7, 2000

RESPONSES TO COMMENTS

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Comment noted. During the public review period, the applicant has provided revised RPO deviation findings for project-related wetland impacts which have been determined by City staff to be supportable. The Final EIR conclusions have been changed to state that the land use impact resulting from the proposed deviation to RPO is not a significant impact. The proposed deviation findings will be subject to City Council approval.

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Comment noted. See Response to Comment 82.

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The City's Biology Guidelines (adopted September 28, 1999) require wetland mitigation in the form of either creation or restoration of wetland habitat at a minimum ratio of 1:1, after which wetland enhancement or acquisition may be considered for the balance of the mitigation requirement. Wetland restoration is defined in the Biology Guidelines as an activity that re-establishes the habitat functions of a former wetland. As such, restoration is a critical component of the "no net loss of wetland habitat" policy. The proposed wetland restoration at a 3:1 ratio, totaling 0.42 acre, is consistent with the Biology Guidelines as the proposed restoration will replace an area that does not and will not support functioning wetland habitat (unless modified) with viable wetland habitat. The project's wetland impacts will necessitate future coordination with the California Department of Fish and Game (CDFG) who will review the project for consistency with Section 1603 of the Fish and Game Code prior to issuing a Streambed Alteration Agreement, as well as with the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act and the California Regional Water Quality Control Board pursuant to Section 401 of the Act.

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See Response to Comment 78. The Draft EIR identifies the City-defined wetlands on the site as consisting of southern willow scrub and the unvegetated streambed, that together total 0.14 acre. This acreage is clearly represented in the Draft EIR as RPO-defined wetlands in Section 4.1, Land Use, on page 4.1-18 under the wetlands subheading. Mitigation for the 0.14 acre of wetland impact is detailed on Page 4.3-13 of the Draft EIR and includes removal of giant reed from 0.42 acre of land within Los Peñasquitos Lagoon watershed followed by replanting of the cleared area with southern willow scrub species.

RESPONSES TO COMMENTS

they are defined as having "wetlands hydrology". The Biological Technical Report (p12) supports this when it states that "the City will require mitigation for all impacts to southern willow scrub and unvegetated stream bed drainages on site", but it does not state what this mitigation will be. This mitigation should be specified.

Grading and filling this site will result not only in loss of the Federal- and City-regulated wetland areas, but in more contaminated runoff which has the potential to further pollute Mission Bay. Mission Bay is a listed "impaired water body", and any additional pollution would violate Section 303d of the Clean Water Act. Specifically, Mission Bay has Pollution/Stressor concerns listed as "Eutrophic, High Coliform Count, and Lead" from both point and non-point sources. To any degree that these wetlands serve to remove the above listed pollutants of concern from anywhere throughout the watershed, their destruction would serve to exacerbate pollution conditions in Mission Bay. The DEIR discusses catch basing filtration devices to control run-off. However, there is no discussion as to how effective these are for various water flow levels or remedies in case they are not effective. A plan should be proposed for amelioration if the filtration methods do not work and pollution to Mission Bay increases, resulting in possible legal findings against the City and further fines. In addition, the proposed project not only fills in a natural area that cleans run-off, but is set at a higher grade than surrounding areas. Thus, storm water from these areas, which previously was directed into a canyon, will enter the storm water system at other points. The DEIR does not clearly state where this previous run-off will now go, and whether catch basing filtration devices will be required at those points as well.

Thank you for your consideration.

Sincerely Yours,



Carrie Schneider
For the Sierra Club, San Diego Chapter
3820 Ray Street
San Diego Ca 92104

cc:

Charles Abdelnour, City Clerk
Janet Anderson, Conservation Chair, Sierra Club San Diego Executive Committee
Eric Bowlby, Chair, Sierra Club San Diego Executive Committee

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Comment noted. The mitigation measure proposed to reduce potential downstream water quality impacts are one of the currently available water quality Best Management Practices, which was determined to be suitable for the proposed development. The effectiveness of the proposed basin filtration devices has not been confirmed quantitatively as the technology is relatively new; however, the use of basin filtration devices has been found to be effective as long as these devices are regularly maintained. Maintenance of the proposed basin filtration devices has been incorporated into the hydrology/water quality mitigation measures on page 4.7-11 of the Draft EIR.

Storm water runoff currently draining into the unimproved project site will continue to due so following site development via proposed on-site storm drain improvements.

FINAL EIR
FOR THE
LA JOLLA COMMONS PROJECT

LDR No. 99-0762
SCH No. 2000031097

OCTOBER 5, 2000

City of San Diego
Planning & Development Review
Contact: Jeff Thomas
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Executive Summary

Introduction

This Environmental Impact Report (EIR) evaluates the potential direct, indirect, project-specific and cumulative environmental impacts associated with the development of approximately 17 acres with a mix of land uses referred to as the La Jolla Commons Project. Approximately 2.76 off-site acres would be disturbed for grading and construction of Judicial Drive, which would front the west side of the property. The Proposed Project would include a 327- 325-room luxury hotel, 115 120 condominium units, 450,000 square feet of office space, a 30,000 square-foot science research building, and an eight-level stand-alone parking structure. The Proposed Project also includes extensive interior and exterior landscaping (including an approximately one-half acre privately-owned and maintained park available to the public at the corner of Executive Drive and Judicial Drive and an interior courtyard over one acre in size) and landscaping throughout the project and along pedestrian access routes to off-site links.

The City of San Diego is the Lead Agency and will review and consider this Final EIR (FEIR) in its decision to certify the EIR as complete under the requirements of the California Environmental Quality Act (CEQA) of 1970 and approve, revise or deny the Proposed Project, or take action on a project alternative. For the purposes of the Proposed Project, the Responsible and Trustee Agencies include the U.S. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board. This FEIR complies with all criteria, standards and procedures of CEQA, the State CEQA Guidelines (California Administrative Code, Section 1500, et. seq.) and the City of San Diego's EIR Guidelines, Revised June 1992. This document has been prepared as a Project EIR pursuant to Section 15161 of the State CEQA Guidelines.

The scope of analysis for this DEIR was determined by the City of San Diego as a result of the preparation of a Scoping Letter and responses to the Scoping Letter and Notice of Preparation (NOP) dated March 20, 2000, prepared in compliance with Section 15082 of the State CEQA Guidelines. The Scoping Letter and NOP and associated responses are included in Appendix A of the FEIR. The following issues were determined to be potentially significant and are addressed in this FEIR: Land Use; Landform Alteration/Visual Quality; Biological Resources; Transportation/Traffic Circulation; Noise; Air Quality; Hydrology/Water Quality; Paleontology; Historical Resources; and Human Health and Public Safety.

Environmental Setting

The Proposed Project is located within the University Community of the City of San Diego, approximately 700 feet west of I-805 and north of La Jolla Village Drive. The University Community planning area is located in the northern portion of the City of San Diego and stretches from the Pacific Ocean to just east of I-805. A majority of the planning area is encompassed within a triangle of Interstate 5 (I-5), State Route 52 and I-805. The project site is located in the central-eastern portion of the community planning area. The project site is bound to the west by the planned extension of Judicial Drive, to the north by Nexus Center Drive, approximately nine acres of vacant land to the east, and La Jolla Village Drive to the south. The site is bisected by the partially improved extension of Executive Drive which terminates approximately mid-way through the site.

The Proposed Project site covers approximately 17 acres of vacant, partially disturbed land. While a majority of the site is naturally vegetated, the site has been disturbed by man-made improvements in the drainage and a number of dirt pathways and a utility vehicle access road. Vegetation on site consists of a combination of Diegan coastal sage scrub, southern mixed chaparral and southern willow scrub. A majority

of the site is covered with southern mixed chaparral, with southern willow scrub covering the least amount of land within the canyon bottom. The existing site condition also includes the presence of scattered general refuse (e.g., glass, paper, furniture) dumped on the site by transient occupants. The site consists of two distinct topographic features: a relatively large, steeply sloped canyon in the southwest portion of the site and a relatively level plateau along the north- and southeastern portions of the site. The existing site ranges in elevation from approximately 278 feet above mean sea level (amsl) in the canyon bottom to approximately 382 feet amsl in the northeast corner of the site. Elevations along the western site boundary, in the location of future Judicial Drive, average 320 feet amsl. The canyon in the southwest corner of the site is oriented in a north-to-south direction, with a tributary canyon forking towards the northwest and past the alignment for future Judicial Drive. This natural drainage historically flowed to the south in a continuous canyon drainage, south of La Jolla Village Drive. Currently, several drainage improvements, including concrete brow-ditches and a man-made stormwater collection pipeline, convey stormwater flow into a 42-inch diameter pipeline under La Jolla Village Drive. The main drainage basin on-site collects on-site flows in addition to a significant off-site flow contributed via existing pipelines which outfall into the project site. In addition to surficial man-made stormwater collection facilities, a tunnel crosses underneath the project site containing various conveyance pipelines including an 84-inch sewer pipeline, a 54-inch effluent pipeline, a 36-inch wastewater pipeline and a 36-inch reclaimed water pipeline. The tunnel stops at a junction structure located in the canyon bottom. From this point two sewer pipelines (36-inch and 48-inch) continue south and under La Jolla Village Drive.

The Proposed Project site is surrounded by a combination of developed, graded and vacant parcels. Approximately nine acres of vacant, naturally vegetated land exists between the project site and I-805 to the east. A two-story scientific research facility is located to the northeast, east of the terminus of Nexus Center Drive. A graded parcel, proposed for scientific research uses, is located north of Executive Drive and south of Nexus Center Drive. A combination of high rise office towers, multi-family residential uses, scientific research buildings and a parking structure is located to the west of the project site, west of the proposed extension of Judicial Drive. A 4.63-acre vacant and naturally vegetated parcel is located immediately west of the proposed extension of Judicial Drive. La Jolla Village Drive, a six-lane primary arterial, bounds the project site to the south. Approximately 30 acres of vacant, naturally vegetated land located south of La Jolla Village Drive is planned for a mixed-use development of residential and scientific research uses known as La Jolla Crossroads.

As noted above, the Proposed Project site is located within the University Community planning area in the City of San Diego. The site is subject to the planning guidelines and policies of the City of San Diego's *Progress Guide and General Plan*, the *University Community Plan* and the City's Zoning Ordinance in effect at the time the project submittal was deemed complete (1999). In addition, the project site is subject to the requirements of the City of San Diego's Resource Protection Ordinance (RPO) which regulates environmentally sensitive lands, including those types of resources found on the project site such as wetlands, wetland buffers, steep hillsides, and sensitive biological resources. The project is subject to the development and mitigation requirements of the Multiple Species Conservation Program (MSCP). The project site is not located within or adjacent to the City of San Diego MSCP Multi-Habitat Planning Area (MHPA).

Project Description

The Proposed Project consists of a mix of land uses including a ~~327-~~ 325-room luxury hotel, ~~115~~ 120 condominium units, 450,000 square feet of office, a 30,000 square foot science research building, and an eight-level stand alone parking structure. The Proposed Project also includes extensive interior and exterior landscaping (including an approximately one-half acre privately-owned and maintained park available to the

public at the corner of Executive Drive and Judicial Drive and an interior courtyard over one acre in size), the construction and dedication of one-half of Judicial Drive, and the reservation of land for a future Metropolitan Transit Development Board (MTDB) Light Rail Transit (LRT) station.

The Proposed Project site is a privately-owned parcel with a land use designation of Visitor Commercial and Scientific Research uses within the University Community of San Diego. The project site is surrounded by urban land uses, including office towers, commercial retail uses, scientific research uses, and primary circulation routes including La Jolla Village Drive and I-805. The project applicant is proposing to develop the 16.85-acre site with a project that is compatible with the land use planning goals of the *University Community Plan* and surrounding land uses. The key project objectives include the following:

- Develop a project that is compatible with the primary goals and objectives of the University Community Plan, applicable City ordinances such as the Resource Protection Ordinance, and existing and planned surrounding land uses.
- Provide living, working and recreational land uses, including a destination resort hotel, upscale residential housing and Class A offices, that compliment one another and neighboring land uses and encourage walking, use of public transit, and energy conservation.
- Integrate the Circulation Element plans and adopted MTDB mass transit plans into the project design relative to the future MTDB LRT station, pedestrian and bicycle circulation and completion of Element roadways.
- Provide FBA fees commensurate with the level anticipated to be generated by the development of the subject property.
- Comply with the intent of the Planned Commercial Development Permit which is *"to promote and facilitate imaginative, innovative and comprehensively planned commercial developments integrating compatible activities which are harmoniously designed to compliment the surrounding community."*

The Proposed Project would require grading of the entire 16.85-acre site for proposed development and associated improvements (e.g., landscaping, circulation, utilities). The project would also require an additional 2.76 acres for off-site grading associated with the construction of Judicial Drive.

The proposed office building is located in the southeast corner of the site, approximately 75 feet from the southern property boundary. The office tower would be approximately 450,000 square feet in size, and would consist of 20 stories at a building height of approximately 321 feet above finished grade. The finished floor elevation for the office tower is approximately 347 feet above mean sea level (amsl). The primary pedestrian and vehicular access to the office tower would be from the north side of the building. Building tenants and visitors would park in the nearby parking structure to the northeast. A secondary pedestrian access would be provided between the office and La Jolla Village Drive. Building facades would include vision and spandrel glass, as well as solid spandrels. All mechanical equipment placed on the office structure roof would be screened by a roofline parapet. The architecture of the building would be similar to nearby office towers to the west, with similar building materials and building massing. The proposed architecture would be contemporary, state-of-the-art design, including reflective glass and natural material accents, such as granite or similar looking materials.

The proposed luxury hotel (Ritz Carlton) would be located in the southwest corner of the project site, paralleling the alignment of Judicial Drive. The hotel would be approximately 315,000 square feet in size, including hotel rooms, a ballroom, restaurants, lounges, spa, meeting rooms, administrative offices, and a basement. The hotel is irregular in shape and would consist of 15 stories in the mid-section of the building where the hotel rooms are located, at a maximum building height of 185 feet above finished grade. The hotel finished floor elevation would be approximately 347 feet amsl. The hotel would be two stories on the north and south ends of the structure where the ballroom, offices and other hotel service amenities are proposed to be located. The primary vehicular and pedestrian access to the hotel would be from the east side of the building where the port-cochère would be located for guest arrivals. All hotel visitors would be valet parked in the parking structure located to the east, discussed further below. Hotel employees would also utilize the parking structure and surface parking located adjacent to the scientific research building. Pedestrian access between La Jolla Village Drive and the hotel would also be provided. A 4,050-square foot swimming pool would be provided for hotel guests, located in the southwest corner of the project site. A large terrace would connect the hotel to the pool area on the southwest side of the building. The hotel architecture would be contemporary to harmonize with the neighboring office tower and condominium buildings, as well as the context of the University Community, utilizing building material such as granite, stucco and glass. The architecture would consist of a balanced composition and classical proportion, with elegant accents added in keeping with the tradition set by the Ritz Carlton Hotel. Horizontal trim, cantilevered balconies and projecting volumes are expressed to break the otherwise massiveness of the rectangular box.

The proposed condominium tower is located in the middle of the project site, northeast of the hotel and directly south of the main access road into the development (Executive Drive). The ~~32-~~ 30-story condominium building is approximately 321,000 square feet in size, with a height of approximately 370 feet above finished grade. The main structure is proposed at approximately 322 feet, with an additional 47-foot high parapet proposed as a visual accent and for the purpose of screening electrical and mechanical equipment. The finished floor elevation is 360 feet amsl. Unlike the longer and rectangular building footprints of the proposed office tower and hotel, the proposed condominium tower is pinnacle in shape, with one to six condominium units per floor. The primary access to the tower is from the north, off of Executive Drive. Residents of the condominium tower would park in an attached, three-level (two levels below grade and one level at grade) parking structure with parking for 242 vehicles. The upper deck (roof) of the parking structure (approximately 15 feet above finished grade) would consist of a recreation deck with resident recreational amenities such as a lap pool. Other recreation amenities include two tennis courts located northeast of the condominiums, across Executive Drive. Visitors would park in the surface parking lot near the tennis courts. The condominium architecture would consist of a similar design to other proposed structures within the project, appearing contemporary and utilizing such materials as reflective glass and solid spandrels. The rooftop accent piece would be opaque, constructed of metal.

The proposed scientific research building is located in the northeast corner of the project site, approximately 160 feet south of Nexus Center Drive. The two-story structure is proposed to be 30,000 square feet and 40 feet in height above finished grade. The finished floor for the scientific research building would be 364 feet amsl. The primary vehicular access to the building would be from Executive Drive to the south and Nexus Center Drive to the north. Parking for this building consists of 75 spaces in a surface parking lot surrounding the office building to the north, south, east and west. The surface parking around the scientific research building would also include spaces for overflow parking for condominium, hotel and office visitors. The scientific research building would be constructed of materials and architecture complimentary to the office, hotel and residential towers proposed on the south end of the property. The facades would include vision and spandrel glass, as well as solid spandrels.

An eight-level stand-alone parking structure is proposed along the eastern site boundary, south of Executive Drive. The parking structure would be approximately 540,000 square feet, consisting of two levels of parking below grade, one level at grade and five levels above grade. The structure would park 1,740 vehicles associated with the proposed office tower and hotel. The structure would be approximately 60 feet in height above finished grade. The at-grade parking level would be at approximately 327 feet amsl. The top deck of the parking structure would be open and surrounded by a four foot-high railing/wall. All parking spaces would be standard in size; no compact spaces are proposed for this structure. Entrances/exits of the structure are proposed on the north and south sides. The structure is proposed to include an open design on all four sides for the at- and above-grade decks, providing adequate ventilation and natural, daytime lighting.

The Proposed Project includes the construction and dedication of one-half of Judicial Drive from Executive Drive to La Jolla Village Drive. Judicial Drive is currently constructed for 400 linear feet south of Eastgate Mall Road. Judicial Drive is shown on the adopted Circulation Element of the *University Community Plan* as a four-lane Major Street. The western project site boundary, from Executive Drive south to La Jolla Village Drive, is in the middle of the future right-of-way for Judicial Drive. The eastern one-half of the roadway width would be dedicated to the City of San Diego for the full improvement of this circulation element roadway. Judicial Drive would require a roadway width of 98 feet, including curb, gutter, sidewalk and a Class II bicycle lane in both directions. The travel lanes would require 78 feet. Judicial Drive improvements would require approximately 2.76 acres of off-site grading.

Executive Drive, an east-west local four-lane Collector Road, trends parallel to La Jolla Village Drive approximately midway between La Jolla Village Drive and Eastgate Mall Road. The entire length of Executive Drive is currently constructed, terminating at approximately 600 feet east of the Judicial Drive right-of-way. Executive Drive extends into and approximately mid-way through the project site as a private drive. As part of the Proposed Project, a portion of Executive Drive would be reserved to accommodate a future MTDB LRT station, requiring a widened right-of-way to accommodate the facility. (MTDB has adopted a plan that locates a future trolley station within the Executive Drive right-of-way north of and partially within the project site; however, a specific time frame for rail connection to and construction of the station has not been identified.) The project applicant would reserve an area of 55 feet-by-360 feet for the future station. In the interim, the trolley stop would be improved as a landscaped median. Executive Drive would have two lanes in each direction around the median. Until the LRT station is constructed, the median in Executive Drive would have a break for vehicle turning movements from the north-south internal project roadway.

La Jolla Village Drive is designated on the *University Community Plan* Circulation Element as an eight-lane Prime Arterial. This roadway is currently six lanes, three lanes in each direction. As part of the Proposed Project, the right-of-way needed on the northern side of the road for a one-lane addition would be reserved and dedicated.

The Proposed Project would include extensive landscaping within and around the perimeter of the complex with a variety of mediterranean, semi-low water use plants. Screening trees and shrubs would be planted along site frontages to La Jolla Village, Judicial and Executive Drives. Screening trees, shrubs and vines would also be planted along the eastern site boundary, east of the proposed parking structure. The landscape focal point would be a gardenesque courtyard proposed in the center of the site (approximately one acre), south of the condominium tower, west of the parking structure and north and west of the office tower and hotel, respectively. The courtyard would consist of a series of terraces connected by plazas, fountains and trellises and pergolas. The central courtyard terraces would link all of the site spaces together. A series of walkways are proposed through the site linking the various buildings and parking structure to the central courtyard. The primary site entry to Executive Drive from Judicial Drive would include a large, grassy

privately-maintained public park (almost one-half acre) accessible to the public with a visual focus planned for the center of the area with either a sculpture or a specimen tree.

Discretionary actions from the City of San Diego include but are not limited to: Community Plan Amendment (CPA); Rezone; Vesting Tentative Map (VTM); Planned Commercial Development Permit; and Resource Protection Ordinance Permit. Key permits required by other agencies include: Clean Water Act Section 404, Nationwide 39 Permit (U. S. Army Corps of Engineers); Section 401 Water Quality Waiver/Certification (Regional Water Quality Control Board); National Pollutant Discharge Elimination System Permit (Regional Water Quality Control Board); and Section 1603 Streambed Alteration Agreement (California Department of Fish and Game).

Summary of Environmental Effects and Mitigation

The environmental effects discussed in Section 4.0 of the EIR are summarized in Table ES-1. In addition, Table ES-1 includes all mitigation measures identified in Section 4.0 that would reduce project impacts. Impacts that have not been reduced to below a level of significance are also noted in the last column for each environmental impact issue. The detailed analyses and conclusions for each environmental issue are found in Sections 4.1 through 4.10. Cumulative impacts, if applicable, are included along with direct impacts under the specific issue area in Table ES-1.

Alternatives

No Project Alternative

Under the No Project Alternative, the project site would remain in its current condition as an undeveloped and partially disturbed vacant site, and in the near-term, the only man-made improvements would consist of the existing City utility infrastructure found within the main canyon. The proposed mix of land uses would not be constructed and the project-sponsored Circulation Element improvements along two of the site boundaries (i.e., dedication of one-half width and construction of the full width of the Judicial Drive extension, and the dedication and construction of a westbound lane on La Jolla Village Drive) would not be implemented in the near-term by the project applicant.

In the long-term, the above mentioned roadway improvements would likely be implemented with or without the Proposed Project and the site might be developed by others with a project that is consistent with the University Community Plan land use designations of VC and SR and other City policies and ordinances (e.g., Environmentally Sensitive Lands Regulations [ESL]). (Note: In January 2000, the City adopted ESL which replaces RPO. Thus, any project submitted to the City after January 2000 is subject to the ESL regulations.) Future applications for site development would be constrained by the presence of the NAS Miramar CLUP APZs, Noise Contours and the RUE that effect site development. In addition, the presence of City-defined wetlands and steep slopes would also constrain future development due to the requirements of the ESL. For the purposes of this analysis, it is assumed that a future development by others would consist of an alternative similar to the alternatives presented in Sections 9.3 and 9.4, Development Under the Existing Community Plan Alternative and Resource Protection Ordinance Consistent Alternative, respectively. Refer to Sections 9.3 and 9.4 for the analysis of potential environmental impacts associated with these alternatives and a comparison with the Proposed Project. The No Project analysis in the EIR focuses on the impacts anticipated with Circulation Element roadway improvements and the adopted MDTB LRT Station located within the Executive Drive right-of-way.

**Table ES-1
SIGNIFICANT IMPACTS AND PROPOSED MITIGATION**

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
LAND USE		
<p>The Proposed Project would exceed the encroachment limitations imposed by the RPO for steep hillsides and wetlands. The applicant has proposed candidate deviation findings for wetlands and alternative compliance findings for steep slopes which are not currently supported by City staff; however, Additionally, impacts to steep hillsides are not considered a significant land use impact because the analysis of the proposed project's landform alteration and visual quality did not identify any significant environmental impacts (refer to Section 4.2 of this EIR). The Proposed Project would therefore result in a significant land use impact only due to non-compliance with RPO for wetlands.</p> <p>No significant impacts to other land use plans and policies are identified; therefore, no mitigation measures are recommended.</p>	<p>The Proposed Project's significant land use impact due to non-compliance with RPO for wetland impacts can only be reduced to below a level of significance by adoption of the RPO Consistent Alternative (Section 9.4 of the EIR).</p> <p>No mitigation measures are necessary for compliance with <u>RPO</u> or the City's MSCP, other than those prescribed in Section 4.3 Biological Resources.</p>	<p>Significant and unmitigated. <u>N/A</u></p> <p>N/A</p>
LANDFORM ALTERATION/VISUAL QUALITY		
<p>No significant impacts to landform alteration/visual quality are identified; therefore, no mitigation is required.</p>	N/A	N/A

Table ES-1 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES		
<p>Impacts to Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, southern mixed chaparral, southern willow scrub habitat, and unvegetated streambed are all considered significant and would require mitigation.</p>	<ol style="list-style-type: none"> 1. Prior to issuance of any grading permit and/or the recordation of the final map, the applicant shall mitigate for impacts to 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral in accordance with the City of San Diego <i>Land Development Code Biology Guidelines</i> (adopted on 9/28/99), satisfactory to the City Manager. The City Manager shall ensure that the applicant has preserved 8.53 acres off-site of Tier I-III habitat within the MHPA or as appropriate outside the MHPA in accordance with the Biology Guidelines. 2. Prior to the issuance of any grading permit which affects on-site wetlands and/or the recordation of the final map, the applicant shall assure mitigation for the loss of 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed at a ratio of 3:1, satisfactory to the City Manager. The applicant proposes to restore 0.42 acre of wetland habitat within Los Peñasquitos Lagoon watershed on land owned and managed by the California State Department of Parks (State Parks). The proposed wetland restoration site is currently occupied by giant reed (<i>Arundo donax</i>) and is located downstream from the intersection of Flintkote and Estuary Way in Sorrento Valley. The mitigation program involves removal of giant reed from 0.42 acre of land followed by replanting of the cleared area with southern willow scrub species. The mitigation program will be carried out by a contractor paid by the applicant, with oversight by the State Parks preserve manager. 	<p>Not Significant</p>

Table ES-1 (cont.)		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
See above.	<p>a. Prior to issuance of any grading permit which affects on-site wetlands, the City Manager shall verify that a bonded mitigation agreement in sufficient amount to ensure the mitigation of 0.42 acre of wetlands within Los Peñasquitos Lagoon or other mitigation site acceptable to the City and resource agencies has been executed.</p> <p>b. Prior to issuance of any grading permit which affects on-site wetlands and prior to initiating off-site wetland restoration, a final wetlands mitigation plan shall be prepared by the applicant and approved by the City Manager. The mitigation plan shall describe the proposed mitigation area location and methodology, buffer requirements (if needed), maintenance program, monitoring and reporting plan, success criteria, remedial measures to correct any problems, and any other information deemed necessary by the City.</p> <p>c. Prior to the issuance of any grading permit which affects on-site wetlands, the applicant shall submit verification that a qualified project biologist has been retained to oversee the implementation of the wetlands mitigation plan. The project biologist shall have experience preparing and monitoring wetland and riparian mitigation plans in San Diego County and shall be acceptable to the City Manager and the resource agencies. The project biologist shall oversee other specialists and contractors involved in the implementation of the mitigation plan.</p>	See above.

Table ES-1 (cont.)		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
BIOLOGICAL RESOURCES (cont.)		
See above.	d. The applicant shall submit the following items to the City prior to issuance of any grading permit which affects on-site wetlands: (1) Evidence of compliance with Sections 401 and 404 of the federal Clean Water Act; (2) Evidence of compliance with Section 1603 of the State of California Fish & Game Code; (3) Evidence shall include either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager.	See above.
TRANSPORTATION/TRAFFIC CIRCULATION (Direct and Cumulative)		
Under the near-term conditions, with or without the extension of Judicial Drive, traffic generated by the Proposed Project would result in a significant increase in the V/C ratio on La Jolla Village Drive. In addition, the proposed project, with or without the extension of Judicial Drive, would significantly impact the intersection of Miramar Road/Eastgate Mall.	Either of the following two transportation mitigation options would reduce the significant traffic impacts to roadway segments and intersections, other than I-805, to below a level of significance. Option 1 consists of development in three phases (transportation phasing plan) and is recommended by City staff. Option 2 consists of a non-phased development which is preferred by the applicant.	Not significant

Table ES-1 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/TRAFFIC CIRCULATION (Direct and Cumulative) (cont.)		
See above.	<p>Option 1 - Transportation Phasing Plan</p> <p><u>Phase I</u></p> <ol style="list-style-type: none"> 1. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of up to 3,333 ADT: <ol style="list-style-type: none"> a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive; b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage; c. The construction of Nexus Center Drive as a two-lane industrial local street; d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive. <p><u>Phase II</u></p> <ol style="list-style-type: none"> 2. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 3,333 ADT up to 5,455 ADT: 	See above.

Table ES-1 (cont.)		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/TRAFFIC CIRCULATION (Direct and Cumulative) (cont.)		
See above.	<p><u>Phase II</u> (cont.)</p> <ul style="list-style-type: none"> a. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange; b. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (North University City Project [NUC] 33); c. The construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel. <p><u>Phase III</u></p> <ul style="list-style-type: none"> 1. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 5,455 ADT up to 10,319 ADT: <ul style="list-style-type: none"> a. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C); b. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-5); c. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C). 	See above.

Table ES-1 (cont.)		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/TRAFFIC CIRCULATION (Direct and Cumulative) (cont.)		
See above.	<p>Option 2 - Non-Phased Development (preferred by the applicant)</p> <p>The following transportation mitigation measures are identical to those of Option 1 with one exception; Option 2 does not include the construction of Judicial Drive as a four-lane major <u>street</u> arterial from La Jolla Village Drive to Nobel.</p> <ol style="list-style-type: none"> 1. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the any generation of up to 10,455 ADT: <ol style="list-style-type: none"> a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive; b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage; c. The construction of Nexus Center Drive as a two-lane industrial local street; d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive. e. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange; f. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (NUC-33); 	See above.

Table ES-1 (cont.)		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
TRANSPORTATION/TRAFFIC CIRCULATION (Direct and Cumulative) (cont.)		
See above.	<p>Option 2 (cont.)</p> <ul style="list-style-type: none"> g. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C); h. The widening of Miramar Road to eight lanes (NUC-50); i. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C). <p>None available.</p>	See above.
Impacts to segments of I-805 and the interchange of I-805 and La Jolla Village Drive by the addition of Project traffic were deemed significant. The addition of traffic generated by the Proposed Project will contribute to long delays and lengthy queues at three of the I-805 access ramps. Two segments of I-805 would operate at LOS F with or without the Proposed Project.		Significant and unmitigated. Adoption of the Existing Community Plan Alternative is the only mitigation available to reduce project impacts to below a level of significance.

Table ES-1 (cont.)		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
NOISE		
Due to automobile traffic noise along La Jolla Village Drive and Judicial Drive, as well as aircraft noise from MCAS Miramar, future noise levels at the site would exceed an exterior CNEL of 65 dB at the hotel swimming pool area. This impact is considered significant and will require mitigation.	1. Prior to the issuance of any building permit, the applicant shall incorporate sound attenuation measures as described in the <i>Acoustical Assessment Report for La Jolla Commons Project</i> (Pacific Noise Control, March 2000) to the satisfaction of the City Manager. Specifically, plans shall indicate a minimum six- and seven-foot high permanent noise barrier to be constructed along the western and southern edges of the hotel swimming pool area (refer to figure 4.5-6 of the EIR). The noise barrier may be constructed as a wall, berm, or combination of both. The materials used in the construction of the barrier are required to have a minimum surface density of 3.5 pounds per square foot, and may consist of masonry material, plexiglas, tempered glass, or a combination thereof. The barrier must be designed so that there are no openings or gaps. These requirements shall be noted on the construction plans, satisfactory to the City Manager.	Not Significant
Exterior noise levels greater than 60 dB could result in interior noise levels in excess of 45 dB for hotel and condominium uses, and exterior noise levels greater than 65 dB could result in interior noise levels in excess of 50 dB for office uses. This impact is considered potentially significant and will require mitigation.	2. Prior to the issuance of any building permit, the applicant shall submit a final acoustical report to the satisfaction of the City Manager. The City Manager shall verify that all measures identified in the approved report which are necessary to achieve an interior noise level of 45 dB at the condominium and hotel and 50 dB CNEL at the office buildings have been incorporated into the design of proposed structures.	Not Significant

Table ES-1 (cont.)		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
AIR QUALITY (Direct and Cumulative)		
<p>The La Jolla Commons Project would result in emissions of fugitive dust associated with construction. Because dust control measures during grading operations would be regulated in accordance with the rules of the San Diego APCD, and since construction would be a one-time, short-term activity, air quality impacts due to construction of the proposed project would not be significant.</p> <p>The Proposed Project will contribute to a regional San Diego Air Basin cumulative significant air quality impact due to the region's non-attainment for O₃ and PM₁₀; this impact was considered significant and unmitigated in the University Community Plan EIR (May 12, 1987). <u>The Proposed Project would not generate emissions beyond the levels assumed previously.</u></p>	N/A	N/A
	<p>None Available</p> <p><u>N/A</u></p>	<p>Significant</p> <p><u>N/A</u></p>

Table ES-1 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HYDROLOGY/WATER QUALITY		
<p>Erosion during construction could significantly impact the ability of downstream areas to accommodate silt-laden runoff or the accumulation of silt. During post-construction conditions, contaminants transported off-site by stormwater runoff (e.g., grease, oils, and synthetic organic chemicals) would impact the water quality of downstream waters.</p>	<p>1. Prior to the issuance of any grading permit, comprehensive short-term Best Management Practices (BMPs) shall be incorporated into the project plans to control construction-related erosion and sedimentation, satisfactory to the City Engineer. BMPs may include, but are not limited to, graded surface scarification, soil stabilizers, temporary hydroseeding/planting, mulching, matting, blankets, geotextiles, sod stabilization, vegetative buffer strips, sediment traps/catch basins, silt fencing and gravel bags.</p> <p>All temporary sediment traps/catch basins shall be maintained regularly. All areas planted with erosion-control vegetation shall be monitored daily for vegetation establishment and erosion problems, and any repairs and/or replacement of vegetation made promptly. All stabilization and structural controls shall be inspected at least monthly and after every significant storm event, and shall be repaired or maintained as needed to reduce sediment discharge from the site. Access to these facilities shall be maintained during wet weather.</p>	<p>Not Significant</p>

Table ES-1 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
HYDROLOGY/WATER QUALITY (cont.)		
See above.	<ol style="list-style-type: none"> 2. Prior to the issuance of any grading permit, comprehensive permanent post-construction BMPs, consistent with those shown on "Exhibit A" (site or grading plan) shall be incorporated into the project plans to reduce the amount of pollutants (e.g., oil, grease, heavy metals) and sediments discharged from the site, satisfactory to the City Engineer. BMPs shall include the use of catch basin filtration devices at all storm drain inlets collecting runoff from proposed new structures, walkways, the private street, parking and landscape areas, as well as a street sweeping program for the private street and parking areas. Equivalent alternative available technologies and BMPs may be approved by the City Engineer in lieu of, or in addition to, those shown on "Exhibit A." 3. Prior to the issuance of any grading permit, the applicant shall prepare a permanent maintenance plan, satisfactory to the City Engineer, which defines the applicant as the responsible party for the permanent maintenance of all BMPs. The maintenance plan shall include the submittal of annual reports to the City Engineer documenting the maintenance of all permanent BMPs in accordance with applicable manufacturer specifications. Spot checks may be made by the City Engineer to ensure compliance with the maintenance plan. 4. Grading will be allowed during the rainy season (November 15 through March 31) upon the approval of special erosion control measures by the City Engineer. 	See above.

Table ES-1 (cont.)		
IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGY		
Due to the presence of fossiliferous formations at the project site, implementation of the project would have the potential for significant impacts to paleontological resources for portions of the Proposed Project site. The proposed grading would exceed the thresholds for significance for both the Scripps and Lindavista formations.	<p>Prior to recordation of the final map and/or issuance of the first grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor (as defined in the City of San Diego Paleontological Guidelines) have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. All persons involved in the paleontological monitoring of the project shall be approved by LDR prior to the start of monitoring. The applicant shall notify LDR of the start and end of construction.</p> <ul style="list-style-type: none"> a. The qualified paleontologist shall attend any preconstruction meetings to discuss the paleontological monitoring program with the construction manager. b. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils. c. When requested by the paleontologist, the city resident engineer shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The paleontologist shall immediately notify LDR staff of such finding at the time of discovery. LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume. 	Not Significant

Table ES-1 (cont.)

IMPACT	MITIGATION MEASURES	ANALYSIS OF SIGNIFICANCE AFTER MITIGATION
PALEONTOLOGY (cont.)		
See above.	<p>d. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.</p> <p>e. Prior to the release of the grading bond, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR.</p>	See above.
HISTORICAL RESOURCES		
No significant impacts have been identified.	N/A	N/A
HUMAN HEALTH & PUBLIC SAFETY		
No significant impacts have been identified.	N/A	N/A

The No Project Alternative would meet only two of the five objectives of the Proposed Project, listed at the start of this section. Specifically, this alternative would meet the objectives pertaining to compliance with RPO, as well as integration of Circulation Element and mass transit plans. This alternative would reduce project impacts associated with land use policy conformance (i.e., RPO) and biological resources over the near-term; however, future development of the site with a reasonably expected project would result in some environmental impacts commensurate with the Proposed Project, as discussed in Sections 9.3 and 9.4. In addition, the No Project Alternative would impact 0.10 acre of the 0.14 acre of wetlands regulated by RPO; however, deviation findings for wetland impacts associated with roadway/Circulation Element improvements would likely be adopted. This alternative would only meet the goals of the Resource Management Element and Circulation Element of the Community Plan.

Development Under the Existing Community Plan

The project site has a Community Plan land use designation of Visitor Commercial (VC) and Scientific Research (SR) and a Development Intensity Element allowance of 3,811 ADTs. Utilizing the existing Community Plan land use designations and the number of ADTs permitted for this site, the project site could be developed with various land uses compatible with VC and SR, such as a 100-room extended stay hotel and 100,000-square foot SR, or a 295,000-square foot office building. A Community Plan Amendment would not be necessary with this alternative as no density transfer would be proposed and the uses would be consistent with the current land use designation of the site. Refer to Figures 9-1 and 9-2 for a conceptual diagrams of these alternatives. Community Plan Consistent Alternative A would include a single office tower located in proximity to the intersection of Judicial Drive and Executive Drive, with surface parking located immediately to the east. This alternative would include the dedication and construction of one-half width Judicial Drive, as well as reservation of land for the future MTDB LRT station within the Executive Drive right-of-way. This alternative would not include the dedication of additional right-of-way along La Jolla Village Drive. An office tower located immediately south of Executive Drive would require a substantial amount of site grading and would partially encroach into the existing main and finger canyons to accommodate the building pad, parking and infrastructure improvements. Community Plan Consistent Alternative B would consist of a 100-room extended stay hotel located immediately south of Executive Drive and east of Judicial Drive, and a 100,000-square foot scientific research building in the northeast corner in a similar location as the Proposed Project. Parking for the hotel would be located immediately east of the hotel, south of Executive Drive. Parking for the scientific research building would be adjacent to the structure, as shown also for the Proposed Project.

The Existing Community Plan Alternative would not achieve a majority of the objectives of the Proposed Project, listed previously at the start of this section. Specifically, either alternative scenario A or B would not provide living, working, and recreational land uses that compliment one another; would not include a destination resort hotel and residential housing; would not provide FBA fees commensurate with the level anticipated to be generated from this site; and would not promote or facilitate a comprehensively planned commercial development that integrates compatible activities.

This alternative would comply with the existing Community Plan relative to the Development Intensity Element, thereby reducing the volume of traffic generated from this site. Consequently, this alternative would reduce the anticipated Project traffic impacts. The Existing Community Plan Alternative would result in a significant land use policy impacts relative to RPO-regulated wetlands similar to the Proposed Project, requiring the adoption of deviation findings. The wetlands impacts would be reduced by 0.02 acre, resulting in a total impact to 0.12 acre of wetlands (0.10 acre from circulation improvements and 0.02 acre from the office tower pad and parking). Impacts to steep slopes would be reduced and limited primarily to the south

facing slope near Executive Drive and the east facing slope where the extension of Judicial Drive is proposed, thereby reducing the RPO steep slope land use impact to below a level of significance.

RPO Consistent Alternative

The RPO Consistent Alternative evaluates the environmental impacts associated with an alternative that avoids wetlands and steep slope impacts of the Proposed Project. As discussed in Sections 4.1 and 4.3, the Proposed Project results in impacts to 0.13 acre of wetlands and 0.01 acre of unvegetated streambed located on the project site and off-site where the extension of Judicial Drive is proposed. The Proposed Project is also anticipated to impact 2.1 acres of steep hillsides (natural slopes exceeding 25 percent gradient and 50 feet in height) which is approximately 12 percent of the total site acreage; an encroachment not permitted under RPO.

In an effort to avoid the approximate 0.04 acre of wetland (remaining after public infrastructure projects) and the 2.1 acres of steep hillsides that would be impacted by the Proposed Project, an alternative is identified that restricts development to the southeast corner of the site. Approximately 2.5 acres of developable land would be available for pad grading and a building footprint outside the top of slope that protects the wetlands and wetland buffers. This location also places the development outside the Miramar APZ and RUE. For the purposes of this analysis, the RPO Consistent Alternative would include a 295,000 square foot office tower located in the southeast corner of the project site, with a multi-level parking structure located north of the office building and east of the setback for the canyon slopes. No SR would be included in order to meet the objectives of the Community Plan Development Intensity Element. This alternative would ~~not~~ include the construction of Judicial Drive and ~~however, it would include~~ the widening of Executive Drive to accommodate the MTDB adopted LRT Station within the road right-of-way. Refer to Figure 9-3 for a conceptual diagram of this alternative.

The RPO Consistent Alternative is considered the Environmentally Preferred Alternative; however, this alternative does not meet four of the five basic project objectives. Specifically, this alternative: would not provide living, working, and recreational land uses that compliment one another; would not include a destination resort hotel and residential housing; would not provide FBA fees commensurate with the level anticipated to be generated from this site; and would not promote or facilitate a comprehensively planned commercial development that integrates compatible activities. This alternative would comply with the existing Community Plan relative to the Development Intensity Element, thereby reducing the volume of traffic generated from this site. In addition, this alternative would comply with RPO and reduce impacts to wetlands and steep slopes.

This alternative would reduce the developable area on site by about 6 acres; however, it does not avoid all impacts to biological resources since Circulation Element road improvements would still impact native habitat on-site and approximately 0.10 acre of wetlands. Similar to the Community Plan Consistent Alternative, this alternative would reduce significant traffic impacts to below a level of significance.

Environmentally Superior Alternative

Each of the alternatives reduces one or more significant environmental impacts anticipated with the Proposed Project. Although the No Project Alternative results in the least environmental impacts, State CEQA Guidelines requires identification of an alternative other than the No Project Alternative as environmentally superior. As such, the Resource Protection Ordinance Consistent Alternative is considered to be the Environmentally Superior Alternative since it reduces significant land use policy impacts associated with RPO, biological resource impacts and overall traffic impacts. The remaining alternative, the Community Plan Consistent Alternative, reduces only traffic impacts.

1.0 Introduction

This Environmental Impact Report (EIR) evaluates the potential direct, indirect, project-specific and cumulative environmental impacts associated with the development of approximately 17 acres with a mix of land uses referred to as the La Jolla Commons Project, hereinafter referred to as the Proposed Project. Approximately 2.76 off-site acres would be disturbed for grading and construction of Judicial Drive, which would front the west side of the property. The Proposed Project would include a ~~327-325~~-room luxury hotel, ~~115-120~~ condominium units, 450,000 square feet of office space, a 30,000 square-foot science research building, and an eight-level stand-alone parking structure. The Proposed Project also includes extensive landscaping in an interior terraced courtyard (over one acre), a public park at the project's primary entrance (almost one-half acre) and landscaping throughout the project and along pedestrian access routes to off-site links.

The Proposed Project site is located near the eastern end of the University Community of San Diego. The Proposed Project site is west of Interstate 805 (I-805), north of La Jolla Village Drive, east of future Judicial Drive and south of Nexus Center Drive. Executive Drive bisects the Proposed Project site, midway between Nexus Center Drive and La Jolla Village Drive. The project site, which is currently designated for visitor commercial and scientific research uses, is adjacent to office and multi-family residential uses to the west and scientific research uses to the north. Commercial and light industrial uses exist beyond approximately nine acres of vacant land and I-805 to the east. Multi-family residential uses are present to the south of La Jolla Village, beyond approximately 30 acres of vacant land.

The City of San Diego is the Lead Agency and will review and consider this Final EIR (FEIR) in its decision to certify the EIR as complete under the requirements of the California Environmental Quality Act (CEQA) of 1970 and approve, revise or deny the Proposed Project, or take action on a project alternative. Discretionary actions from the City of San Diego include but are not limited to:

- Community Plan Amendment (CPA)
- Rezone
- Vesting Tentative Map (VTM)
- Planned Commercial Development Permit
- Resource Protection Ordinance Permit

Key permits required by other agencies include:

- Clean Water Act Section 404, Nationwide 39 Permit (Army Corps of Engineers)
- Section 401 Water Quality Waiver/Certification (Regional Water Quality Control Board)
- National Pollutant Discharge Elimination System Permit (Regional Water Quality Control Board)
- Section 1603 Streambed Alteration Agreement (California Department of Fish and Game)

Discretionary actions are discussed further in Section 3.3 as well as in the applicable sections of the environmental analysis (i.e., Biological Resources and Hydrology/Water Quality).

1.1 CEQA Requirements

1.1.1 CEQA Compliance

Under CEQA (California Public Resources Code Section 21000 et. seq.), the preparation of an EIR is required for any project that a Lead Agency determines may have a significant impact on the environment. According to Section 21002.1 of CEQA, "The purpose of an EIR is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." CEQA also establishes mechanisms whereby the public and decision-makers can be informed about the nature of the project being proposed, and the extent and types of impacts that the project and its alternatives would have on the environment if they were to be implemented. This FEIR complies with all criteria, standards and procedures of CEQA, the State CEQA Guidelines (California Administrative Code, Section 1500, et. seq.) and the City of San Diego's EIR Guidelines, Revised June 1992. This document has been prepared as a Project EIR pursuant to Section 15161 of the State CEQA Guidelines.

1.1.2 Scoping Letter and Notice of Preparation

The scope of analysis for the Draft EIR was determined by the City of San Diego as a result of the preparation of a Scoping Letter and responses to the Scoping Letter and Notice of Preparation (NOP) dated March 20, 2000, prepared in compliance with Section 15082 of the State CEQA Guidelines. The Scoping Letter and NOP and associated responses are included in Appendix A of this document. The following issues were determined to be potentially significant and are addressed in this FEIR.

- Land Use
- Biological Resources
- Noise
- Hydrology/Water Quality
- Historical Resources
- Landform Alteration/Visual Quality
- Transportation/Traffic Circulation
- Air Quality
- Paleontology
- Human Health and Public Safety

Effects that were determined not to be potentially significant are addressed in Section 6.0 of this FEIR. Other mandatory sections required by CEQA include a discussion of cumulative impacts and alternatives to the Proposed Project.

1.2 Purpose and Use of this EIR

The purpose of an EIR is to disclose the significant environmental effects of a Proposed Project, alternatives to the project, and possible ways to reduce or avoid the possible environmental damage. The Draft EIR was made available for review by the public and public agencies for 45 days to provide comments "on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated" (Section 15204, CEQA Guidelines). The Draft EIR was available for review at the City of San Diego Planning and Development Review Department, 1222 First Avenue, 5th Floor, San Diego.

The City of San Diego, as Lead CEQA Agency, will consider written comments received on the Draft EIR and at the public hearing in making its decision whether to certify the EIR as complete and in compliance with CEQA, and whether to approve or deny the Proposed Project. In the final review of the Proposed Project, environmental considerations, as well as economic and social factors will be weighed to determine the most appropriate course of action. Subsequent to certification of the EIR, several agencies with permitting authority over all or portions of the project will use the EIR as the basis for their evaluation of environmental effects of the project and approval or denial of applicable permits (refer to Section 3.3 for a description of all discretionary actions and permits required for this project).

1.3 Responsible and Trustee Agencies

CEQA Guidelines, Section 15381 defines Responsible Agencies as “all public agencies other than the Lead Agency which have discretionary approval power over the project.” State CEQA Guidelines, Section 15386, defines a Trustee Agency as “a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.” The Guidelines require that all EIRs be reviewed by trustee and responsible agencies. For the purposes of the Proposed Project, the City of San Diego is the Lead CEQA Agency and the Responsible and Trustee Agencies include the U.S. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board.

1.3.1 U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACOE) has jurisdiction over developments in or affecting navigable waters of the United States pursuant to two federal laws: the Rivers and Harbors Act of 1889 and the Clean Water Act of 1977, as amended. Projects that include potential dredge or fill impacts to “waters of the U.S.” (including wetlands) are subject to Section 404 of the Clean Water Act. Aggregate impacts to waters of the U.S. (defined as direct fill or indirect effects of fill) greater than 0.5 acre require an individual permit. The Proposed Project would be impacting approximately 0.01 acre of Waters of the U.S. and approximately 0.13 acre of southern willow scrub wetland habitat. It is anticipated that a Nationwide 39 Permit would be required for the 0.14 acre of impact. This permit would require submittal of a Pre-Construction Notification.

1.3.2 California Department of Fish and Game

Pursuant to Section 1603 of the State of California Fish and Game Code, the California Department of Fish and Game (CDFG) has the authority to reach an agreement with a private party proposing to affect an intermittent or permanent streambed (including wetlands habitat). The CDFG generally relies upon the technical data gathered as part of the CEQA documentation (EIR) and attempts to satisfy their permit concerns in these documents. In accordance with the policy of “no net loss of wetland habitat,” the CDFG requires mitigation for all impacts to wetlands, regardless of acreage. The portions of the project under the jurisdiction of the CDFG include the 0.01 acre of streambed and 0.13 acre of southern willow scrub. An application for a Streambed Alteration Agreement (SAA) will be submitted upon certification of the EIR.

1.3.3 Regional Water Quality Control Board

Pursuant to Section 401 of the Clean Water Act, the USACOE must receive a water quality certification or waiver from the state or local Regional Water Quality Control Board (RWQCB) prior to issuance of a permit under Section 404, discussed above. The local RWQCB, Region 9, would be responsible for issuing a waiver or certificate for any project actions resulting in the discharge of runoff from a site. Conformance with the Clean Water Act is established through compliance with the requirements of the National Pollution Discharge Elimination System (NPDES) for discharge of storm water runoff associated with construction

activity. Compliance also requires conformance with applicable Best Management Practices (BMPs) and development of a Storm Water Pollution Prevention Plan (SWPPP) and monitoring program plan.

1.4 EIR Format

As stated above, the content and format of this FEIR is in accordance with the most recent guidelines and amendments to CEQA and the City of San Diego Environmental Impact Report Guidelines, Revised June 1992. Technical studies have been summarized within individual environmental issue sections; the full technical studies have been included in the DEIR Appendices, B through H.

The FEIR has been organized in the following manner: Section ES is an executive summary of the FEIR analysis which discusses the project description, the alternatives which would reduce or avoid significant impacts and the conclusions of the environmental analysis. The conclusions focus on those impacts which have been determined to be significant but mitigated, as well as impacts considered significant and unmitigated, if identified. Impacts and mitigation measures are provided in table format. In addition, Section ES includes a discussion of areas of controversy known to the City of San Diego, including those issues identified by other agencies and the public. Section 1.0 provides: a brief description of the project, key discretionary City actions and permits, other permits and approvals needed by other agencies, the purpose of the EIR document, a summary of issues considered not significant and an explanation of the document format. Section 2.0 provides an overview of the regional and local setting, as well as the physical characteristics of the project site. The setting discussion also addresses the relevant planning documents and community plan characteristics that apply to the project site. Section 3.0 provides a detailed description of the Proposed Project, including the purpose and main objective of the project, project construction, building, landscaping and circulation characteristics, and a list of discretionary actions required for project implementation. Section 3.0 also includes a brief description of the project alternatives and alternatives considered but rejected for further consideration.

Section 4.0 constitutes the main body of the FEIR impact analysis for each environmental issue. Under each issue area identified for analysis by the City of San Diego, the FEIR includes a description of existing conditions relevant to each environmental topic, an assessment of impacts associated with implementation of the project, and recommendations for mitigation measures and mitigation monitoring and reporting programs for each significant impact. Section 5.0 includes a discussion of cumulative impacts which addresses the potential for aggregate impacts due to implementation of the Proposed Project in combination with other recently approved or pending projects. The area of potential effect for cumulative impacts varies depending upon the type of environmental issue. Section 6.0 provides a brief description and explanation of those environmental effects found not to be significant. Sections 7.0 and 8.0 include analyses of the potential for growth inducing impacts and other mandatory EIR discussions, respectively. Section 9.0 provides a description and evaluation of alternatives to the Proposed Project. This section addresses alternatives that reduce or avoid significant impacts and compares these alternatives to the Proposed Project. Alternatives considered but rejected for further analysis are also described in Section 9.0. FEIR references, contacts and preparer information are provided in Sections 10.0, 11.0 and 12.0, respectively.

2.0 Environmental Setting

2.1 Regional Location and Project Boundaries

The Proposed Project is located within the University Community of the City of San Diego, approximately 700 feet west of I-805 and north of La Jolla Village Drive. The University Community planning area is located in the northern portion of the City of San Diego and stretches from the Pacific Ocean to just east of I-805. A majority of the planning area is encompassed within a triangle of Interstate 5 (I-5), State Route 52 and I-805. The project site is located in the central-eastern portion of the community planning area. Refer to Figures 2-1 and 2-2 for regional and vicinity location maps. The project site is shaped like a reversed "L," bound to the west by the planned extension of Judicial Drive, to the north by Nexus Center Drive, approximately nine acres of vacant land to the east, and La Jolla Village Drive to the south. The site is bisected by the partially improved extension of Executive Drive which terminates approximately mid-way through the site. Nexus Center Drive currently terminates in a cul-de-sac at the northeast corner of the site. The cul-de-sac provides access to an existing scientific research office building located adjacent to the northeast boundary of the project site. Refer to Figure 2-3 for the project boundaries in relation to the existing and planned circulation system.

2.2 Surrounding Land Uses and Development

The University Community planning area, covering an area of approximately 8,500 acres, is comprised of a mix of retail, visitor commercial, office, scientific research, and residential uses. In addition to these land uses, the University Community planning area encompasses the University of California at San Diego (UCSD) and land uses associated with student/faculty services. The primary corridor bisecting the planning area is La Jolla Village Drive, which is straddled on both sides by a relatively dense development of mixed uses, including a number of high-rise offices, multi-family residential complexes and hotels. University Towne Center (UTC), one of the region's largest shopping malls, is located less than 1/4 mile southwest of the project site. The Proposed Project site is located near the eastern end of this corridor, just before La Jolla Village Drive transitions to Miramar Road at I-805. Land uses to the east of I-805 consist primarily of light industrial, commercial and open space. The University Community planning area is bound to the east-southeast by Marine Corps Air Station (MCAS) Miramar, a 24,000-acre military installation.

The Proposed Project site is surrounded by a combination of developed, graded and vacant parcels. As noted above, approximately nine acres of vacant, naturally vegetated land exists between the project site and I-805 to the east. A two-story scientific research facility is located to the northeast, east of the terminus of Nexus Center Drive. A graded parcel, proposed for scientific research uses, is located within the pocket of the reversed "L," north of Executive Drive and south of Nexus Center Drive. A combination of high rise office towers, multi-family residential uses, scientific research buildings and a parking structure is located to the west of the project site, west of the proposed extension of Judicial Drive. A 4.63-acre vacant and naturally vegetated parcel is located immediately west of the proposed extension of Judicial Drive. La Jolla Village Drive, a six-lane primary arterial, bounds the project site to the south. Approximately 30 acres of vacant, naturally vegetated land located south of La Jolla Village Drive is planned for a mixed-use development of residential and scientific research uses known as La Jolla Crossroads (refer to Sections 4.1 and 5.0 for further discussion relative to the proposed La Jolla Crossroads project). West of the La Jolla Crossroads site are two multi-story office buildings and associated parking structures. Refer to Figure 2-4 for an aerial photograph of the project setting and surrounding land uses.

2.3 Existing Physical Site Conditions

The Proposed Project site covers approximately 17 acres of vacant, partially disturbed land. The site consists of two distinct topographic features: a relatively large, steeply sloped canyon in the southwest portion of the site and a relatively level plateau along the north and southeastern portions of the site. The existing site ranges in elevation from approximately 278 feet above mean sea level (amsl) in the canyon bottom to approximately 382 feet amsl in the northeast corner of the site. Elevations along the western site boundary, in the location of future Judicial Drive, average 320 feet amsl. The canyon in the southwest corner of the site is oriented in a north-to-south direction, with a tributary canyon forking towards the northwest and past the alignment for future Judicial Drive. This natural drainage historically flowed to the south in a continuous canyon drainage, south of La Jolla Village Drive. Refer to Figures 2-5 and 2-6 for the physical characteristics of the site. Currently, several drainage improvements, including concrete brow-ditches and a man-made stormwater collection pipeline, convey stormwater flow into a 42-inch diameter pipeline under La Jolla Village Drive. The main drainage basin on-site collects on-site flows in addition to a significant off-site flow contributed via existing pipelines which outfall into the project site. The existing stormwater flows from off-site sources entering the outfall on-site account for approximately 86 percent of the total flow entering the 42-inch diameter pipeline that conveys water south and under La Jolla Village Drive. In addition to surficial man-made stormwater collection facilities, a tunnel crosses underneath the project site containing various conveyance pipelines including an 84-inch sewer pipeline, a 54-inch effluent pipeline, a 36-inch wastewater pipeline and a 36-inch reclaimed water pipeline. The tunnel stops at a junction structure located in the canyon bottom. From this point two sewer pipelines (36- and 48-inch) continue south and under La Jolla Village Drive. The 36-inch reclaimed water pipeline within the tunnel is currently not in use; regional wastewater being treated at the North City Water Reclamation Facility located east of the project site, across I-805. Ultimately, the treated water would be conveyed through the pipeline within the site. Refer to Figures 2-7a and 2-7b for photographs of existing man-made infrastructure located within the drainage channel.

While a majority of the site is naturally vegetated, the site has been disturbed by the man-made improvements in the drainage and a number of dirt pathways and a utility vehicle access road (refer to Figures 2-5, and 2-7a and 2-7b). Vegetation on site consists of a combination of Diegan coastal sage scrub, southern mixed chaparral and southern willow scrub. A majority of the site is covered with southern mixed chaparral, with southern willow scrub covering the least amount of land within the canyon bottom. The existing site condition also includes the presence of scattered general refuse (e.g., glass, paper, furniture) dumped on the site by transient occupants.

2.4 Applicable Land Use Plans and Zoning

As noted above, the Proposed Project site is located within the University Community planning area in the City of San Diego. The site is subject to the planning guidelines and policies of the City of San Diego's *Progress Guide and General Plan*, the *University Community Plan* and the City's Zoning Ordinance in effect at the time the project submittal was deemed complete (1999). In addition, the project site is subject to the requirements of the City of San Diego's Resource Protection Ordinance (RPO) which regulates environmentally sensitive lands, including those types of resources found on the project site such as wetlands, wetland buffers, hillsides, and sensitive biological resources. The project is subject to the development and mitigation requirements of the Multiple Species Conservation Program (MSCP). The project site is not located within or adjacent to the City of San Diego MSCP Multi-Habitat Planning Area (MHPA). Applicable planning guidelines and policies are summarized below and discussed in further detail in Section 4.1 Land Use.

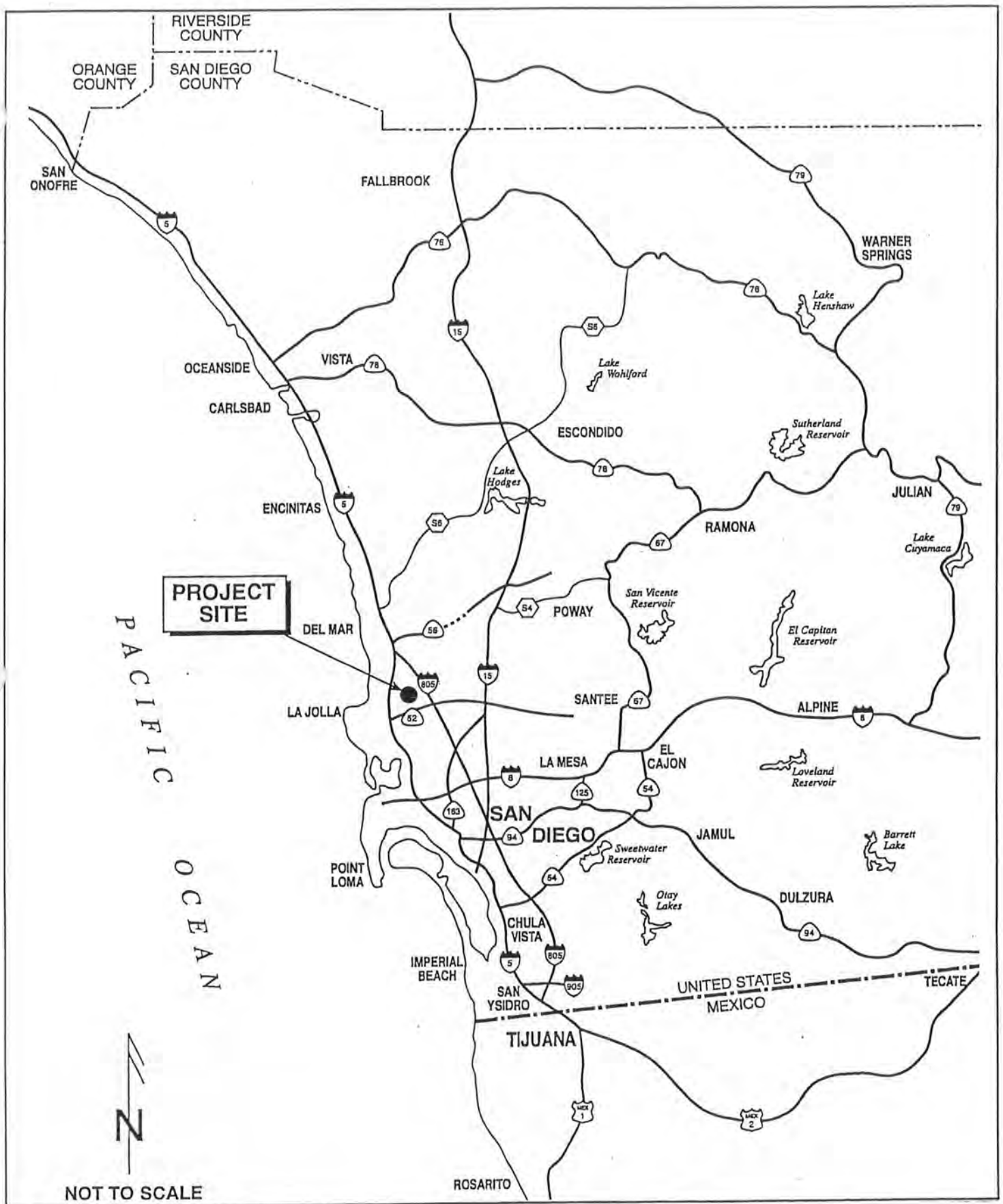


Figure 2-1
REGIONAL LOCATION MAP

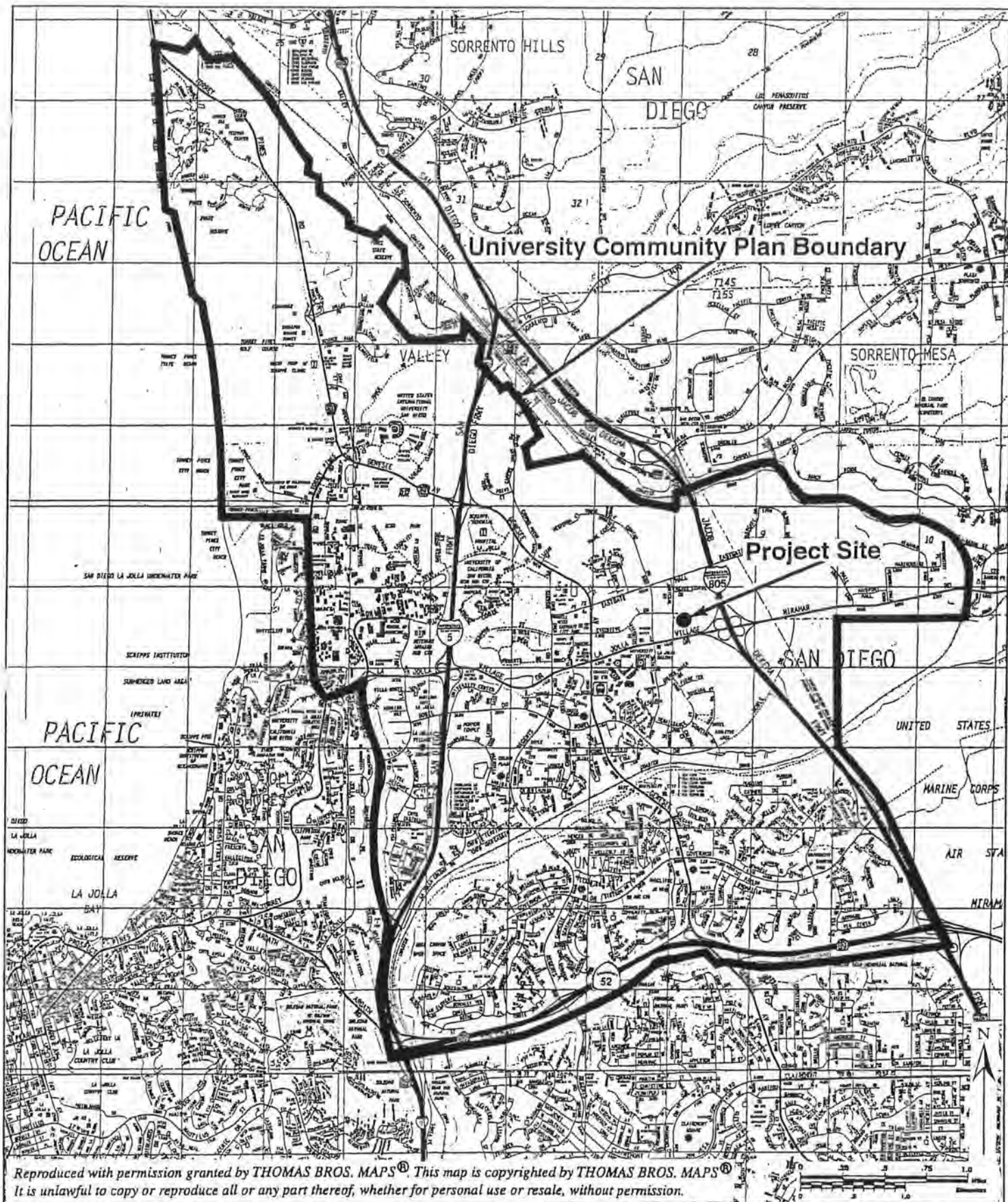


Figure 2-2
VICINITY MAP

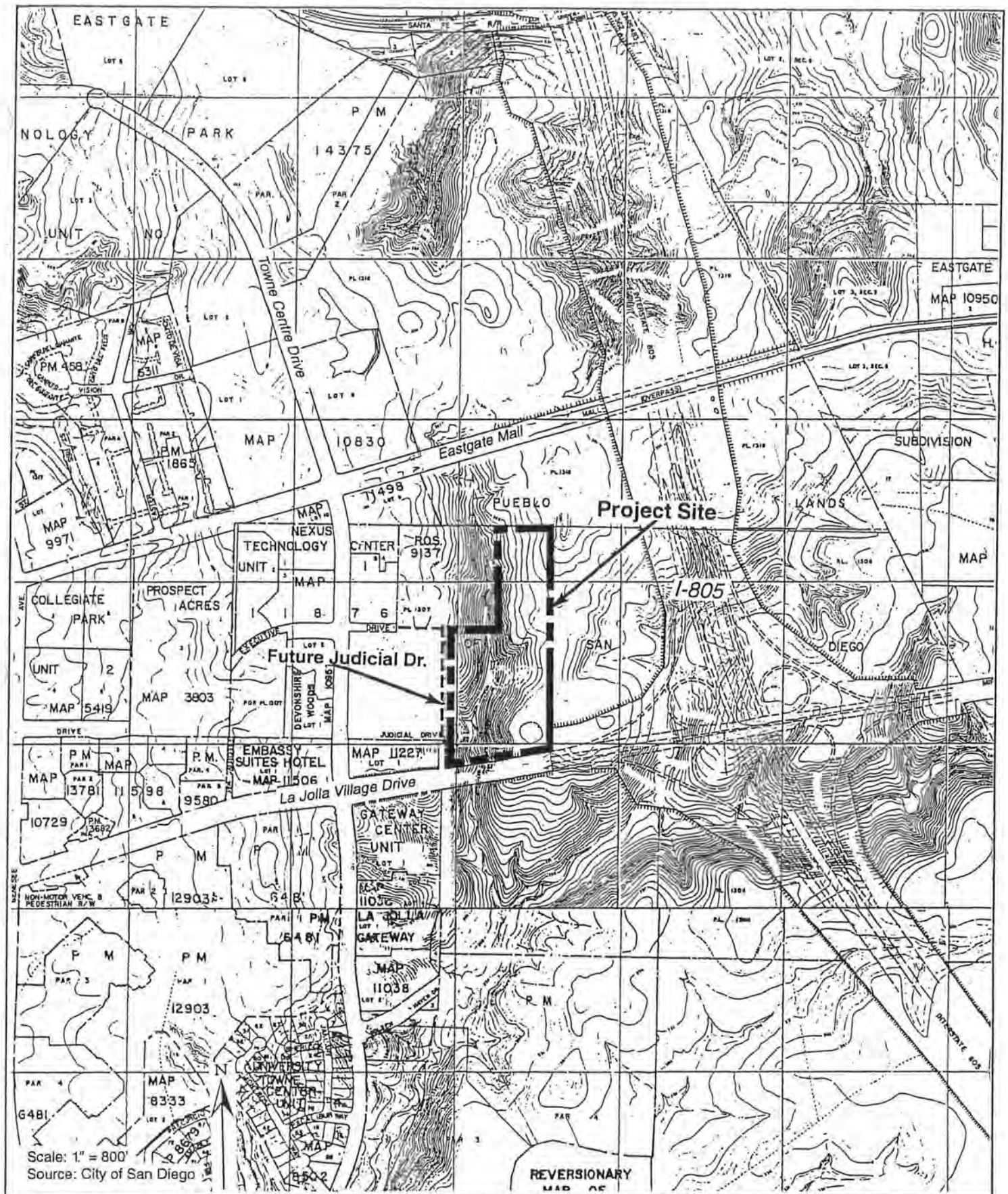


Figure 2-3
PROJECT BOUNDARIES



Figure 2-4
AERIAL PHOTOGRAPH - PROJECT VICINITY

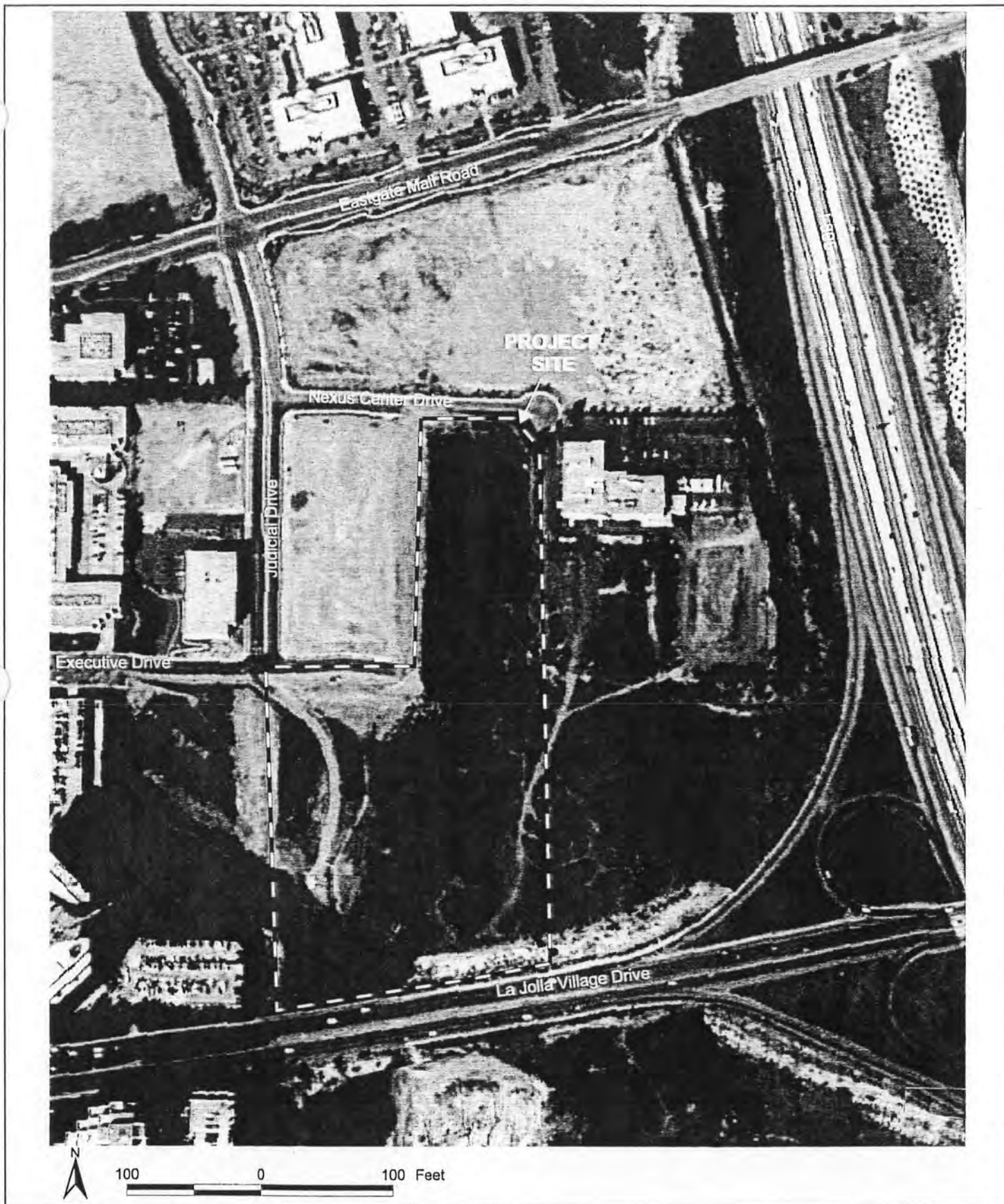


Figure 2-5
AERIAL PHOTOGRAPH - PROJECT SITE

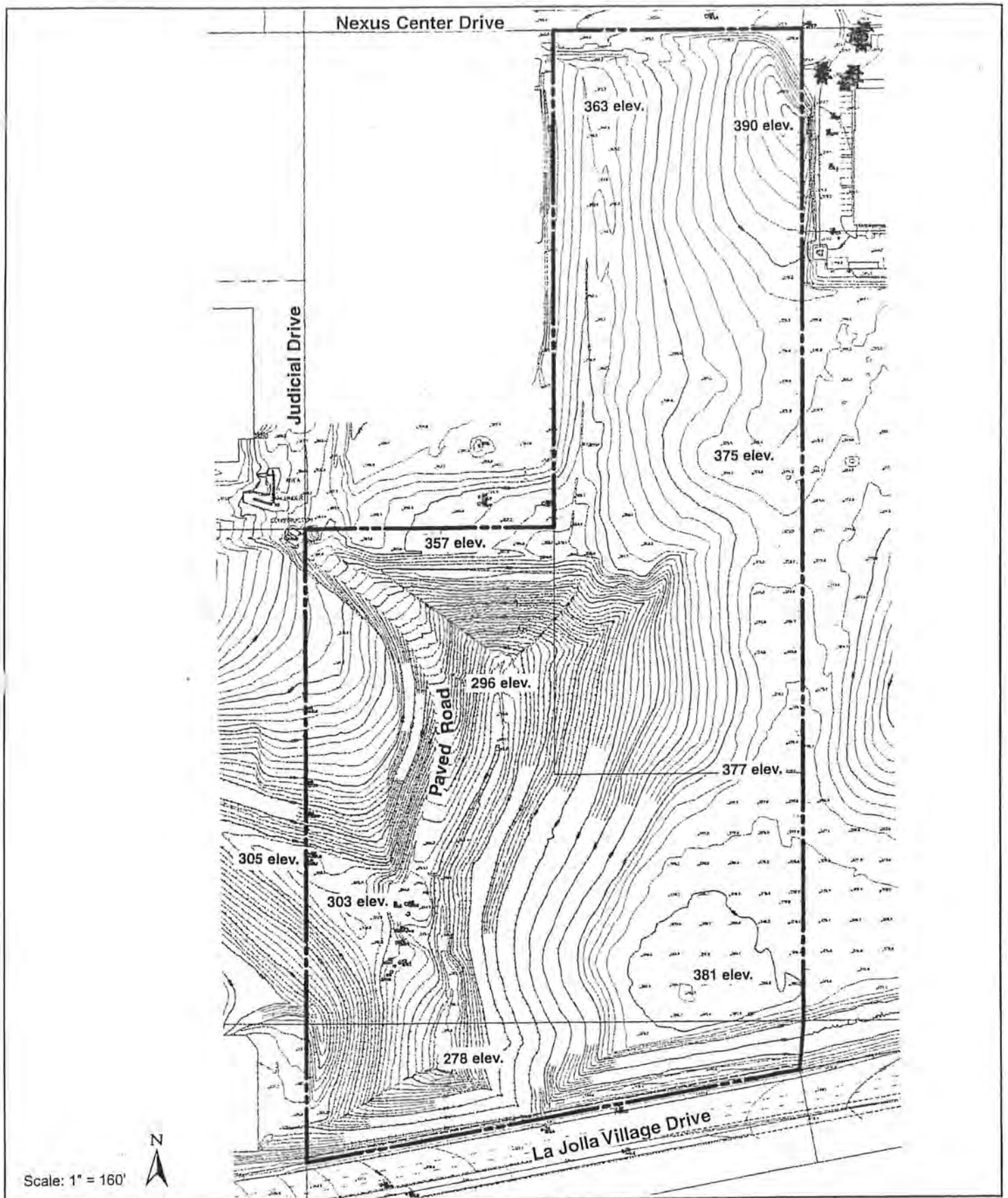
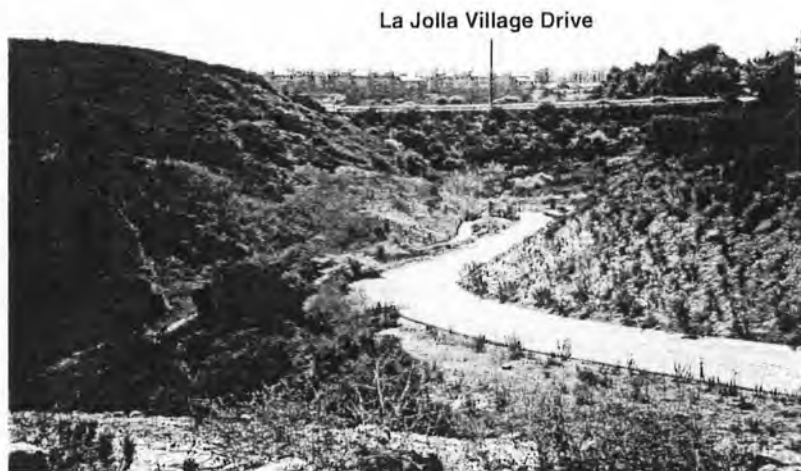
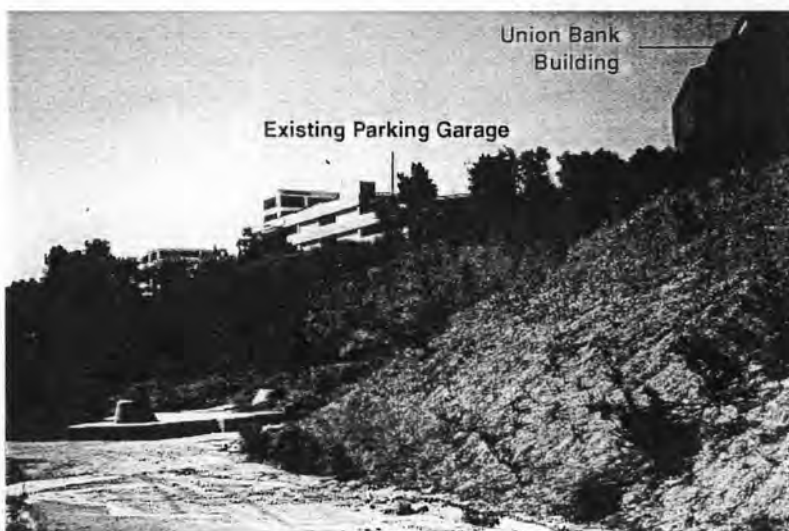


Figure 2-6
EXISTING SITE TOPOGRAPHY



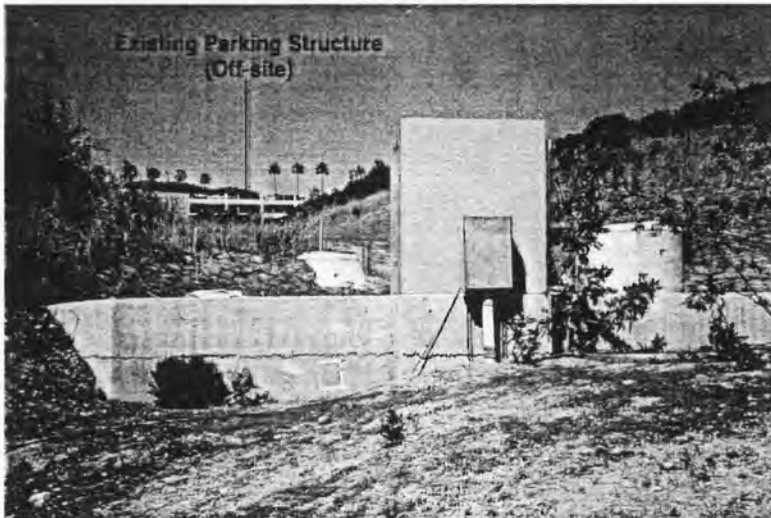
Paved access road to canyon bottom
(Looking south from Executive Drive)

View of Concrete Brow Ditch,
Access Road and Diversion Structure
(Looking south from Executive Drive)

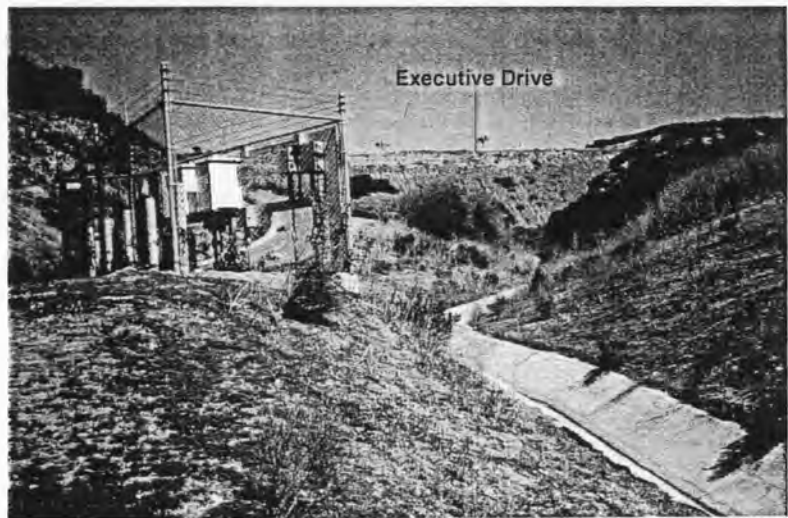


View of Diversion Structure
at Canyon Bottom

Figure 2-7a
EXISTING SITE PHOTOGRAPHS



Diversion Structure
(Looking west canyon bottom)



Concrete Brow Ditch
(Looking north from canyon bottom)



Concrete Brow Ditch

Figure 2-7b
EXISTING SITE PHOTOGRAPHS

2.4.1 Progress Guide and General Plan

The City of San Diego utilizes the amended 1989 *Progress Guide and General Plan* (General Plan) as its umbrella document for long-range planning within the City's jurisdiction. Development policies are described within the General Plan in the form of Findings, Goals, Guidelines, Standards and Recommendations. These policies are specific to a variety of land use issues, described as Elements of the General Plan. There are 13 Elements within the General Plan covering planning issues such as housing, transportation and open space, to name a few. The General Plan program for guiding the City's growth is organized into three distinct planning areas: Urbanized, Planned Urbanizing and Future Urbanizing. The Project site is located within the Planned Urbanizing Area, which includes relatively new City communities that are supported by existing, nearby public facilities. Growth within the Planned Urbanizing Area is proposed to be contiguous, with the orderly extension of public facilities and development. While the General Plan lays the foundation for the more specific community plans, the *University Community Plan*, described below, relies heavily on the goals, guidelines, standards and recommendations within the General Plan. Where applicable, goals and recommendations from the General Plan are referenced in this EIR. The Proposed Project will require a General Plan Amendment as discussed in Section 3.3.

2.4.2 University Community Plan

The Proposed Project is located within the University Community planning area of the City of San Diego and is subject to the land planning goals and policies of the *University Community Plan*, adopted by the City Council in 1990. Like the City's *Progress Guide and General Plan*, the *University Community Plan* (Community Plan) contains a number of plan policy Elements guiding the development of the community relative to land uses, transportation, open space and environmental issues. Each Element contains goals and proposals and recommendations for realizing the goals. Applicable Elements from the Community Plan are addressed throughout this EIR and in detail in Section 4.1 Land Use. The Proposed Project is located within the Subarea 2 - Central Subarea of the community. A majority of Subarea 2 has been developed, with planned and approved projects taking up the remaining areas on the subarea periphery. Refer to Figure 2-8 for the University Community Plan Land Use map. The Proposed Project will require a Community Plan Amendment as discussed in Section 3.3.

2.4.3 San Diego Municipal Code

San Diego Municipal Code Section 101.0910 sets forth the City's regulations for issuance of Planned Commercial Development (PCD) Permits. The Zoning Ordinance within the Code provides specific development regulations for PCDs, as well as specific site development regulations for the applicable zone. The Proposed Project site is currently zoned R1-5000 and would require an amendment to the Municipal Code to allow for the proposed mixed-use development and to be consistent with the proposed Community Plan Amendment. The R1-5000 Zone provides for areas of single-family residential development at a maximum density of 8.6 dwelling units per net acre (refer to Section 3.3 for further discussion relative to the Proposed Project Discretionary Actions and the proposed Community Plan Amendment and Rezone for this site).

2.4.4 Resource Protection Ordinance

The City of San Diego Resource Protection Ordinance (RPO), revised in January 1998, regulates the development of environmentally sensitive lands, including wetlands, wetland buffers, floodplains, hillsides, biologically sensitive lands and significant prehistoric and historic resources. The purpose and intent of the RPO is "to protect, preserve, and, where damaged, restore the environmentally sensitive lands of San

Diego." The Proposed Project would impact 0.14 acre of RPO-regulated wetlands and would result in the grading of 2.1 acres of RPO-protected steep slopes. Approximately 0.10 acre of the wetlands impacts is due to Circulation Element roadway improvements within the project site boundaries. The Proposed Project would also impact biologically sensitive lands, as defined by RPO. In accordance with Section 101.0462 of the San Diego Municipal Code, a RPO Permit would be required for implementation of this project. Section 4.1 Land Use addresses the project's compatibility with the regulations within RPO, specific to the issues of wetlands impacts and steep slopes.

2.4.5 Multiple Species Conservation Program

The City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan was approved in March 1997 and meets the requirements of the California Natural Communities Conservation Planning (NCCP) Act of 1992. The City's MSCP Subarea Plan delineates a regional wildlife preserve system that is intended to link all core biological areas into a regional wildlife preserve. The Subarea Plan identifies a 56,831-acre MHPA in the City for preservation of core biological resource areas and corridors targeted for preservation. The project site is located outside the MHPA and is not adjacent to it.

2.4.6 Comprehensive Land Use Plan NAS Miramar

Due to the project's proximity to MCAS Miramar, the Proposed Project is subject to the land use compatibility guidelines of the Comprehensive Land Use Plan (CLUP) for NAS Miramar, adopted in October 1990 and amended in September 1992 by the San Diego Association of Governments (SANDAG). While the air station has been realigned and transferred to the Marine Corps, the adopted CLUP remains the planning tool for development proposed within the designated Airport Influence Area (AIA) of the base. The CLUP addresses land use compatibility by defining the AIA, noise contours from aircraft operations and the associated land use compatibility matrix, accident potential zones, and height restrictions for surrounding uses and obstruction determinations. NAS Miramar CLUP requirements are addressed in Sections 4.1 Land Use, 4.5 Noise, and 4.10 Human Health & Public Safety.

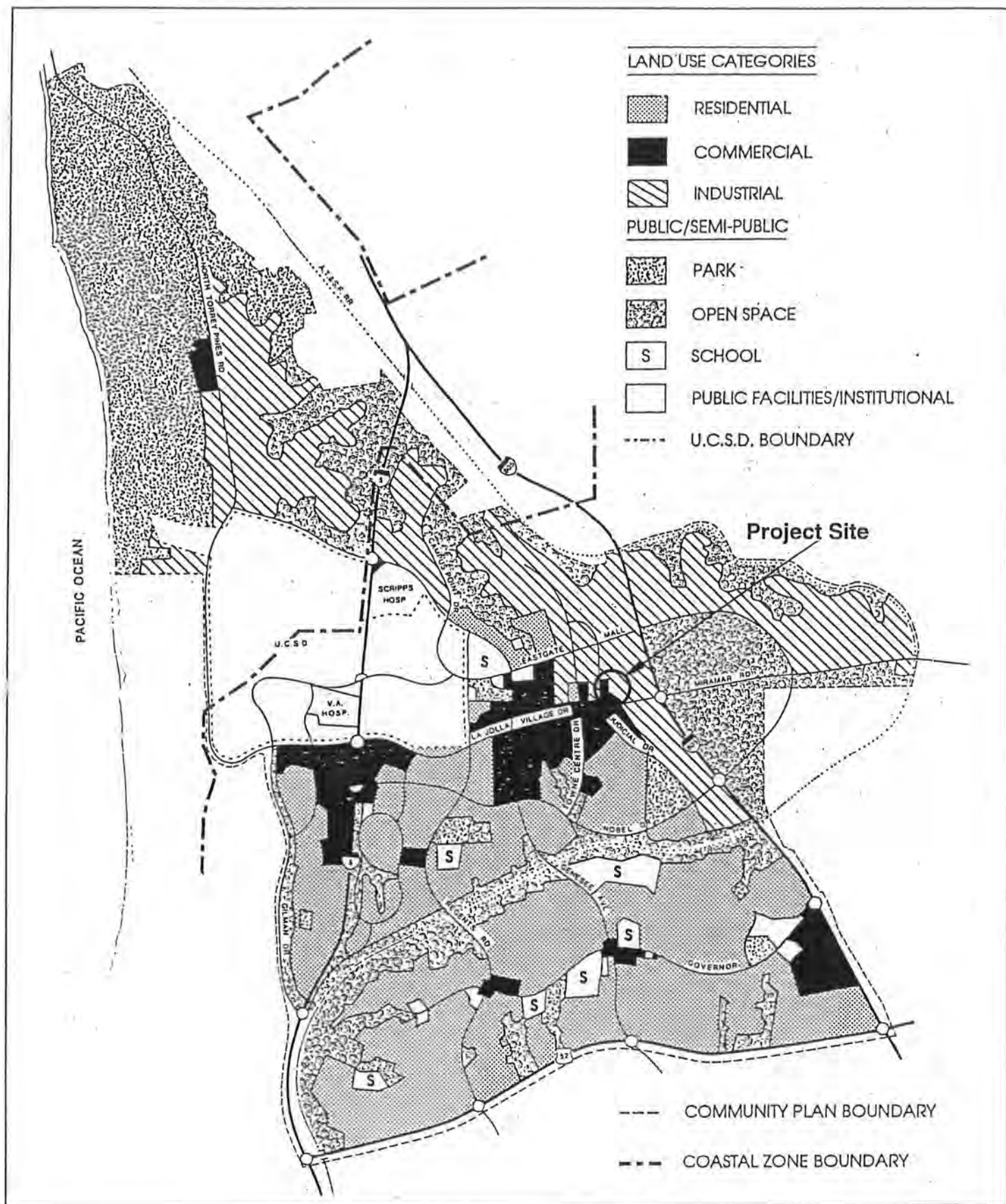


Figure 2-8
UNIVERSITY COMMUNITY PLAN

3.0 Project Description

The Proposed Project consists of the development of approximately 17 acres with a mix of land uses including a 327-325-room luxury hotel, 115-120 condominium units, 450,000 square feet of office, a 30,000 square foot science research building, and an eight-level stand alone parking structure. The Proposed Project also includes extensive interior and exterior landscaping (including an approximately one-half acre privately-owned and maintained park available to the public at the corner of Executive Drive and Judicial Drive and an interior courtyard over one acre in size), the construction and dedication of one-half of Judicial Drive, and the reservation of land for a future Metropolitan Transit Development Board (MTDB) Light Rail Transit (LRT) station. The Project Description provided herein describes the purpose and objectives of the proposal, the specific characteristics of each element of the project, and an explanation of each key discretionary action required for project implementation, including key approvals and permits. In addition, this section provides a summary description of project alternatives; Section 9.0 provides a detailed description of the alternatives and environmental consequences of the alternatives in comparison to the Proposed Project.

3.1 Project Purpose and Objectives

The Proposed Project site would be developed on a privately-owned parcel with a land use designation of Visitor Commercial and Scientific Research uses within the University Community of San Diego. The project site is surrounded by urban land uses, including office towers, commercial retail uses, scientific research uses, and primary circulation routes including La Jolla Village Drive and I-805. The project applicant is proposing to develop the 16.85-acre site with a project that is compatible with the land use planning goals of the *University Community Plan* and surrounding land uses. The key project objectives include the following:

- Develop a project that is compatible with the primary goals and objectives of the University Community Plan, applicable City ordinances such as the Resource Protection Ordinance, and existing and planned surrounding land uses
- Provide living, working and recreational land uses, including a destination resort hotel, upscale residential housing and Class A offices that compliment one another and neighboring land uses and encourage walking, use of public transit and energy conservation
- Integrate the Circulation Element plans and adopted MTDB mass transit plans into the project design relative to the future MTDB LRT station, pedestrian and bicycle circulation and completion of Element roadways
- Provide FBA fees commensurate with the level anticipated to be generated by the development of the subject property
- Comply with the intent of the Planned Commercial Development Permit which is *"to promote and facilitate imaginative, innovative and comprehensively planned commercial developments integrating compatible activities which are harmoniously designed to compliment the surrounding community"*

3.2 Project Characteristics

The Proposed Project would require grading of the entire 16.85-acre site for proposed development and associated improvements (e.g., landscaping, circulation, utilities). The project would also require an additional 2.76 acres for off-site grading associated with the construction of Judicial Drive. The proposed hotel, condominiums, office and scientific research uses are shown on Figure 3-1. The basic project characteristics are summarized in Table 3-1 and described in detail for each project component in the following text.

Table 3-1 PROJECT CHARACTERISTICS				
BUILDING	SIZE (square feet)	STORIES	ROOMS/UNITS	HEIGHT (feet)
Office	450,000	20	–	321
Hotel	315,272 ¹	15	327 325 rooms	185
Condominiums	320,921	32 30	115 120 units	369.5 ²
Scientific Research	30,000	2	–	40

¹Includes basement, ballroom, restaurant, spa, and meeting rooms.

²Includes a 47-foot high parapet on the rooftop for the purpose of screening electrical and mechanical equipment.

3.2.1 Office Building

The proposed office building is located in the southeast corner of the site, approximately 75 feet from the southern property boundary (Figure 3-1). The office tower would be approximately 450,000 square feet in size, and would consist of 20 stories at a building height of approximately 321 feet above finished grade. The finished floor elevation for the office tower is approximately 347 feet above mean sea level (amsl). The primary pedestrian and vehicular access to the office tower would be from the north side of the building. Building tenants and visitors would park in the nearby parking structure to the northeast, described in further detail in this section. A secondary pedestrian access would be provided between the office and La Jolla Village Drive (Figure 3-1).

The structure would consist of a rectangular-shaped building paralleling La Jolla Village Drive. Building facades would include vision and spandrel glass, as well as solid spandrels. All mechanical equipment placed on the office structure roof would be screened by a roofline parapet. Refer to Figure 3-2 for elevations of the proposed office building. The architecture of the building would be similar to nearby office towers to the west, with similar building materials and building massing. The proposed architecture would be contemporary, state-of-the-art design, including reflective glass and natural material accents, such as granite or similar looking materials.

3.2.2 Hotel

The proposed luxury hotel (Ritz Carlton) would be located in the southwest corner of the project site, paralleling the alignment of Judicial Drive (Figure 3-1). The hotel would be approximately 315,000 square

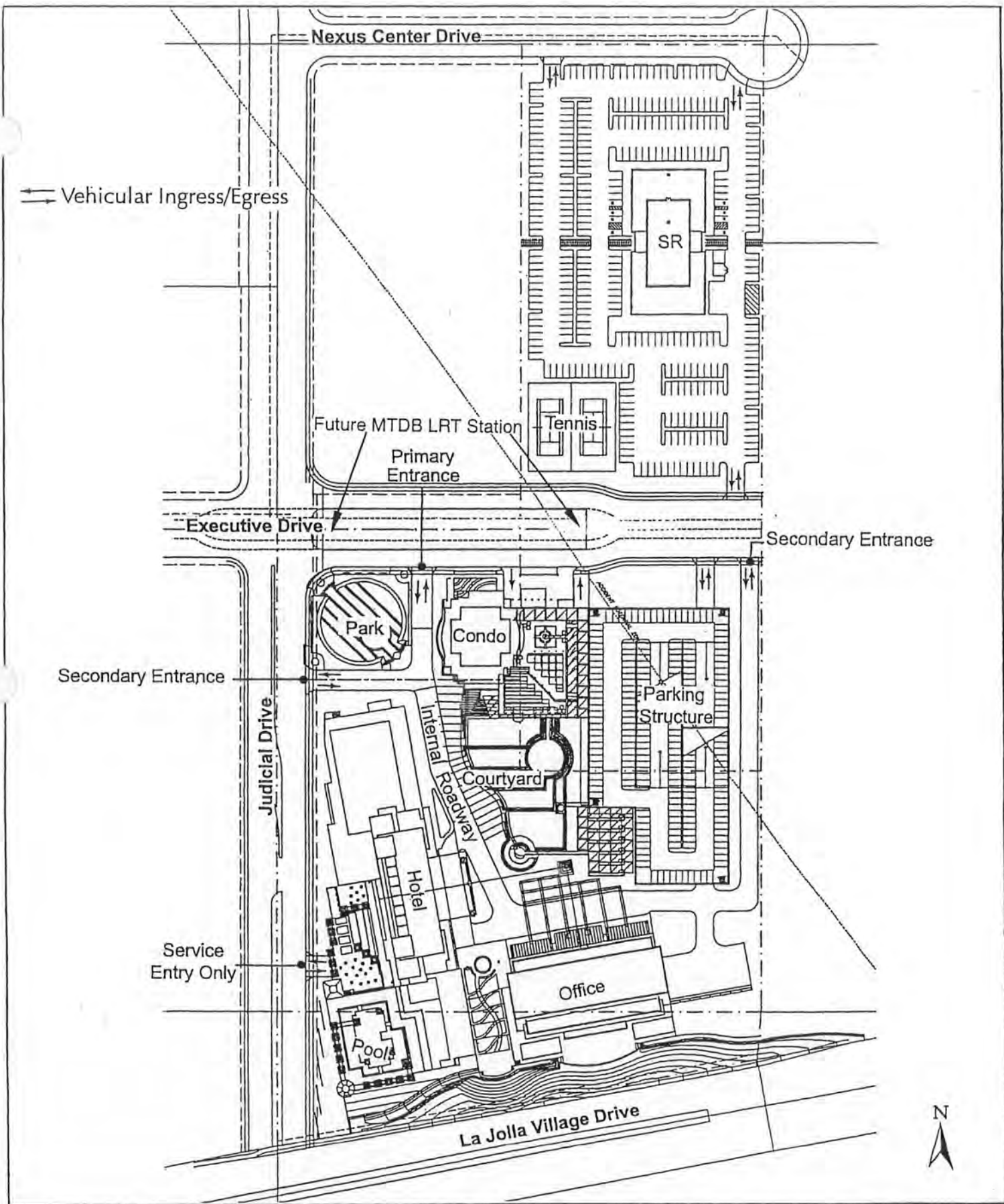


Figure 3-1
SITE PLAN

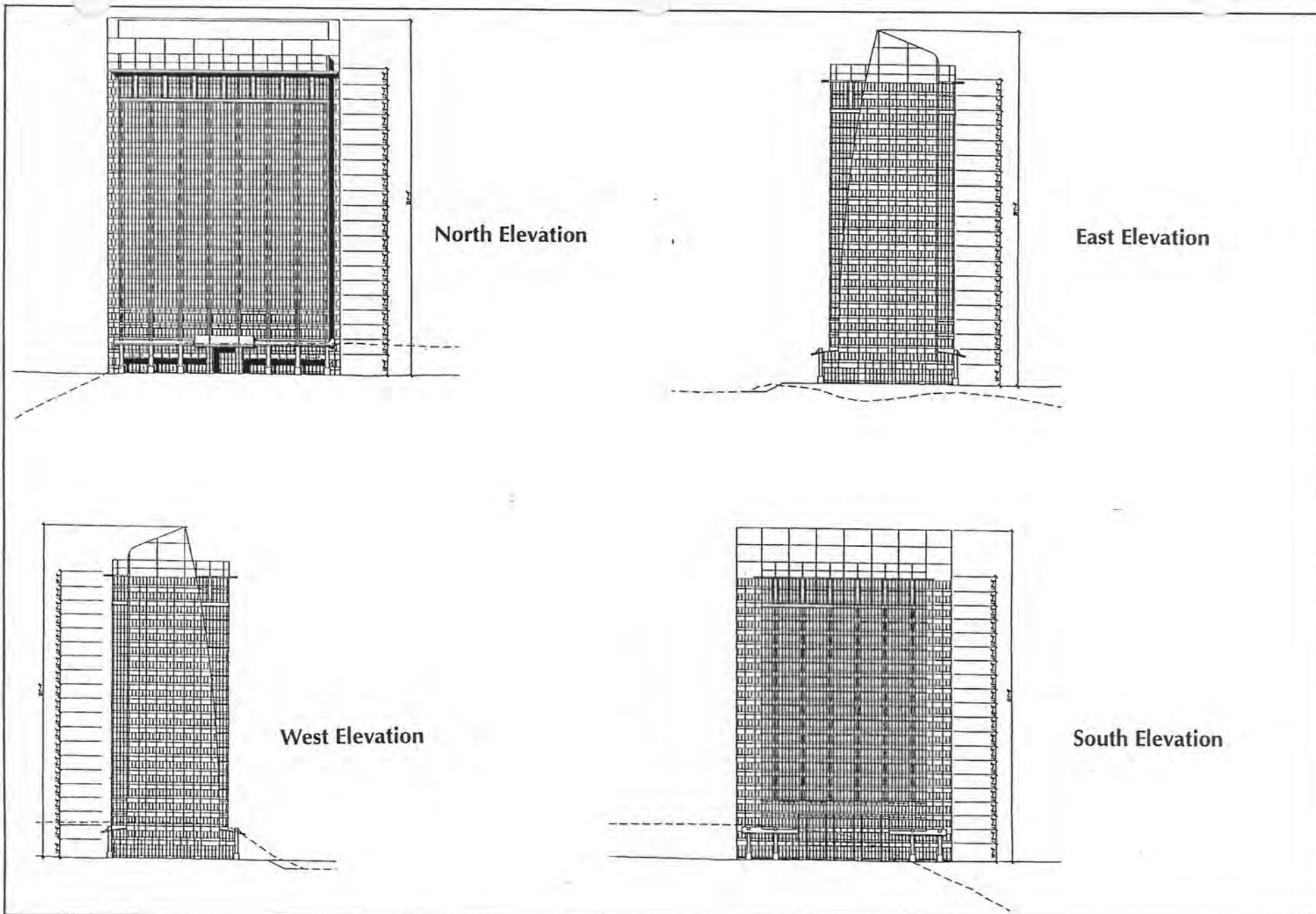


Figure 3-2
OFFICE ELEVATIONS

feet in size, including hotel rooms, a ballroom, restaurants, lounges, spa, meeting rooms, administrative offices and a basement. The hotel is irregular in shape and would consist of 15 stories in the mid-section of the building where the hotel rooms are located, at a maximum building height of 185 feet above finished grade. The hotel finished floor elevation would be approximately 347 feet amsl. The hotel would be two stories on the north and south ends of the structure where the ballroom, offices and other hotel service amenities are proposed to be located. The primary vehicular and pedestrian access to the hotel would be from the east side of the building where the port-cochère would be located for guest arrivals. All hotel visitors would be valet parked in the parking structure located to the east, discussed further below. Hotel employees would also utilize the parking structure and surface parking located adjacent to the scientific research building. Pedestrian access between La Jolla Village Drive and the hotel would also be provided, as shown in Figure 3-1. A 4,050-square foot swimming pool would be provided for hotel guests, located in the southwest corner of the project site. A large terrace would connect the hotel to the pool area on the southwest side of the building.

The hotel architecture would be contemporary to harmonize with the neighboring office tower and condominium buildings, as well as the context of the University Community, utilizing building material such as granite, stucco and glass. The architecture would consist of a balanced composition and classical proportion, with elegant accents added in keeping with the tradition set by the Ritz Carlton Hotel. Horizontal trim, cantilevered balconies and projecting volumes are expressed to break the otherwise massiveness of the rectangular box. Refer to Figures 3-3a and 3-3b for hotel elevations.

3.2.3 Condominiums

The proposed condominium tower is located in the middle of the project site, northeast of the hotel and directly south of the main access road into the development (Executive Drive). Refer to Figure 3-1 for the location of the proposed condominium tower. The ~~32-~~30-story condominium building is approximately 321,000 square feet in size, with a height of approximately 370 feet above finished grade. The main structure is proposed at approximately 322 feet, with an additional 47-foot high parapet proposed as a visual accent and for the purpose of screening electrical and mechanical equipment. The finished floor elevation is 360 feet amsl. Unlike the longer and rectangular building footprints of the proposed office tower and hotel, the proposed condominium tower is pinnacle in shape, with one to six condominium units per floor. The slender massing of this building provides variety in building character on site, stepping the structures upward as the viewer moves north from La Jolla Village Drive. The primary access to the tower is from the north, off of Executive Drive. Residents of the condominium tower would park in an attached, three-level (two levels below grade and one level at grade) parking structure with parking for 242 vehicles. The upper deck (roof) of the parking structure (approximately 15 feet above finished grade) would consist of a recreation deck with resident recreational amenities such as a lap pool (see discussion in Section 3.2.5). Other recreation amenities include two tennis courts located northeast of the condominiums, across Executive Drive. Visitors would park in the surface parking lot near the tennis courts. The condominium architecture would consist of a similar design to other proposed structures within the project, appearing contemporary and utilizing such materials as reflective glass and solid spandrels. The rooftop accent piece would be opaque, constructed of metal. Refer to Figure 3-4 for building elevations of the proposed condominium tower.

3.2.4 Scientific Research Building

The proposed scientific research building is located in the northeast corner of the project site, approximately 160 feet south of Nexus Center Drive (Figure 3-1). The two-story structure is proposed to be 30,000 square feet and 40 feet in height above finished grade. The finished floor for the scientific research building would be 364 feet amsl. The footprint of the structure would be rectangular in shape, paralleling Judicial Drive and

the eastern site boundary. The primary vehicular access to the building would be from Executive Drive to the south and Nexus Center Drive to the north. Parking for this building consists of 75 spaces in a surface parking lot surrounding the office building to the north, south, east and west. The surface parking around the scientific research building would also include spaces for overflow parking for condominium, hotel and office visitors. Two tennis courts are proposed in the southwest corner of the surface parking lot; the courts are provided for the nearby condominium residents and hotel guests. Tenants would access the building primarily from the west where the main building entrance would be located.

The scientific research building would be constructed of materials and architecture complimentary to the office, hotel and residential towers proposed on the south end of the property. The facades would include vision and spandrel glass, as well as solid spandrels. Refer to Figure 3-5 for the proposed scientific research building elevations.

3.2.5 Parking Structure

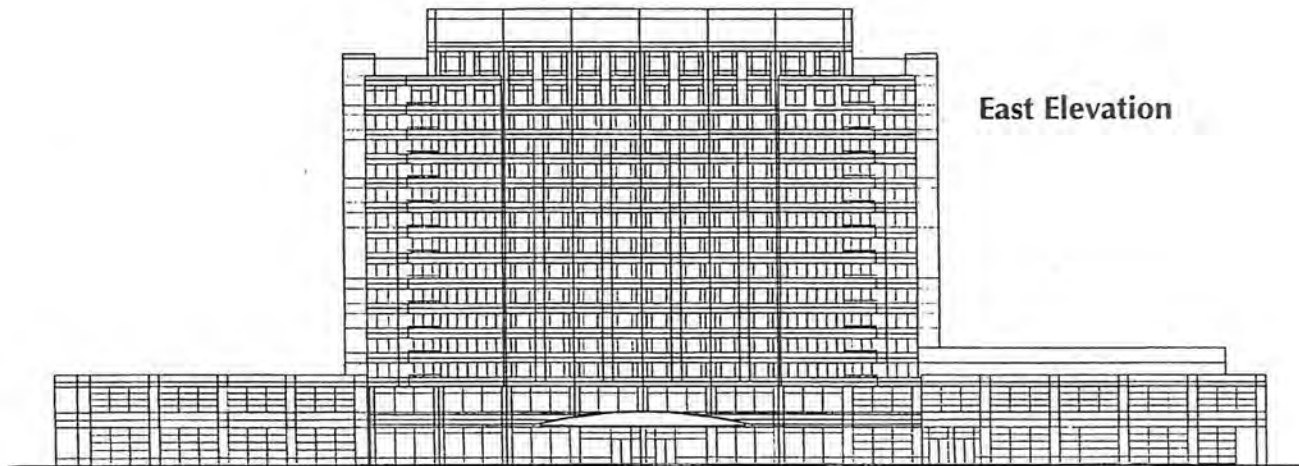
An eight-level stand-alone parking structure is proposed along the eastern site boundary, south of Executive Drive (Figure 3-1). The parking structure would be approximately 540,000 square feet, consisting of two levels of parking below grade, one level at grade and five levels above grade. The structure would park 1,740 vehicles associated with the proposed office tower and hotel. The structure would be approximately 60 feet in height above finished grade. The at-grade parking level would be at approximately 327 feet amsl. The top deck of the parking structure would be open and surrounded by a four foot-high railing/wall. All parking spaces would be standard in size; no compact spaces are proposed for this structure. Entrances/exits of the structure are proposed on the north and south sides. The southern entrance would accept vehicles from the internal circulation loop that passes the hotel and office tower. The northern entrance would be off of Executive Drive. Pedestrian access and circulation within the structure would consist of stairwells and three elevators, linking pedestrians to the sidewalks and pathways proposed to connect the structure with the various buildings and the center courtyard. The parking structure would include controlled and manned (key card and sentry) entrances, an emergency call box system (panic buttons) and nighttime security lighting. The structure is proposed to include an open design on all four sides for the at- and above-grade decks, providing adequate ventilation and natural, daytime lighting. Refer to Figure 3-6 for the parking structure elevations.

3.2.6 Road Improvements and Circulation

The Proposed Project includes the construction and dedication of one-half of Judicial Drive from Executive Drive to La Jolla Village Drive. Judicial Drive is currently constructed for 400 linear feet south of Eastgate Mall Road. Judicial Drive is shown on the adopted Circulation Element of the *University Community Plan* as a four-lane Major Street. The western project site boundary, from Executive Drive south to La Jolla Village Drive, is in the middle of the future right-of-way for Judicial Drive. The eastern one-half of the roadway width would be dedicated to the City of San Diego for the full improvement of this circulation element roadway. Judicial Drive would require a roadway width of 98 feet, including curb, gutter, sidewalk and a Class II bicycle lane in both directions. The travel lanes would require 78 feet. Judicial Drive improvements would require approximately 2.76 acres of off-site grading. Judicial Drive is planned to continue south and below La Jolla Village Drive in a tunnel that would span the width of La Jolla Village Drive (126 feet). The tunnel portion of La Jolla Village Drive is proposed to be constructed as part of another project, La Jolla Crossroads, located south of La Jolla Village Drive. Until this tunnel is completed, access to the project site (and to Judicial Drive which would front the project site) would be from Executive Drive and Nexus Center Drive.



West Elevation



East Elevation

Figure 3-3a
HOTEL ELEVATIONS

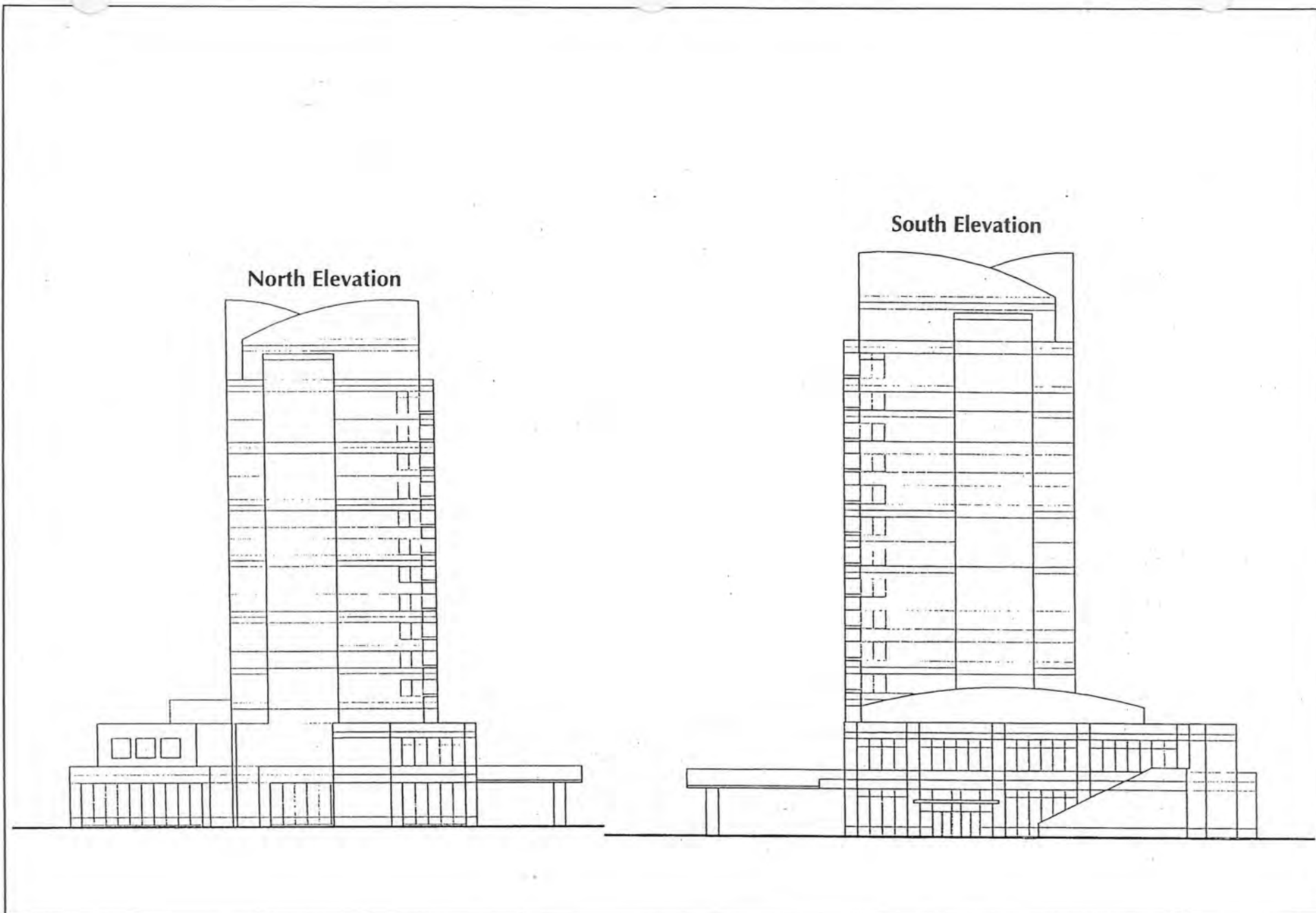
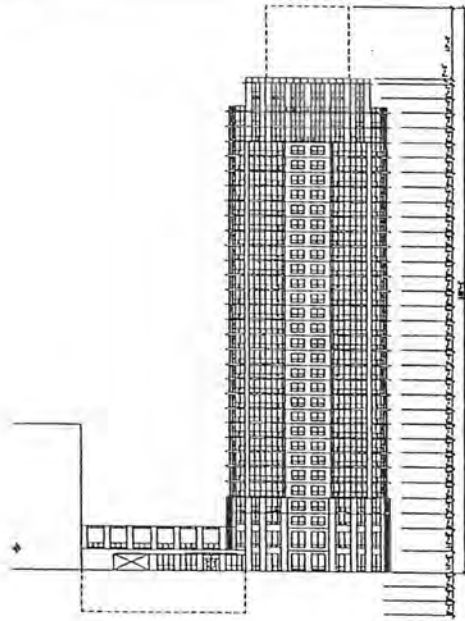
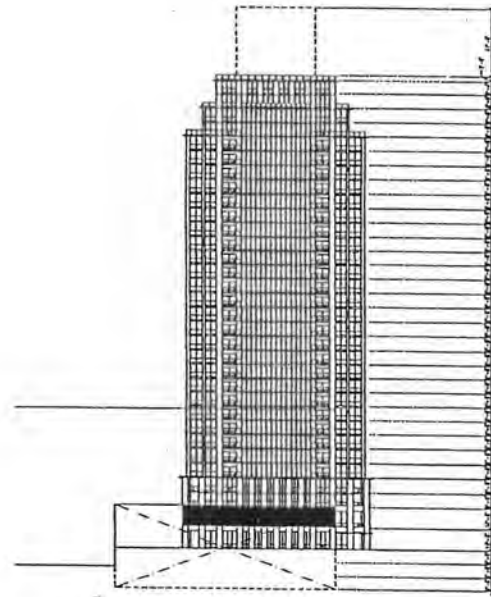


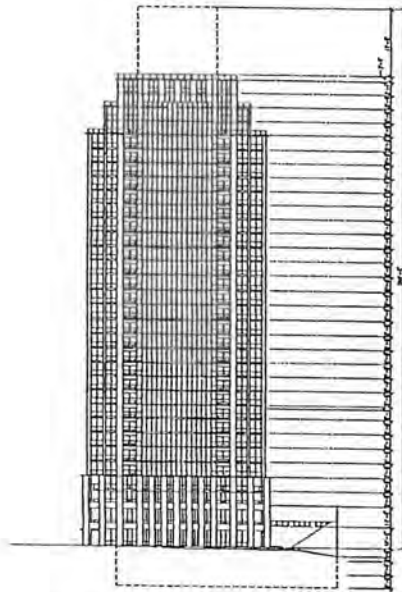
Figure 3-3b
HOTEL ELEVATIONS



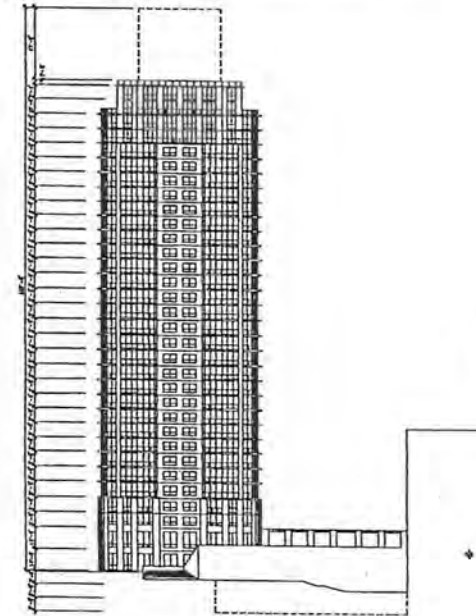
North Elevation



East Elevation

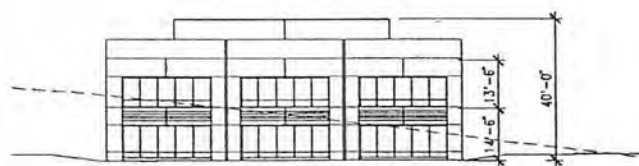


West Elevation

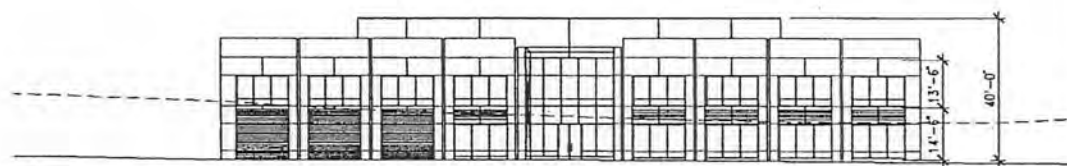


South Elevation

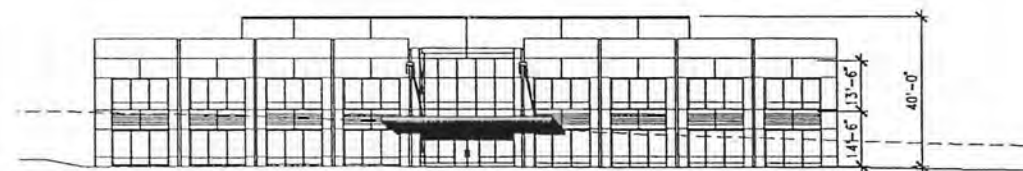
Figure 3-4
CONDOMINIUM ELEVATIONS



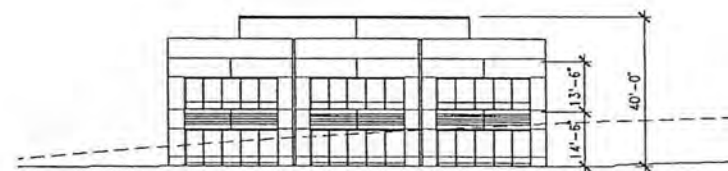
North Elevation



East Elevation

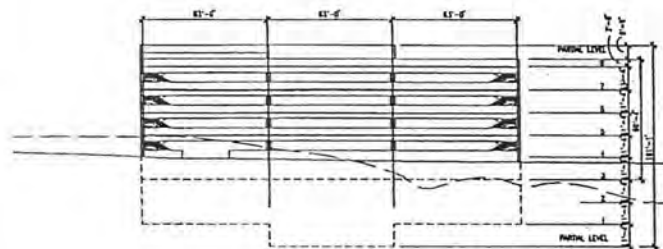


West Elevation



South Elevation

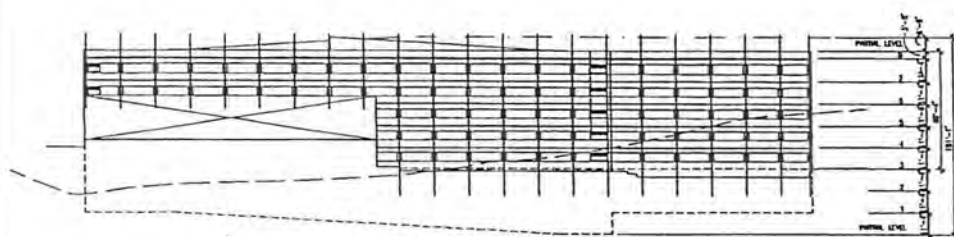
Figure 3-5
SCIENTIFIC RESEARCH ELEVATIONS



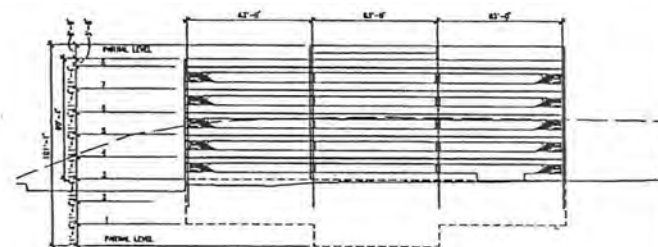
North Elevation



East Elevation



West Elevation



South Elevation

Figure 3-6
PARKING STRUCTURE ELEVATIONS

Executive Drive, an east-west local four-lane Collector Road, trends parallel to La Jolla Village Drive approximately midway between La Jolla Village Drive and Eastgate Mall Road. The entire length of Executive Drive is currently constructed, terminating at approximately 600 feet east of the Judicial Drive right-of-way. East of Judicial Drive, Executive Drive is a private drive that extends into and approximately mid-way through the project site. As part of the Proposed Project, a portion of Executive Drive would be reserved to accommodate a future MTDB LRT station, requiring a widened right-of-way to accommodate the facility. (MTDB has adopted a plan that locates a future trolley station within the Executive Drive right-of-way north of and partially within the project site; however, a specific time frame for rail connection to and construction of the station has not been identified.) The project applicant would reserve an area of 55 feet-by-360 feet for the future station. In the interim, the trolley stop would be improved as a landscaped median. Executive Drive would have two lanes in each direction around the median.

Until the LRT station is constructed, the median in Executive Drive would have a break for vehicle turning movements from the north-south internal project roadway (Figure 3-7).

La Jolla Village Drive is designated on the *University Community Plan* Circulation Element as an eight-lane Prime Arterial. This roadway is currently six lanes, three lanes in each direction. As part of the Proposed Project, the right-of-way needed on the northern side of the road for a one-lane addition would be reserved and dedicated. Direct vehicular access to the project site from La Jolla Village Drive is precluded by the Circulation Element classification, which permits intersections with streets only and not driveways. Pedestrian access from the project site to La Jolla Village Drive is included in the Proposed Project design (Figure 3-1).

The primary access to the various project buildings would be from Executive Drive and Nexus Center Drive. A south-to-east trending internal roadway would provide access to the hotel, office tower and parking structure. The condominiums and the associated parking garage would be accessible from Executive Drive. The scientific research building would be accessible from Executive Drive and Nexus Center Drive. Two driveways would also be constructed along Judicial Drive, between Executive Drive and La Jolla Village Drive. The southerly driveway would be for hotel service deliveries only and would include a break in the median along Judicial Drive for turning movements. The northerly of the two driveways would provide access to the internal looping roadway; however, this driveway would allow for right-in and right-out movements only, with no median break in Judicial Drive.

3.2.7 Landscaping

The Proposed Project would include extensive landscaping within and around the perimeter of the complex with a variety of mediterranean, semi-low water use plants. Refer to Figure 3-7 for the conceptual landscape plan. Screening trees and shrubs would be planted along site frontages to La Jolla Village, Judicial and Executive Drives. The landscaping along Judicial and La Jolla Village drives would consist of a naturalized mediterranean plant pallet with Rosemary, Lavender, Agave and various sages, along with Poplar, Cypress and Olive trees. Screening trees, shrubs and vines would also be planted along the eastern site boundary, east of the proposed parking structure. A combination of vines are proposed, such as Creeping Ficus and Trumpet Vine, to provide a variety of flowers and texture. Vertical trees along the east side of the property would consist of Poplar and Cypress varieties.

The landscape focal point would be a gardenesque courtyard proposed in the center of the site (approximately one acre), south of the condominium tower, west of the parking structure and north and west of the office tower and hotel, respectively. The courtyard would consist of a series of terraces connected by plazas, fountains and trellises and pergolas. The central courtyard terraces would link all of the site spaces together.

A series of walkways (under five percent grade) would meander through the site linking the various buildings and parking structure to the central courtyard. The plant pallet for the interior of the site would be more refined and manicured than the exterior plantings, including such specimens as Day Lilies and Lily of the Nile.

Two primary view corridors would be located on either side of the proposed high-rise office tower, permitting public views into the site from La Jolla Village Drive. The north-south view corridor (as seen from La Jolla Village Drive) between the hotel and office tower would consist of a sloped, flowering garden. Accent lighting would illuminate specimen trees along the main frontages and the central courtyard area.

The primary site entry to Executive Drive from Judicial Drive would include a large, grassy privately-maintained public accessible public park (almost one-half acre) with a visual focus planned for the center of the area with either a sculpture or a specimen tree. The public space would be landscaped with different patterns of grasses, with rock pavers interspersed throughout. Refer to Figure 3-7 for a more complete list of plants.

3.2.8 Parking

The parking requirements for the Proposed Project were determined based on the City of San Diego Shared Parking Criteria and are summarized in Table 3-2. As shown in Table 3-2, the Proposed Project will require 2,470 parking spaces which can be broken down into 1,617 parking spaces for the scientific research and office tower, 574 parking spaces for the 325-room hotel, and 279 spaces for the 120-unit condominium complex.

The total number of spaces required for the Proposed Project can be reduced from the 2,470 requirement based on shared parking among the different land uses. The determination of shared parking requirements was based on the shared parking formula found in Section 142.0545 of the City of San Diego Traffic Impact Manual. (A copy of this section can be found in the attached Traffic Study, Appendix C.) When shared parking is accounted for, the Proposed Project would have a peak parking demand of 2,195 spaces. The Proposed Project provides 2,320 spaces which meets the City's parking requirements. Parking will be provided in three primary areas as shown in Figure 3-1: parking structure (1,740 stalls); condominium parking structure (242 stalls); and surface parking (338 stalls).

Materials Legend

Trees

- ⊗ Ulmus Parviflora/Chinese Evergreen Elm
- ⊙ Pinus Torreyana/Torrey Pine
- ⊙ Phoenix Canariensis/Date Palm
- ⊙ Cinnamomum Camphora/Camphor Tree
- ⊙ Washingtonia Filifera/California Fan Palm
- ⊙ Phoenix Reclinata/Senegal Date Palm

Shrubs/Groundcovers

- ⊗ Phormium Tenax/New Zealand Flax
- ⊙ Strelitzia Reginae/Bird of Paradise
- ⊙ Agave Attunata/Foxtail Agave
- ⊙ Bougainvillea/Vine Form
- ⊙ Festuca Ovina Glauca/Blue Fescue
- ⊙ Cotoneaster spp./Cotoneaster
- ⊙ Limonium Perezii/Sea Lavender
- ⊙ Pelargonium Peltatum/Geranium
- ⊙ Agapanthus Africanus/Lily of the Nile
- ⊙ Photinia Fraserii/Photinia
- ⊙ Xylosma Congesta/Xylosma
- ⊙ Dieties/Fortnight Lily
- ⊙ Pittosporum Tobira/Dwarf Pittosporum

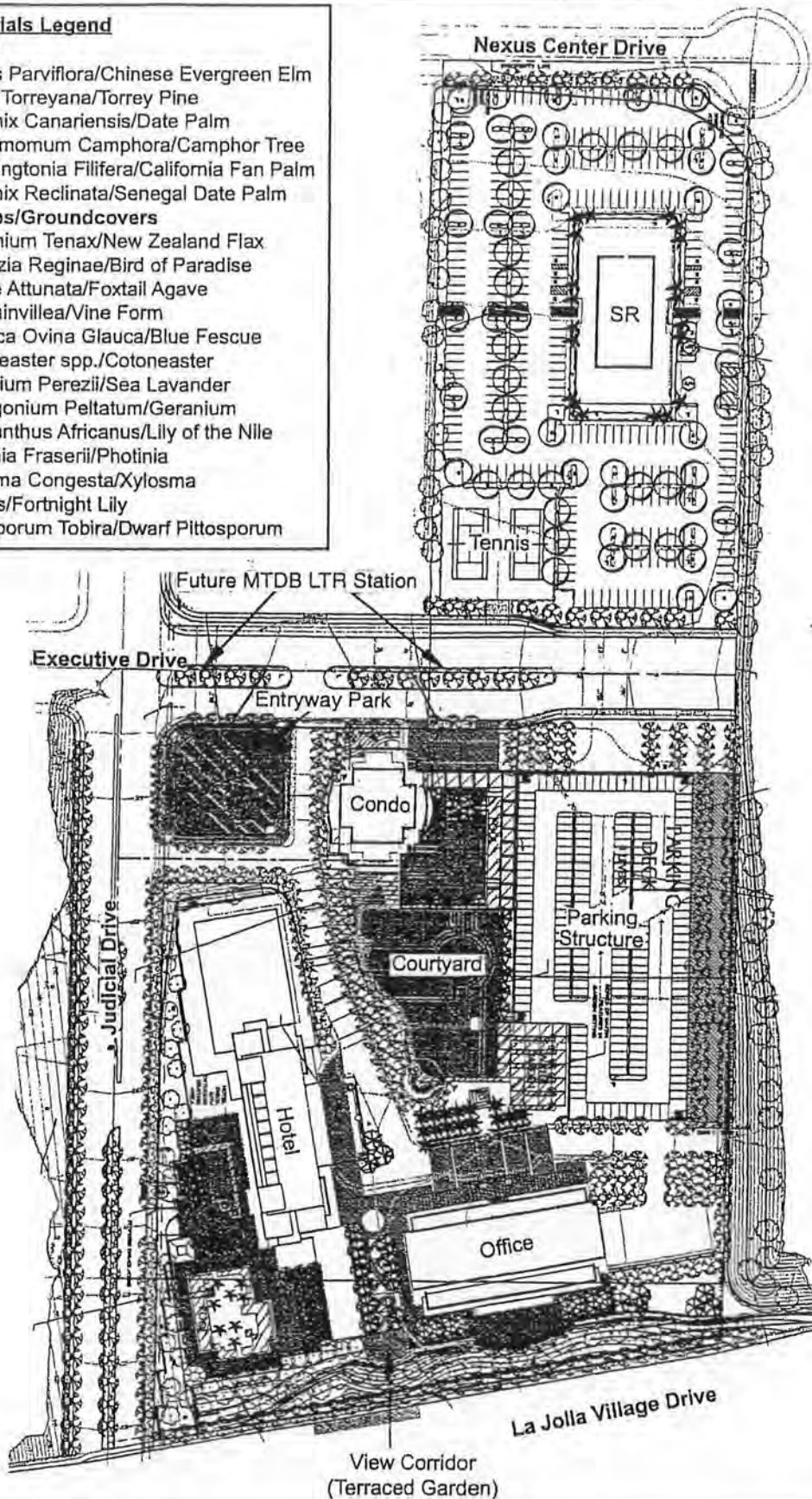


Figure 3-7
LANDSCAPE CONCEPT PLAN

**Table 3-2
PARKING RATE CALCULATIONS**

USE	INTENSITY		PEAK PARKING DEMAND	PARKING SPACES REQUIRED ¹
	QTY.	UNIT		
Office (except medical)				
Weekday	490 ²	ksf	3.30/ksf	1,617
Saturday	490 ²	ksf	0.50/ksf	245
TOTAL OFFICE-WEEKDAY				1,617
Hotel				
Guest Room	325	rooms	1.00/room	325
Eating & Drinking Establishment	4.9	ksf	15.00/ksf	74
Meeting/Banquet Rooms	17.48	ksf	10.00/ksf	175
TOTAL HOTEL				574
Condominium				
1 Bedroom	20	dwelling units	1.50/dwelling unit	30
2 Bedrooms	20	dwelling units	2.00/dwelling unit	40
2 Bedrooms with Den	74	dwelling units	2.00/dwelling unit	148
3 Bedrooms	6	dwelling units	2.25/dwelling unit	14
SUB-TOTAL CONDOMINIUM				232
Visitor Allowance (20%)				47
TOTAL CONDOMINIUM				279
TOTAL PARKING SPACES REQUIRED				2,470
TOTAL PARKING SPACES REQUIRED WITH REDUCTION FOR SHARED-PARKING				2,195³

¹Parking Spaces Required = Peak Parking Demand x Intensity.

²Includes 40 ksf of Scientific Research & Development.

³See Appendix K of the Traffic Study in Appendix C for Calculation of Shared Parking Requirements.

ksf = 1,000 square feet.

3.2.9 Grading

The Proposed Project would require grading of the entire 16.85-acre site and an additional 2.76 acres of off-site area for the proposed construction of Judicial Drive. The topography on site varies significantly due to the presence of a steeply sloping canyon in the southwest portion of the site and a plateau along the eastern site boundary. The on-site elevation ranges from 278 feet amsl in the canyon bottom to approximately 382 feet amsl in the northeast corner of the site. (Refer to Figure 2-6 for the existing site topography.) In order to grade the site for the proposed buildings and circulation, approximately 310,000 cubic yards of earth

would be moved. A balanced grading plan is proposed, whereby earth on site would be moved from the plateau to fill the canyon, resulting in an average site grade of 340 feet amsl. Final grades on site would range from approximately 327 to 364 feet amsl, gently sloping the site from north to south. Refer to Figure 3-8 for the proposed grading plan.

3.3 Discretionary Actions

3.3.1 Community Plan Amendment

The Proposed Project would require land use plan amendments to the City of San Diego *Progress Guide and General Plan* and the *University Community Plan* pursuant to Municipal Code Section 111.0703. A Community Plan Amendment (CPA) to the *University Community Plan* and a General Plan Amendment (GPA) to the City's General Plan would be required to change the land use designation on 9.39 acres of the project site from the existing Visitor Commercial designation to a Visitor Commercial designation with overlay designations for Office (O) and Residential (R) uses (Figure 3-9). The remaining seven acres of the site in the northeast corner would remain designated for Scientific Research land uses and would not require a plan amendment. A CPA would allow a mix of uses including residential and office uses in addition to the permitted hotel uses and increase the development intensity of the site, raising the number of vehicle trips generated from the site. The property is currently designated for Visitor Commercial use at a development density of 258 trips per acre, as described in the Development Intensity Element of the Community Plan. ~~The proposed CPA would permit an increase in density on-site. Proposed Project would include a Transfer of Development Rights, pursuant to the provisions of the Element, whereby the development intensity (projected trips) trips projected for another site within the community, the Regents Park Planned Commercial Development Project, would be reduced and replaced by an equivalent increase at are transferred to the~~ project site. The build-out traffic projections for the Community Plan (2020) area would not change with this transfer. This proposal is discussed in detail in Section 4.4 Transportation/Traffic Circulation.

3.3.2 Rezone

The 9.39 acres of the site proposed for a CPA from Visitor Commercial to Visitor Commercial with Office and Residential overlay uses, would also necessitate a Rezone in order to bring the zoning for the site into compliance with the Community Plan land use designation. The site is currently zoned R1-5000 which is not consistent with the current Community Plan land use designation or the proposed CPA. In an effort to bring the zoning into compliance with the Community Plan and the proposed CPA, a Rezone from R1-5000 to VC is proposed.

3.3.3 City of San Diego Permits

☐ Planned Commercial Development Permit

The Proposed Project mixed-use development would require a PCD permit from the City of San Diego. The purpose of a PCD permit is *"to promote and facilitate imaginative, innovative and comprehensively planned commercial developments integrating compatible activities which are harmoniously designed to compliment the surrounding community"* (San Diego Municipal Code Section 101.0910). The PCD permit regulations help to guide the development of medium to high-density residential projects that are proposed within mixed-use or commercial areas as proposed by the community plan. A PCD project may be located within any commercial zoning district (including the VC zone) with the exception of the Commercial Parking zone, and may include land uses such as residential (including condominium), office, light manufacturing and boarding and lodging houses, or uses similar in character to these uses as determined by the Planning Commission.

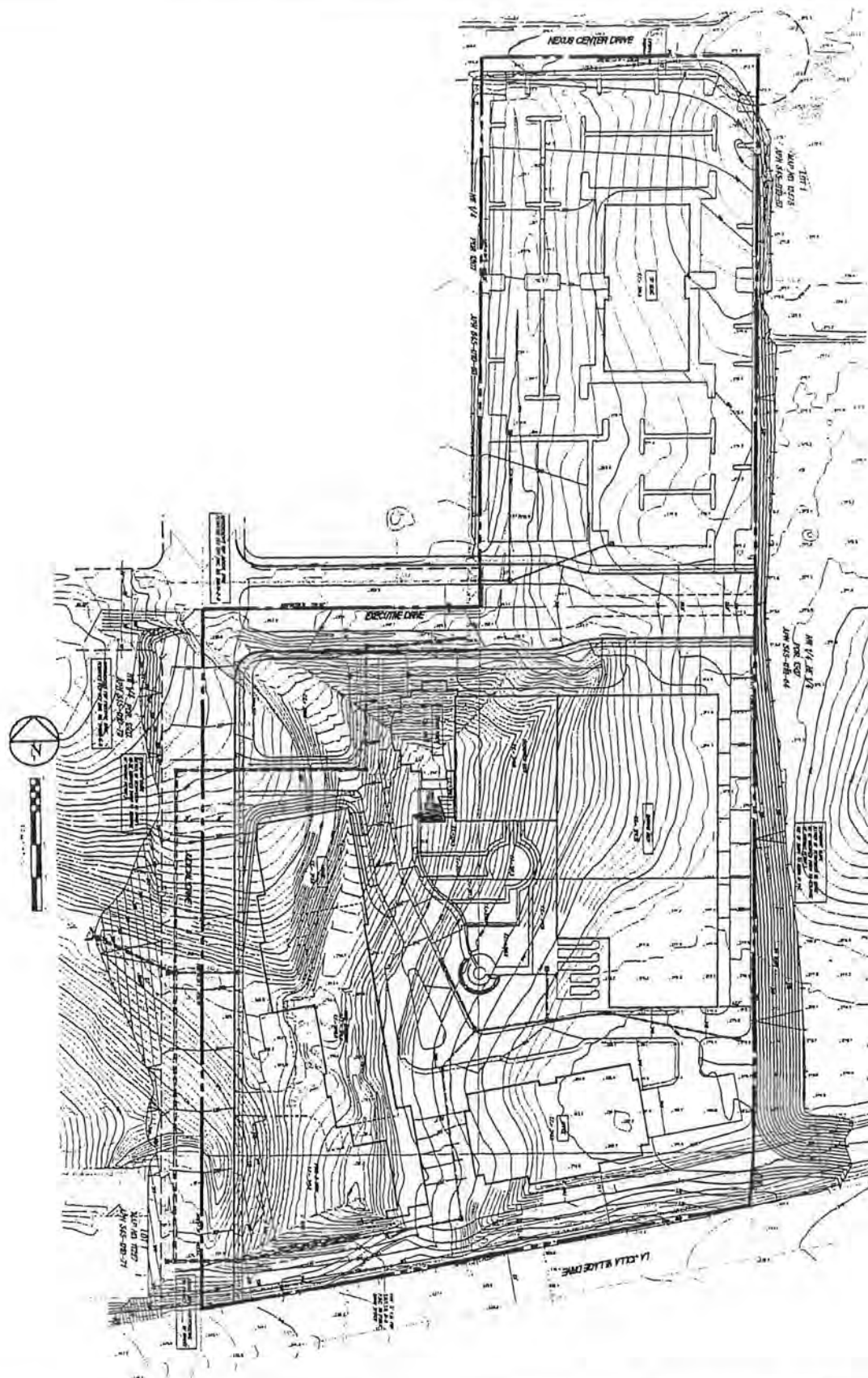


Figure 3-8
CONCEPTUAL GRADING PLAN

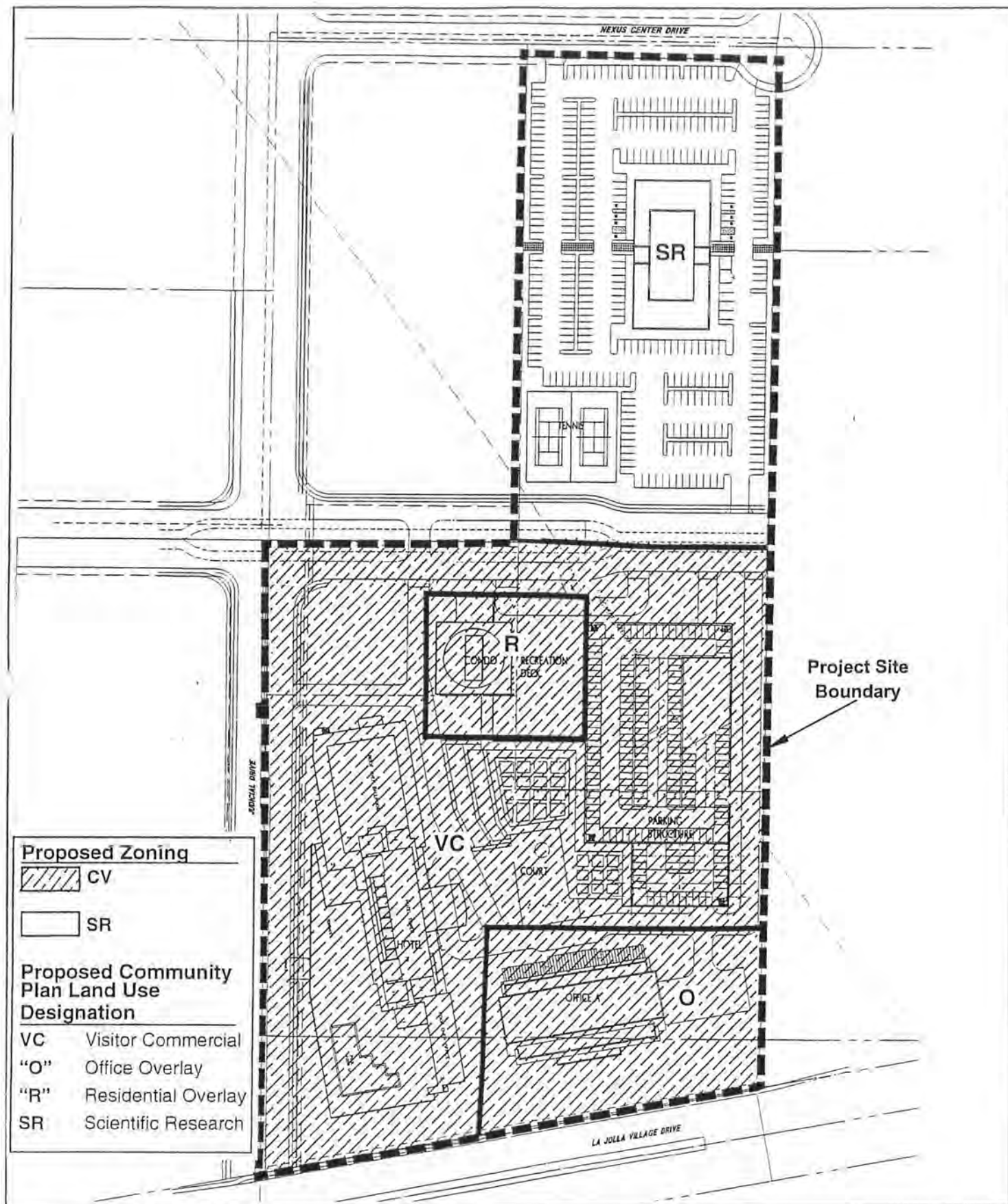


Figure 3-9
COMMUNITY PLAN AMENDMENT/ZONE CHANGE BOUNDARIES

☐ **Vesting Tentative Map**

The Proposed Project includes the subdivision of land and relocation of property lot lines to accommodate the proposed individual buildings (hotel, office and residential) located in the southern 9.39 acres of the project site proposed for a CPA and Rezone. A Vesting Tentative Map (VTM) is proposed to accommodate the subdivision of land and the residential condominium project.

☐ **Resource Protection Ordinance Permit**

The Proposed Project would impact 0.14 acre of wetlands and result in the grading of 6.43 acres of steep slopes, and will impact biologically sensitive lands defined by RPO. In accordance with Section 101.0462 of the San Diego Municipal Code, an RPO Permit would be required for implementation of this project.

3.3.4 Other Discretionary Approvals

As discussed in Sections 2.3 and 3.2.9, a large canyon is located in the southwest portion of the project site which would be filled as part of the proposed grading for the project. The Proposed Project would impact approximately 0.13 acre of wetlands and 0.01 acre of non-vegetated Waters of the U.S., as defined by the USACOE. Approximately 0.10 acre of the wetlands impact is anticipated due to Circulation Element road improvements. Because the project would discharge fill material into jurisdictional Waters of the U.S., the applicant would be required to obtain a Nationwide Permit in accordance with Section 404 of the federal Clean Water Act (CWA). The permit is issued by the USACOE. Section 401 of the CWA also requires that the USACOE receive a water quality certification or waiver from the state or local RWQCB prior to issuance of a permit pursuant to Section 404.

Certification or waiver from the RWQCB is required for any project that would discharge runoff from a site. Conformance with the CWA is established through compliance with the requirements of the RWQCB NPDES for discharge of storm water runoff associated with construction activity. Compliance requires conformance with applicable BMPs and development of a SWPPP and monitoring program plan.

A Streambed Alteration Agreement pursuant to Section 1603 of the CDFG Code of Regulations would be required for the anticipated impacts to jurisdictional wetlands as defined by the state. The Proposed Project would impact approximately 0.1 acre on site and 0.03 acre off site of CDFG jurisdictional wetlands, and 0.01 acre of on-site jurisdictional streambed.

3.4 Alternatives

Section 15126(d) of the State CEQA Guidelines requires that a reasonable range of alternatives be addressed that could feasibly attain most of the objectives of the Proposed Project but would avoid or substantially lessen the significant environmental impacts associated with the Proposed Project. State CEQA Guidelines recommend that a brief description of the rationale for selecting an alternative be provided and that sufficient information be included for the analysis of each alternative so that there is a meaningful evaluation and comparison of the alternative(s) to the Proposed Project impacts. An off-site alternative was considered, pursuant to Section 15126(d)(5) of the CEQA Guidelines during the early planning phase of the project. This alternative is addressed in Section 9.1 Alternatives Considered But Rejected.

In accordance with Section 15126 of the State CEQA Guidelines, the EIR should include the "No Project" alternative. The No Project alternative may include a "no development" scenario that evaluates the project site under its existing conditions with no development or site improvements, as well as an alternative that would consist of a development reasonably expected to occur under the existing plans (i.e., Community Plan designation) and consistent with the available infrastructure and community services. The Proposed Project includes a CPA from Visitor Commercial to Mixed-Use to allow for the development of residential (condominium) and office uses in addition to the permitted hotel use. The plan amendment would also allow for an increase in the development intensity, thus increasing the number of vehicle trips per developable acre. In accordance with the CEQA Guidelines, a No Project (no development) alternative is included in this EIR, as well as the "Development Under the Existing Community Plan" alternative which evaluates a development scenario that is consistent with the existing Community Plan land use designation and development intensity allowance of 258 vehicle trips per acre. The Development Under the Existing Community Plan Alternative is evaluated and compared to the Proposed Project traffic impacts to determine if it would reduce the overall traffic impacts anticipated with the Proposed Project.

In addition to the No Project Alternative and Development Under the Existing Community Plan Alternative, a Resource Protection Ordinance (RPO) Alternative are also evaluated. The RPO Alternative is included in this EIR to evaluate a project that is compatible with the requirements of the Ordinance and avoids impacts to wetlands and steep slopes.

Lastly, in Section 9.6, the Environmentally Superior Alternative is identified pursuant to State CEQA Guidelines and the environmental consequences of each alternative are summarized within a matrix for comparison purposes.

4.0 Environmental Analysis

4.1 Land Use

4.1.1 Existing Conditions

☐ Existing Site Conditions and Surrounding Land Uses

The proposed La Jolla Commons Project is located within the University Community of the City of San Diego, approximately 700 feet west of I-805 and north of La Jolla Village Drive. The University Community planning area, covering approximately 8,500 acres, is located in the northern portion of the City and stretches from the Pacific Ocean to just east of I-805 (refer to Figure 2-2 in Section 2.0). The project site is located in the central-eastern portion of the community planning area which is comprised of a mix of retail, visitor commercial, office, scientific research, and residential uses. The Proposed Project site is approximately 17 acres and is bound to the west by the planned extension of Judicial Drive, to the north by Nexus Center Drive and to the south by La Jolla Village Drive. The site is bisected by the partially improved extension of Executive Drive which terminates approximately mid-way through the site. Nine acres of vacant land separates the site from I-805. La Jolla Village Drive, the primary corridor bisecting the planning area, is straddled on both sides by this mix of land uses and transitions to Miramar Road at I-805. Land uses to the east of I-805 consist primarily of light industrial, commercial and open space, as well as the 24,000-acre MCAS Miramar installation which is located outside and east-southeast of the planning area.

The project site is currently undeveloped, vacant, and partially disturbed. The site's topography varies significantly with a relatively large, steeply sloped canyon in the southwest portion of the site (low point of 278 feet amsl) and a relatively level plateau along the north- and southeastern portions of the site (high point of 320 feet amsl). Vegetation on site consists of a combination of Diegan coastal sage scrub, southern mixed chaparral and southern willow scrub. A majority of the site is covered with southern mixed chaparral, with southern willow scrub covering the least amount of land within the canyon bottom. Refer to Figures 2-5 and 2-6 in Section 2.0 Environmental Setting for an aerial photograph and topographic map of the project site. The existing site condition also includes the presence of general refuse (e.g., glass, paper, furniture) dumped on the site by transient occupants. While a majority of the site is naturally vegetated, the site is considered partially disturbed due to the presence of the man-made improvements in the drainage and a number of dirt pathways and a utility vehicle access road within the site. Presently, there are several concrete brow-ditches and a man-made stormwater collection pipeline that convey stormwater flow via a 42-inch diameter pipeline under La Jolla Village Drive. The main drainage basin on-site collects on-site flows in addition to a significant off-site flow contributed via existing pipelines which outfall into the project site. The existing stormwater flows from off-site sources entering the outfall on-site account for approximately 86 percent of the total flow entering the 42-inch diameter pipeline that conveys water south and under La Jolla Village Drive. In addition to surficial man-made stormwater collection facilities, an underground tunnel crosses beneath the project site containing various utility pipelines. An above-ground junction structure is located in the canyon bottom at the juncture between this tunnel and utilities that continue subsurface and southerly toward La Jolla Village Drive.

The Proposed Project site is surrounded by a combination of developed, graded and vacant parcels. Approximately nine acres of vacant, naturally vegetated land exists between the project site and I-805 to the east. A two-story scientific research facility is located to the northeast, east of the terminus of Nexus Center Drive. A graded parcel, proposed for scientific research uses, is located within the reversed "L" pocket of the project site, north of Executive Drive and south of Nexus Center Drive. A five-acre vacant and naturally

vegetated parcel is located immediately west of the proposed extension of Judicial Drive. La Jolla Village Drive, a six-lane primary arterial, bounds the project site to the south. A combination of high-rise office towers, multi-family residential uses, scientific research buildings and a parking structure are located further to the west of the project site, west of the proposed extension of Judicial Drive. Approximately 28 acres of vacant, naturally vegetated land is located south of La Jolla Village Drive, planned for a mixed-use development of residential and office uses known as La Jolla Crossroads. The La Jolla Crossroads Project is proposed to include 1,500 apartment units on approximately 21.4 acres and 162,000 square feet of scientific research uses on approximately 6.7 acres. West of the La Jolla Crossroads site are two multi-story office buildings and associated parking structures. Refer to Figure 2-4 in Section 2.0 Environmental Setting for an aerial photograph depicting the surrounding land uses.

❑ Plans and Policies

The City of San Diego General Plan is the City-wide land use development and planning document that contains guidelines and policies relative to development, open space and infrastructure. The Proposed Project site is located within the *University Community Plan* area of the City, one of 44 community planning areas within the City. In addition to the City General Plan and the *University Community Plan*, planning guidelines and policies of the City's Resource Protection Ordinance (RPO) (City of San Diego Municipal Code § 101.0462), the City's Zoning Ordinance (City of San Diego Municipal Code § 101.0910), the City's Multiple Species Conservation Program (MSCP) Subarea Plan (City of San Diego, March 1997) and the Comprehensive Land Use Plan (CLUP) for NAS Miramar (San Diego Association of Governments [SANDAG], Amended September 1992) are also applicable to the proposed project. The applicable goals, objectives, recommendations and policies associated with these plans are described below.

Progress Guide and General Plan

The City's General Plan contains 13 Elements focusing on the following topics: Housing; Transportation; Commercial; Industrial; Public Facilities, Services and Safety; Open Space; Recreation; Redevelopment; Conservation; Energy Conservation; Cultural Resources Management; Seismic Safety; and Urban Design. The applicable goals and recommendations within Elements pertaining to the Proposed Project are summarized below.

The **Housing Element** specifies programs that are intended to guide the City's commitment to provide for the housing needs of all economic segments of the community. A relevant goal within the Housing Element pertains to the availability of adequate sites for the development of a variety of housing for all income levels. The policies of the Housing Element state that "*the City shall seek to ensure that all housing is developed in areas with adequate access to employment opportunities, community facilities, and public services.*"

The **Transportation Element** provides the framework for developing a comprehensive transportation system that includes streets, highways and parking to serve vehicular needs; transit, bicycle and pedestrian facilities; as well as airports, railroads, and maritime facilities. A relevant goal contained within the Transportation Element addresses the need to "*provide a network of transportation systems that are integrated, complementary and compatible with other City-wide and regional goals. A network that takes into account the physical, social and economic conditions of the environment, both present and future.*" The Transportation Element also includes a discussion of noise and land use compatibility with transportation-generated noise levels. The Transportation Element promotes reduction of transportation noise to a level that is tolerable and does not constitute a threat to the public health and general welfare. The Transportation Element recommends that both

current and projected noise levels be considered in determining land use compatibility. An exterior noise level of 65 decibels (dB) CNEL and an interior noise level of 45 dB CNEL are considered acceptable noise levels for residential uses (including transient housing, e.g., hotels) while a noise level of 70 dB CNEL is considered an acceptable exterior noise level for office uses, 59 dB CNEL for interior.

The **Commercial Element** of the General Plan includes a goal *"to develop an integrated system of commercial facilities that effectively meets the needs of San Diego residents and visitors as well as assuring that each new development does not impede the economic vitality of other existing commercial areas."* This Element also includes a recommendation in regard to the timing of commercial development whereby the City would *"encourage when feasible the simultaneous development of residential and commercial uses."*

The **Public Facilities, Services and Safety Element** addresses the provision of schools, libraries, police, fire, water, sanitation and flood control. This element identifies schools and the provision of quality education as the most important area of public service and recommends cooperative assistance with school districts in resolving problems arising over the availability of schools in newly developing areas of the City. This Element also includes a recommendation to *"Evaluate yearly the existing libraries for continued use or necessary expansion or relocation."*

The **Conservation Element** of the General Plan includes a number of goals and recommendations for the protection and preservation of the region's natural resources, including land, water, mineral, ecological and air resources. The Conservation Element includes specific discussion relative to landform and includes several guidelines and standards relevant to the Proposed Project: (1) *"Floodplains, steep slopes, canyons, coastal and waterfront lands should be left undeveloped, or minimally developed consistent with their special qualities and limitations;"* (2) *"Only sites best suited to development should be used. Steeply sloping or highly erodable land or natural stream channels should be left as open space or agricultural land. Construction should be clustered to minimize its effects;"* and (3) *"Grading should be kept to a minimum. Canyons should not be filled. Existing trees and ground covers should be retained as much as possible. Natural drainage systems should be preserved."* The Conservation Element also addresses water quality and includes guidelines and standards that require that *"Water quality objectives and criteria of the Regional Water Quality Control Board and the State Water Resources Control Board should be achieved and maintained."*

Conservation and preservation of our region's air quality is also addressed in this Element, with the primary goal being *"to protect and enhance the quality of San Diego's air resources so as to promote the public health and welfare and the productive capacity of its population and natural environment."* Guidelines and standards to implement this goal include providing attractive, less-polluting alternatives such as public transit and bicycle lanes, and promoting the development of relatively self-contained neighborhoods and communities to provide for a balance of necessary land uses, facilities, and services and reducing the number and length of vehicle trips. This Element also encourages in-fill development where possible.

The **Urban Design Element** addresses the integration of new development into the natural landscape and existing community. The Element encourages the balance of natural and created features by integrating new development with the natural landscape or within the framework of an existing community whereby there would be minimal impacts to the community's physical and social assets.

University Community Plan

The *University Community Plan* was adopted in January 1990. The Community Plan includes 12 Elements that address plan policies specific to development within the *University Community Plan* area. (Refer to Figure 2-8 in Section 2.0 for the *University Community Plan* boundaries and generalized land use plan.) The Proposed Project site is designated for Visitor Commercial and Scientific Research land uses (Figure 4.1-1). There are four primary subareas within the Plan; the proposed La Jolla Commons Project is located within Subarea 2, the Central subarea. Community Plan Elements and the goals and proposals within each element that apply to the Proposed Project are discussed below.

The **Urban Design Element** focuses on the relationship between buildings and spaces, as well as vehicular, pedestrian, bicycle and public transit linkages throughout the community. The overall character of the community is defined in Section I.A. of the Element, where the Central community is envisioned as having a strong link between buildings, streets and pedestrian routes and incorporation of pedestrian friendly amenities such as directional graphics, fountains and outdoor seating. The Urban Design Element encourages development that promotes public transit, reducing the long-term demands on public roadways. The Central Subarea, where the Proposed Project site is located, is characterized as the most urban of the four subareas within the Community Plan, consisting of intense, multi-use development representing one of the major commercial/office nodes within the City of San Diego. The Urban Design Element notes that the design theme in the Central Subarea should include "*bold, contemporary high-rise structures*" with a "*variety of building types, shapes, sizes, colors and materials.*" The applicable urban design goals include the following:

- Improve accessibility and use relationships within the community by establishing well-defined multi-modal linkage systems
- Provide for the needs of pedestrians in all future design and development decisions
- Ensure that San Diego's climate, and the community's unique topography and vegetation influence the planning and design of new projects
- Ensure that every new development contributes to the public realm and street livability by providing visual amenities and a sense of place

The Urban Design Element acknowledges the future extension of Judicial Drive as a four-lane Major roadway and Executive Drive as a four-lane Collector and Light Rail Transit (LRT) route. Both roadways are planned to have landscaped parkways. La Jolla Village Drive is planned to be widened from six to eight lanes. This Element includes an objective to "*[e]nsure that the street yards of private developments bordering La Jolla Village Drive and Genesee Avenue support the desired image and monumental quality of these roads.*" The following methods are recommended to accomplish this objective:

- Retain the sloping landscaped berms along the borders of La Jolla Village Drive
- Maximize the landscape investment by using drought-tolerant plants
- Planting mature street yard trees

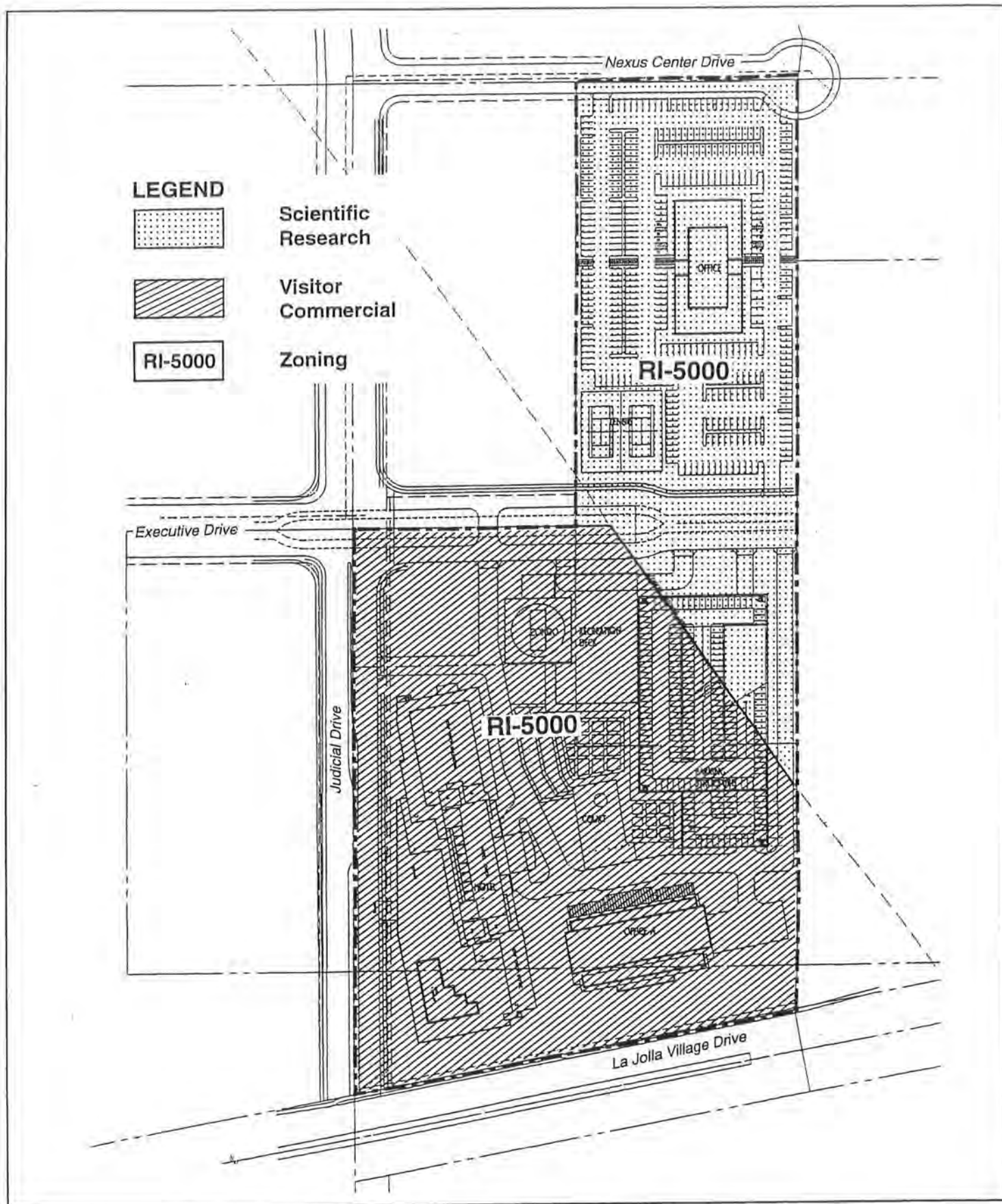


Figure 4.1-1

COMMUNITY AND GENERAL PLAN LAND USE DESIGNATIONS/ZONING

- Locate private property art works and other amenities so that they are visible and accessible from La Jolla Village Drive
- Require all new developments abutting La Jolla Village Drive to provide artworks (or landscaping or building elements) or contribute to the Community Art Fund

The Urban Design Element includes pedestrian link objectives to “[d]esignate and clearly define a primary pedestrian network linking superblocks, major activity centers and resource areas utilizing the public sidewalk, street level crossings, overpasses, meandering paths through private developments, and trails through natural open space areas.” The Element includes Judicial Drive in the Urban Node Pedestrian Network. The following methods are recommended to accomplish this objective:

- Ensure that urban node pedestrian network sidewalks have generously landscaped parkways, are non-contiguous, and have a minimum of six feet in width
- Provide pedestrian paths within private developments that connect with the sidewalk pedestrian network
- Avoid vehicular access from the pedestrian street network

The Urban Design Element addresses bicycle planning in the community planning area and identifies Judicial Drive as having a future Class II bike lane. Public transit is also addressed in this Element. Figure 22, Proposed Light Rail Transit and Shuttle Loop, identifies a “Recommended SANDAG Study Committee Alignment” and an “MTDB Preferred Alignment” following Executive Drive past the Proposed Project site, as well as a “Proposed Future Light Rail Transit Station With Parking” near the intersection of Judicial and Executive Drives. Objectives in the Element addressing this plan include the following: (1) “Ensure that the proposed light rail transit corridor (LRT) shown in Figure 22 . . . offers a variety of interesting views and amenities to transit riders;” and (2) “Ensure that . . . future transit stops optimize convenience and safety of riders and contribute to the functional and aesthetic quality of the community.” These objectives can be accomplished by:

- Requiring that developments flanking the LRT corridor locate entrances, and amenities towards the transit right-of-way
- Integrating transit stations into major destination areas, including the campus, shopping centers, hospitals, schools, hotels, large employment centers and other major destination points as determined by route demand analyses

The Urban Design Element includes specific design recommendations for each of the four subareas within the community planning area. The Proposed Project, located within Central Subarea 2, is within an area that “draws its identity from wide streets and super block development patterns.” It is considered the most urban of the subareas with the inclusion of two major commercial shopping centers, one being University Towne Center located approximately 1,200 feet south and west of the Proposed Project. Most of the subarea is developed with the exception of the east end, just west of I-805 and on both sides of La Jolla Village Drive. The Element describes this area as framing an important entrance into the University Community and providing an opportunity to achieve the urban design goals within the Community Plan. One of the objectives for Subarea 2 is to “improve the

central community's urban form and cohesiveness as new construction activity continues." This objective is expected to be accomplished by the following methods:

- Incorporation of new development street yards averaging the streetyards of adjoining and fronting developments
- Transition the scale and height of adjacent buildings and design projects to ascend or descend in scale and height to create a harmonious, smooth transition
- Place low rise buildings near the street and high rise buildings away from the street in large-scale projects. Maximize the potential inherent and natural terrain elevation differences to create varying building heights and interesting roofline compositions
- Maximize site buildings to obtain solar and view corridors
- Articulate the building mass with offsets
- Conceal rooftop equipment
- Provide areas for employees which include seating, sunny plazas and recreational facilities
- Avoid locating parking and parking entrances adjacent to the pedestrian network streets. All parking should be in unobtrusive locations

The **Transportation Element** of the *University Community Plan* addresses future roadway improvements, as well as bicycle, pedestrian and transit circulation throughout the community. Planning goals relative to these issues have been addressed under the Urban Design Element discussion above and can be found within Section 4.4 Transportation/Traffic Circulation.

The **Development Intensity Element** of the Plan establishes planning guidelines for the intensity of development based upon traffic projections and the capacity of the Community Plan Circulation Element roadways. One of the primary goals in this Element is to "*provide a workable circulation system which accommodates anticipated traffic without reducing the Level of Service below 'D.'*" Development intensities, measured by square footage or number of dwelling units, were allocated to 101 subareas within the community. The Proposed Project is located in two subareas, 29 and 31. The permitted land use and development intensity for these two subareas is summarized below, as defined in Table 3 of the Community Plan.

Subarea 29	14.39 acres	N. of La Jolla Village Drive 5 acres Scientific Research 9.39 acres Visitor Commercial (<i>s. end of Project Site</i>) Not to exceed 258 trips/acre
Subarea 31	30.86	20,000 s.f./acre; Scientific Research (<i>n. end of Project Site; 7.5 ac.</i>)

The Development Intensity Element provides for a Transfer of Development Rights (TDR) in conjunction with a Planned Development Permit, restricting both the sending and receiving sites:

The **Noise Element** of the Community Plan addresses the potential for noise impacts to sensitive receptors as a result of aircraft noise from NAS (now MCAS) Miramar, major transportation routes and the AT&SF Railroad line. Goals and proposals applicable to the Proposed Project include those addressing MCAS Miramar aircraft operations noise and noise from La Jolla Village Drive and I-805. The Noise Element refers to the SANDAG land use compatibility matrix that was prepared specifically for aircraft aviation operations at NAS Miramar. The matrix indicates that noise levels from the base exceeding 65 decibels CNEL impact the northern and eastern portions of the community. The matrix includes a number of implementation directives such as attenuating new buildings to acceptable levels indicated in the matrix and subjecting proposed residential and hotel uses located within the 60 to 65 and 60 to 70 dB CNEL, respectively, to acoustical studies to ensure that interior levels would not exceed 45 decibels. Likewise, office uses located within the 65 to 70 dB CNEL shall be subject to acoustical studies to ensure interior noise levels do not exceed 50 dB CNEL. The Element includes two primary goals, including (1) *"Minimize and avoid adverse noise impacts by planning for the appropriate placement and intensity of land uses relative to noise sources;"* and (2) *"Provide guidelines for the mitigation of noise impacts where incompatible land uses are located in a high noise environment."* The Element includes a number of proposals to meet these two goals including:

- Prohibiting the development of land uses that are incompatible with the SANDAG study or subsequent similar studies on aircraft noise
- Encourage and where possible assist the Navy in its acquisition of land or easements surrounding NAS Miramar to ensure that the land uses are compatible with noise from the airport operations

The **Safety Element** addresses geologic hazards and public safety associated with NAS Miramar. The Element includes two goals related to NAS Miramar aircraft safety: (1) *"Promote public safety by taking into account aircraft accident potential in the placement of structures and activities;"* and (2) *"Provide for the safe operation of NAS Miramar through the preservation of appropriate departure corridors."* Like the noise compatibility matrix, the Element includes a SANDAG generated matrix showing land use suitability within designated Accident Potential Zones (APZs). The Element proposes that new projects in the community be reviewed for compatibility with established APZs delineated in the Air Installation Compatible Use Zones Study and the Comprehensive Land Use Plan (CLUP) for NAS Miramar. Refer to the discussion in this section entitled Comprehensive Land Use Plan NAS Miramar for further discussion about this plan.

The **Resource Management Element** within the *University Community Plan* addresses the preservation and enhancement of natural resources within the community, including topographic features, biological resources, coastal resources, energy and water supplies, cultural resources and air quality. A number of goals are outlined within the Element with the resulting proposals to accomplish the conservation and preservation of these resources:

- Preserve canyons, hillsides and natural drainage systems. Grading should be kept to a minimum, particularly adjacent to designated open space areas
- Retain native vegetation where feasible to reduce erosion, preserve native species and preserve representative habitats

- Minimize erosion and sedimentation
- Utilize drought-tolerant plants and efficient watering systems in landscaping plans
- Maximize opportunities for active and passive heating and cooling and incorporate measures to increase energy-efficient forms of transportation
- Design streets and adjust traffic lights to maximize smooth flow of traffic to reduce hydrocarbon and carbon monoxide emissions by reduction in idling time
- Identify and mitigate impacts to paleontological and cultural resources through the environmental review process

Multiple Species Conservation Program

The City of San Diego MSCP Subarea Plan was approved in March 1997 and meets the requirements of the California NCCP Act of 1992. The City's MSCP Subarea Plan delineates a regional wildlife preserve system that is intended to link all core biological areas into a regional wildlife preserve. The Subarea Plan identifies a 56,831-acre Multi-Habitat Planning Area (MHPA) in the City for preservation of core biological resource areas and connecting corridors. The Proposed Project site is located outside the MHPA and is not adjacent to it.

San Diego Municipal Code Section 101.0910 (Planned Commercial Development)

San Diego Municipal Code Section 101.0910 sets forth the City's regulations for issuance of Planned Commercial Development (PCD) Permits. PCDs are discretionary permits issued for projects that are predominantly commercial and are designed and improved in accordance with a comprehensive project plan. A PCD may be located within any commercial zoning district (including the VC zone) and may include residential, office, institutional, cultural, selected light manufacturing and recreational uses and facilities. Section 101.0910.A. of the Municipal Code states "*It is the purpose of the Planned Commercial Development regulations to promote and facilitate imaginative, innovative and comprehensively planned commercial developments integrating compatible activities which are harmoniously designed to compliment the surrounding community.*" PCD permitted uses include multi-family developments, including condominiums, and any use permitted in any commercial zone such as commercial office and commercial visitor uses.

San Diego Municipal Code Section 101.044 (Airport Environs Overlay Zone)

The City of San Diego enforces the Airport Environs Zone around MCAS Miramar as part of its municipal code (Section 101.0444). The overlay zone is intended to ensure that land uses are compatible with the operation of the airport by implementing land use, noise attenuation and other standards of the airport's Comprehensive Land Use Plan (CLUP), described in the following pages. The City cannot issue a permit for new construction controlled by an Airport Environs Overlay Zone until compliance with the code has been established by the City Manager. This requirement applies to discretionary, administrative and building permits requested for development within the 60 dB CNEL contour or an APZ identified in the CLUP. Development plan submittals must identify their location relative to the airport's noise contours and accident potential zones (APZs) on a map.

Project applicants within the Airport Influence Area must demonstrate that proposed construction materials, including enhanced insulation, window double-glazing and other design features, can effectively reduce interior noise to prescribed levels (i.e., 45 dB CNEL).

Resource Protection Ordinance (RPO)

The City of San Diego regulates development of environmentally sensitive lands through RPO (Ordinance No. 17602, adopted February 19, 1991 and the amendment to the Ordinance, No. 18456, adopted January 12, 1998). RPO amends Chapter X, Article 1, Division 4 of the San Diego Municipal Code Section 101.0462 related to development in the environmentally sensitive areas of the City. RPO applies to wetlands, wetland buffers, floodplains, hillsides, sensitive biological resources and significant prehistoric and historic resources. The intent of RPO is *"to protect, preserve, and, where damaged, to restore the environmentally sensitive lands of San Diego which include wetlands, wetland buffers, floodplains, hillsides, sensitive biological resources, and significant prehistoric and historic resources"* (City of San Diego 1998). Those provisions of RPO that apply to the Proposed Project are discussed below.

Steep Hillsides. RPO allows encroachment into hillsides proportional to the amount of the property which has natural slopes which exceed a gradient of 25 percent and height of 50 feet. The subject property includes 2.1 acres (12 percent) that meet this criterion (Figure 4.1-2). Based on a site coverage of these slopes that is less than 25 percent, there is no allowable encroachment into steep slopes. The Proposed Project would encroach into 2.1 acres of hillsides.

Development beyond the encroachment allowance is not permitted unless all feasible mitigation to protect and preserve the lands is required as a condition approval, and alternative compliance findings can be made. Exceptions to the encroachment allowance may be considered for community plan and general plan circulation element roads, local public streets, public utility systems, some public facilities, brush management for fire protection, and some sand and gravel operations.

Alternative compliance findings under RPO may be approved where it appears that strict application would either (1) result in unnecessary hardship to the applicant; (2) result in conflict with the City Council policy, the Progress Guide and General Plan or any adopted community plan; or (3) preclude provisions of the extraordinary benefit to the general public. Findings required for alternative compliance include:

- Compatibility with the City of San Diego Progress Guide and General Plan and with any applicable community plan or ordinance
- Siting, design and construction to minimize, if not preclude, adverse impacts on environmental sensitive land and to prevent adverse impacts on any adjacent sensitive lands and resources
- Minimizing the alterations of natural landform and precluding undue risks from geological and erosional forces and/or flood and fire hazards
- Incorporating all feasible measures to protect and preserve the special character and value of affected significant prehistoric or historic sites or resources

Biologically Sensitive Lands. With respect to sensitive biological resources, RPO allows development on lands with sensitive biological resources located outside the MHPA, with the exception of wetlands or land supporting listed, non-covered species, as long as suitable compensation accompanies development. The 13.81 acres of biologically sensitive land located on and off site (Figure 4.1-2) are located outside the MHPA and do not support any listed, non-covered species. Thus, development of the sensitive upland biological resources on the site is not limited, provided adequate mitigation for all impacts is provided.

Wetlands. RPO does not permit development of any wetland areas. The project site includes 0.13 acre of wetlands and 0.01 acre of streambed (Figure 4.1-2), of which 0.10 acre would be impacted by City community plan roadways with or without the project. The proposed encroachment into wetlands associated with the project would require that the following findings be made that a deviation from RPO is acceptable.

1. There are no feasible measures that can further minimize the potential adverse effects on sensitive biological resources; and
2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land not of the applicant's making

Comprehensive Land Use Plan NAS Miramar

The proposed La Jolla Commons project site is located approximately 0.5 mile northwest of Marine Corps Air Station Miramar (MCAS Miramar). A base realignment, or transfer, from the U.S. Navy to the U.S. Marine Corps began in 1994 and was virtually complete by 1998. While the appropriate environmental documentation pursuant to the National Environmental Policy Act was completed before and during the transition, the underlying land use compatibility plan for the installation remains the planning tool and adopted plan for evaluating proposed projects in proximity to the base. The CLUP for NAS Miramar was adopted in October 1990 and amended in September 1992 by the San Diego Association of Governments (SANDAG). The CLUP was prepared by SANDAG, the Airport Land Use Commission (ALUC), in accordance with the provisions of Article 3.5 of the California Public Utilities Commission. The CLUP was prepared to "*protect Naval Air Station (NAS) Miramar from incompatible land uses, and provide for the orderly growth of the area surrounding the air station; to safeguard the general welfare of the inhabitants within the vicinity of the air station and the public in general by protecting them from the adverse effects of aircraft noise and accident potential; and to ensure that no obstructions or other hazards affect navigable airspace.*" (SANDAG 1992).

The CLUP addresses land use compatibility by defining the Airport Influence Area, noise contours from aircraft operations and the associated land use compatibility matrix, defining accident potential zones, and defining height restrictions for surrounding uses and obstruction determinations. The proposed project site is located within the NAS Miramar Airport Influence Area, an area that extends well beyond the limits of the military air station and as far west and northwest as the Pacific Ocean. The NAS Miramar noise contours, as defined in the 1992 CLUP, are depicted in Figure 4.1-3. The noise contours shown in Figure 4.1-3 have been revised pursuant to the MCAS Miramar realignment EIS. Refer to Section 4.5 and Figure 4.5-2 for the most current contours. The associated Airport Noise/Land Use Compatibility Matrix indicates that residential, hotel and office uses are considered conditionally compatible if they are within the 65 dB CNEL noise contour and if the outdoor community noise equivalent level would be attenuated to an indoor level of 45 dB for hotel and

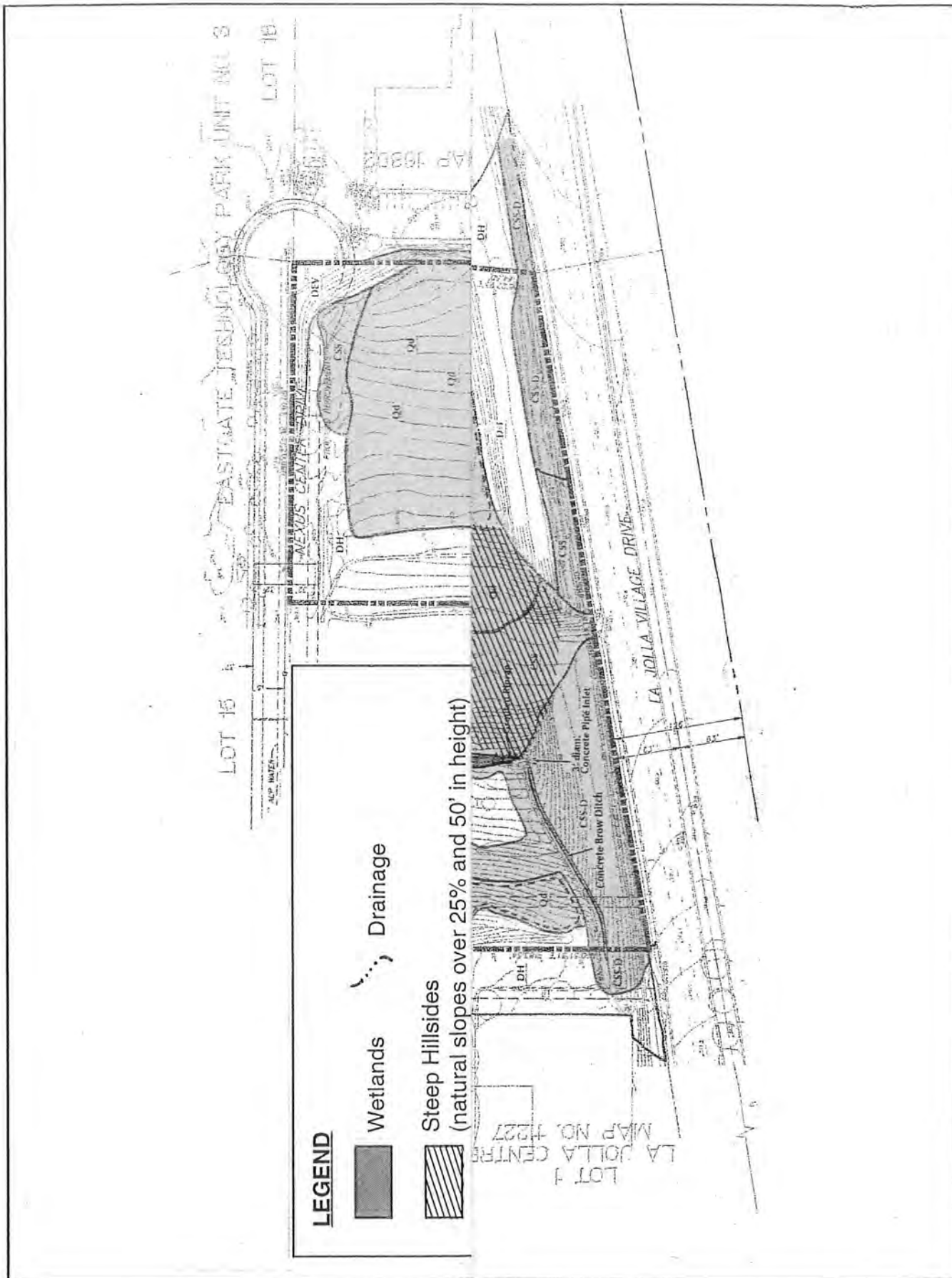


Figure 4.1-2
RPO RESOURCES

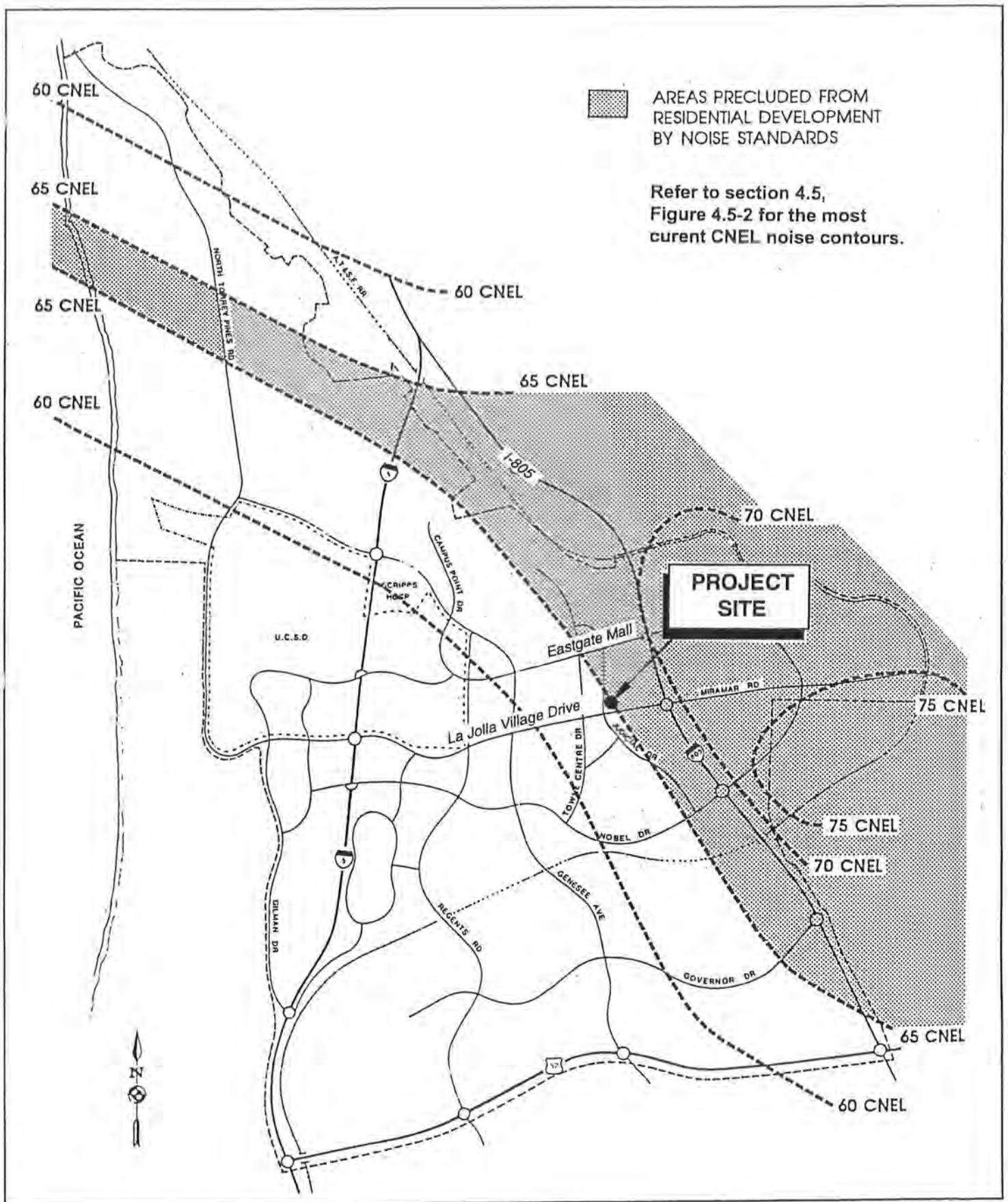


Figure 4.1-3
NAS MIRAMAR CLUP CNEL NOISE CONTOURS

residential uses and 50 dB for office uses. (Refer to Section 4.5 Noise for further discussion of applicable noise impact criteria.)

The CLUP defines two Accident Potential Zones (APZs) around the air installation, APZ-1 and APZ-2. The CLUP establishes land use restrictions for proposed development within each zone in order to minimize the number of people exposed to aircraft crash hazards. The primary objective of the APZs is the achievement of a degree of safety that can be reasonably attained. The APZs restrict the types of land uses allowed within the two zones and defines the population density for permitted uses (refer to Figure 4.1-4 for the NAS Miramar CLUP APZs). Residential and hotel uses are not considered compatible uses within APZ-1 and office uses within APZ-1 are restricted to a population density of 50 or fewer persons per acre. In addition, the CLUP requires that office uses within APZ-1 have a lot coverage that is less than 25 percent.

Building heights for surrounding land uses are restricted to insure that no object would interfere with the safe operation of aircraft or impact the air installation operations. The CLUP includes a slope map for land within the Airport Influence Area that specifies what building heights would be required to submit notification to the Federal Aviation Administration for an inspection evaluation. Proposed development would be considered incompatible with the airfield operations if the structures/objects penetrate the 100:1 surface and are not noticed to the FAA, the ALUC and NAS (now MCAS) Miramar. In addition to building heights, projects that generate other obstructions, such as release of any substance that would impair visibility (e.g., dust, smoke or steam), or emits or reflects light or interferes with aircraft communications/electrical systems would be considered incompatible.

4.1.2 Impact Analysis

Issue 1: *Would the Proposed Project result in a conflict with the Resource Protection Ordinance or the Multiple Species Conservation Program (MSCP)? How is the project consistent with the City of San Diego's MSCP Subarea Plan?*

☐ Resource Protection Ordinance (RPO)

The Proposed Project would require an RPO Permit due to anticipated project impacts to wetlands, steep hillsides and biologically sensitive lands. The Proposed Project would disturb 100 percent of the project site by grading the entire site and filling the existing canyon/drainage and a tributary drainage. For purposes of this EIR, a significant land use impact would result if the Proposed Project does not comply with the provisions of RPO and if City staff does not support the necessary alternative compliance and/or deviation findings.

Steep Hillsides. Encroachment into steep slopes is permitted proportional to the amount of the property which has natural slopes which exceed a gradient of 25 percent and a vertical height of 50 feet. The subject property includes 2.1 acres that meet these criteria, which is approximately 12 percent of the total site area. Based on a sliding scale of allowable encroachment into steep slopes, no encroachment into the steep slopes would be permitted unless alternative compliance findings can be made for the project. Each of these required findings is described below, along with alternative compliance findings proposed by the applicant for impacts to steep slopes. City staff currently ~~are unable to~~ support the applicant's proposed findings since candidate findings ~~did not~~ demonstrate that avoidance of steep hillsides ~~is was~~ not feasible. City staff believe that the applicant could not achieve reasonable use within the underlying zone without impacting steep hillsides as required by RPO.

As such, City staff has identified a feasible alternative that would avoid RPO-regulated resources (Alternative 9.4 in Section 9.0). The analysis for the findings prepared by the applicant is summarized below.

1. There are special circumstances or conditions applying to the land that are peculiar to such land and not of the applicant's making whereby the strict application of the provisions of this section would deprive the property owner of reasonable use of the land.

The project is one of the few remaining infill properties in the University Community Plan area. Existing development and pending projects are located around the entire perimeter of the property, with the exception of nine acres of vacant land between the project site and I-805. Extensive grading within the area would ultimately be required irrespective of the Proposed Project in order to provide for the construction of Judicial Drive between Executive Drive and La Jolla Village Drive, the widening of westbound La Jolla Village Drive to provide for an additional travel lane, and the potential widening of Executive Drive to accommodate the future LRT Station which would be located easterly of Judicial Drive (Figure 4.1-5). There are no other alternative alignments available for these roadway improvements and MTDB-adopted trolley alignment. The pre-existing canyon was initially bifurcated by the original construction of La Jolla Village Drive in the early 1970s. Much of the canyon bottom has been impacted by several construction projects, including the Sorrento-Rose Canyon Interceptor Sewer, the Rose Canyon Trunk Sewer, the North City Tunnel Connector Project, and the recently-constructed easterly extension of Executive Drive, which was a condition of project approval for the Nexus Project. When Judicial Drive is constructed between Executive Drive and La Jolla Village Drive, the canyon bottom will lose all connectivity to any other canyon feature. Some of the steep slopes in the canyon already have been graded as a result of these previous projects. The remaining natural slopes are not highly visible from surrounding viewsheds.

With regard to development potential on remaining areas of the site not occupied by steep slopes, the northeasterly portion of the site is constrained by the NAS Miramar Comprehensive Land Use Plan (CLUP) and a Restrictive Use Easement (RUE) that was obtained in a federal condemnation action. The CLUP and RUE limit the types of development on the northeasterly portion of the property, prohibiting residential, office and hotel development. Research uses would be allowed per the CLUP and RUE; however, such uses would not achieve the intensity of development contemplated by the *University Community Plan*. As such, retention of the pre-existing canyon topography, pursuant to the provisions of RPO, would not allow for reasonable use of the site as contemplated by the *University Community Plan*.

2. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

There are no other measures which could be implemented by the Project to further minimize the potential adverse effects on steep hillsides. The ultimate implementation Extensive grading on the southerly and westerly sides of the site of for the extension of Judicial Drive between Executive Drive and La Jolla Village Drive (a Circulation Element road identified in the University Community Plan), the widening of La Jolla Village Drive to provide for an additional west-bound travel lane, and the widening of Executive Drive to accommodate MTDBs future Light Rail Transit Station will be required regardless of whether the proposed project is constructed. ~~further impact this canyon, restricting private development to other areas of the property including steep slopes~~ (Figure 4.1-5). There are no alternative alignments for these public improvements which would avoid or reduce the potential impacts to sensitive lands. The grading proposed by the project would ~~essentially~~ fill an existing canyon that has been extensively disturbed by prior construction activity that resulted from the construction of La Jolla Village Drive, Executive Drive, the Sorrento-Rose Canyon Interceptor Sewer, the Rose Canyon Trunk Sewer, and the City's North City Tunnel

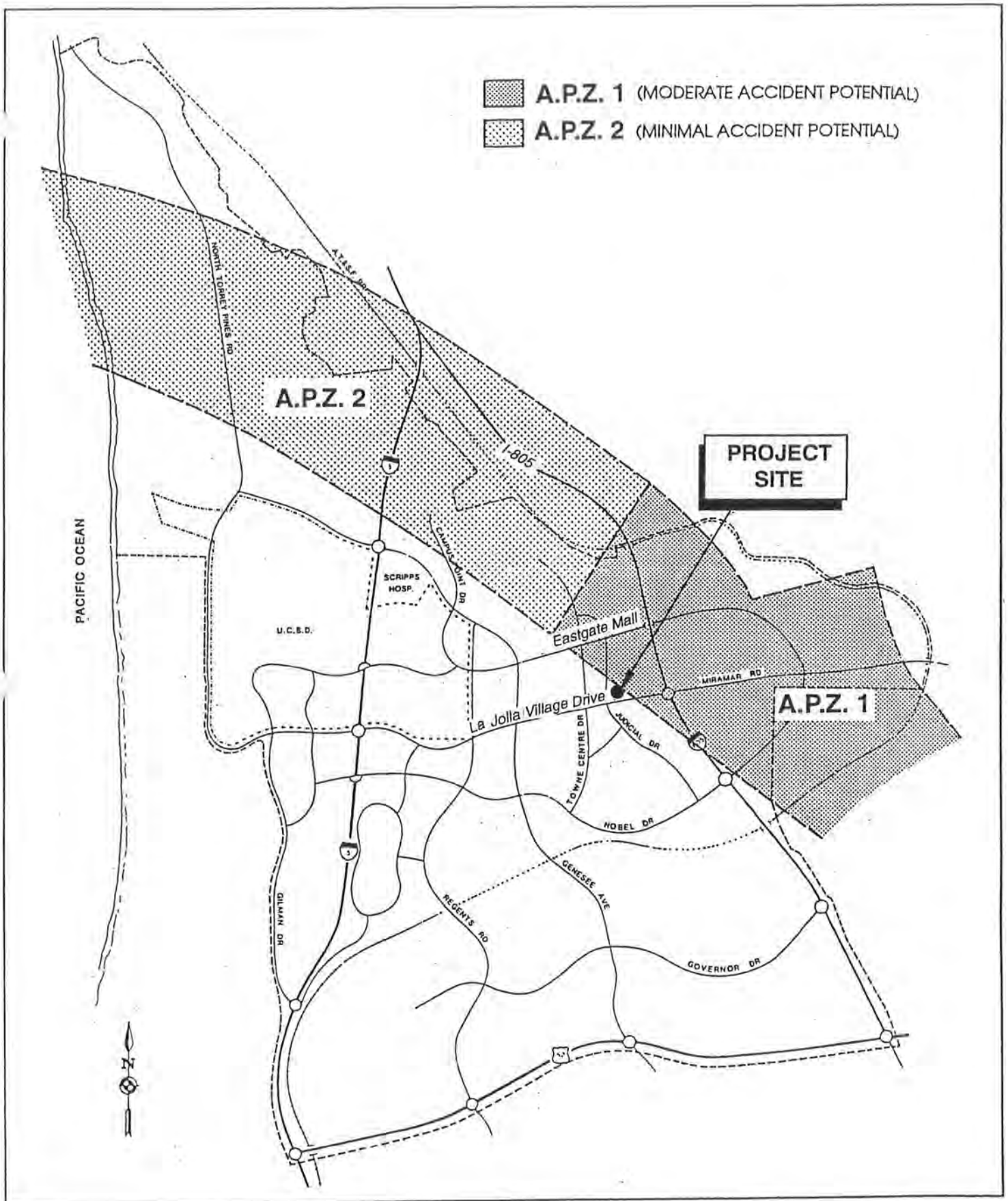


Figure 4.1-4

NAS MIRAMAR CLUP ACCIDENT POTENTIAL ZONES

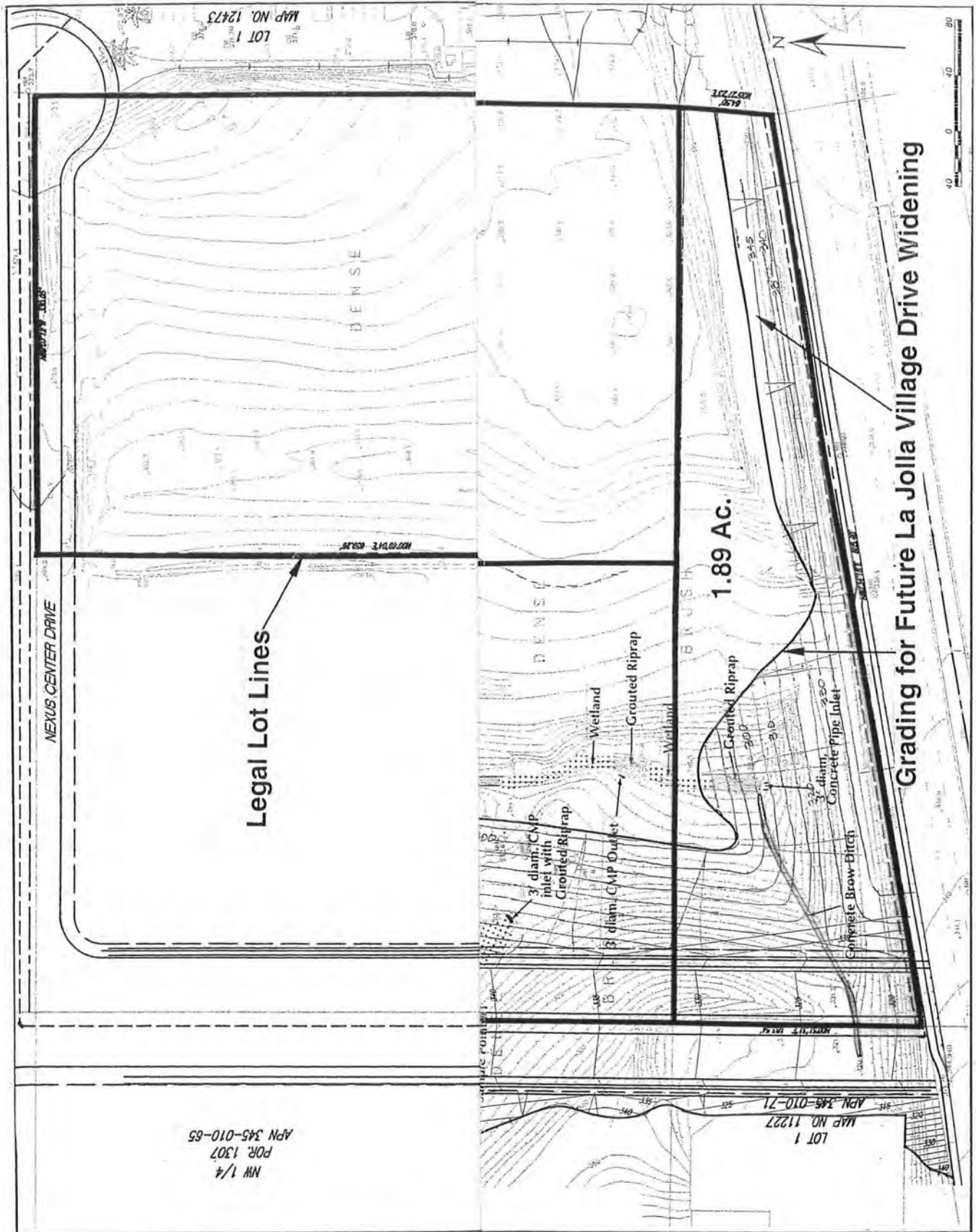


Figure 4.1-5
NON-PROJECT PUBLIC IMPROVEMENTS

Connector Project. The topography of the project site makes an alternative that avoids steep slope encroachment infeasible due to the topographic configuration "hole" like nature of the site. The proposed grading of the property has been designed to respect the landform conditions that exist around the perimeter of the project site. As opposed to a flat pad, the site has been designed to step downward from north to south, with the lowest portion of the site actually situated in the center of the project where the plaza, with its unique landscaping and water features, will be located. Avoidance of the steep slopes that make up the topographic low point this hole would render a significant portion of the site undevelopable, which makes avoidance infeasible because a substantial portion of the site already is restricted by the NAS Miramar CLUP and RUE. The proposed grading would remove an unlandscaped, fifty foot high, south-facing cut slope constructed as part of La Jolla Village Drive and Interstate I-805, and would replace it with a landscaped gentle slope that is less than ten feet in height, resulting in a greatly enhanced streetscape along La Jolla Village Drive.

3. Alternative compliance for the development will not adversely affect the Progress Guide and General Plan for the City of San Diego.
4. The proposed development will conform to the adopted community plan for the area and all other applicable plans, policies and ordinances.

Granting alternative compliance for this project would be consistent with the Progress Guide and General Plan for the City of San Diego as this property has been designated for development in the University Community Plan. This project maintains the development intent as suggested in the University Community Plan and the General Plan.

The adopted University Community Plan does identify this property for Visitor Commercial (VC) and Scientific Research (SR) uses. The project is proposing hotel, office and residential uses over that portion of the site designated in the Community Plan for VC, which is consistent with the City's Commercial Visitor zone. The project includes scientific research land use over the balance of the site designated in the Community Plan for SR uses. The project is not located in the MHPA nor is it designated for retention as open space. The Proposed Project would implement a major component of the roadway system planned for within the University Community Plan area. The project would also be designed to accommodate the future implementation of the MTDB LRT Station. The project would be consistent with the NAS Miramar CLUP and RUE.

Biologically Sensitive Lands. Encroachment into non-wetland, sensitive biological resources (13.81 acres on and off site) would not conflict with RPO because the site is located outside the MHPA and there are no listed non-covered species present on the site. Implementation of mitigation measures in accordance with the MSCP requirements (See biology mitigation measures in Section 4.3) would provide compensation in accordance with RPO. No significant unmitigated impacts to non-wetland biologically sensitive resources would occur.

Wetlands. The project would impact 0.14 acre of wetlands (0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed) located on the project site and adjacent land, of which 0.10 acre are anticipated to be impacted by Community Plan/public roadways with or without the proposed project. No impacts to wetlands are permitted under RPO unless deviation findings can be made supporting project-related impacts. The City's Land Development Code Biology Guidelines state that deviation findings should reflect the existing development rights of the underlying zoning and not the applicant's desired use of the involved property. The project site is composed of four existing legal parcels which are zoned R1-5000. This zone allows for single-family residential development with a minimum lot size of 5,000 square feet.

For the purpose of the applicant's proposed deviation findings, it is important to recognize that all of the 0.04 acre of wetlands (not impacted by public improvements) are located on the 5-acre parcel that is located on the western portion of the project site and adjacent to Judicial Drive and on the 1.89-acre parcel that is located on the southern portion of the project site and adjacent to La Jolla Village Drive (See Figure 4.1-5 for the location of the existing legal lots in relation to the wetlands). The applicant is proposing to develop all of the parcels at the same time in a coordinated fashion, but that is not required by the Community Plan or City regulations and policies. The applicant could apply for development of only the 5-acre and 1.89-acre parcels and sell or retain for future development the 2.5-acre and 7.5-acre parcels. The deviation findings, therefore, focus on whether any reasonable use could be made of either of these two legal parcels, based on the development rights of the underlying R1-5000 zone, while avoiding or reducing impacts to wetlands.

The deviation findings proposed by the applicant for impacts to wetlands are summarized below. City staff currently ~~are unable to~~ support the applicant's proposed findings since candidate findings ~~did not~~ demonstrate that avoidance of wetlands was not feasible. City staff believe that the applicant could not achieve reasonable use within the underlying zone without impacting wetlands as required by RPO.

1. There are no feasible measures that can further minimize the potential adverse effects on sensitive biological resources.

Wetland resources on the two legal parcels and adjacent affected lands are limited to 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed, for a total of 0.14 acre of City-regulated wetlands. The implementation of future Community Plan designated roadway improvements, with or without the Project, would impact all but 0.04 acre of wetlands. There are no alternative alignments available for these improvements. The use of retaining walls to reduce the grading footprint impacts for these roads was considered. The use of retaining walls for the fill slopes on either side of Judicial Drive would not reduce the impact to wetlands, because the 0.10 acre of southern willow scrub impacted by Judicial Drive is located beneath the central portion of the alignment. The ~~There is a~~ small pocket of wetlands (0.005 acre) just south of the existing fill slope from Executive Drive ~~could not that may be avoided~~ avoidable with a by building a retaining wall, nor could and a similar encroachment from the fill slope from La Jolla Village Drive widening could also be reduced with a retaining wall. In order to construct a retaining wall at the toe of these two existing slopes, regardless of the desired height of the wall, the area within the wetlands pockets would also have to be excavated in order to provide a structural fill beneath the footing of the retaining wall. As such, the benefits from the use of these retaining walls would be not be realized. , however, the benefits from the use of these retaining walls would be very minor.

The feasibility of constructing a wetlands avoidance alternative is problematic due to a combination of the physical site topography and the cost constraints associated with providing required associated public improvements.

Avoidance of impacts to the remaining 0.04 acre of wetlands would require adoption of a project alternative that leaves undeveloped the 5-acre and 1.89-acre legal parcels. Due to the topography of the two parcels, no development could occur without the filling of the canyon, and as a result the 0.04 acre of wetlands run through the center of the two parcels. The topography on the two parcels in question slopes on all sides down to the main drainage containing wetlands, making avoidance of the drainage impossible. There is approximately 65-70 feet of elevation difference between the street frontage of Executive Drive and the drainage course alone. No reasonable use could be made of these two legal parcels under existing zoning while avoiding wetland impacts.

The impacted wetlands would be mitigated off-site at a 3:1 ratio as required by the U.S. Army Corps of Engineers and the California Department of Fish & Game.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land not of the applicant's making.

The proposed encroachment into 0.14 acre of City-defined wetlands is the only deviation from biology regulations that would result from the Project. The Project is not located within the MHPA, there are no narrow endemic species on the site, and no federal or state listed species would be impacted by the Project. Impacts to native vegetation are allowed under RPO, provided mitigation is provided in accordance with RPO requirements. Efforts to avoid and minimize impacts to wetlands were analyzed. Because the 0.14 acre of wetlands occurs within the alignment of a community designated public roadway and in the approximate center of the two legal parcels in a canyon, it is impossible to avoid wetland impacts while meeting the circulation needs of the community and achieving reasonable use of the two legal parcels based upon the existing underlying zoning of these parcels.

The applicant would provide off-site mitigation for wetlands in accordance with RPO requirements, which would achieve the goal of no net loss of wetland functions and values.

☐ **Multiple Species Conservation Program (MSCP)**

Adopted in 1997, the City of San Diego MSCP Subarea Plan delineates a regional wildlife preserve system. This Plan includes policies and directives for long-term preservation of biological resources for the City's portion of the MSCP Preserve, the Multi-Habitat Planning Area (MHPA). The Proposed Project is located outside the MHPA and is not adjacent to it. In addition, the MSCP Subarea Plan does not include any specific management policies or directives pertaining to the project site. The project would provide mitigation for impacts to on-site biological resources in accordance with MSCP requirements. No conflicts with the MSCP Subarea Plan are anticipated with implementation of the Proposed Project.

Significance of Impacts

The proposed project would exceed the encroachment limitations imposed by RPO for hillsides and wetlands. The applicant has proposed alternative compliance findings for steep hillsides and deviation findings for wetlands, both neither of which are currently supported by City staff. Additionally, however, impacts to steep hillsides are not considered a significant land use impact because the analysis of the proposed project's landform alteration and visual quality did not identify any significant environmental impacts (refer to Section 4.2 of this EIR). The proposed project would therefore not only result in a significant land use impact, due to non-compliance with RPO for wetlands.

The proposed project would be consistent with the City of San Diego MSCP Subarea Plan through the implementation of mitigation measures for biological resource impacts consistent with the requirements of the MSCP (see Section 4.3 Biological Resources for recommended mitigation measures). Since the project is located outside the MHPA, the proposed project would have no impacts to the long-range conservation and planning program.

Mitigation Measures, Monitoring and Reporting Program

~~The proposed project's significant land use impacts due to non-compliance with RPO for wetland impacts can only be reduced to below a level of significance by adoption of the RPO Consistent Alternative (Section 9.4).~~

No mitigation measures are necessary for compliance with RPO or the City's MSCP, other than those prescribed in Section 4.3 Biological Resources.

~~Significance After Mitigation~~

~~The land use impact associated with non-compliance with RPO associated with wetland impacts would be remain significant and unmitigated.~~

Issue 2: *Would the Proposed Project result in a conflict with the City of San Diego Progress Guide and General Plan, University Community Plan, or any other adopted City plans or policies?*

A number of General Plan and Community Plan goals, objectives and implementing proposals have been identified in Section 4.1.1 that pertain to the Proposed Project. Due to the number of applicable goals, objectives and proposals, a comparative table has been prepared to provide an easy comparison and review of consistency with the Plans. Table 4.1-1 identifies each goal, objective and proposal, how the project does or doesn't comply, and whether the project results in an inconsistency with the Plans.

Significance of Impacts

The Proposed Project would implement and be compatible with the City's Progress Guide and General Plan and the University Community Plan land use plans and policies.

The Proposed Project would require a CPA to change the existing land use designation on the southern 9.39 acres from Visitor Commercial to Visitor Commercial with an overlay of Office and Residential, ~~designations~~. The CPA is not considered a significant land use impact due to the fact that the proposed mixed-use development would be compatible with surrounding land uses and with existing and planned development in Central Subarea 2. A rezone to change the site zoning from R1-5000 to ~~Visitor Commercial~~ Visitor is required to bring the zoning into compliance with the Community Plan.

The Proposed Project would be inconsistent with the Development Intensity Element of the *University Community Plan*; however, this inconsistency would not constitute a significant land use impact as the applicant has agreed to reduce all mitigable impacts to below a level of significance.

Mitigation Measures, Monitoring and Reporting Program

No significant impacts to plans and policies are identified; therefore, no mitigation measures are recommended.

**Table 4.1-1
LAND USE PLANS AND POLICIES CONSISTENCY EVALUATION**

GOAL OR PROPOSAL	PROJECT COMPLIANCE	CONSISTENT? YES/NO
Progress Guide and General Plan		
Housing Element. <i>The City shall seek to ensure that all housing is developed in areas with adequate access to employment opportunities, community facilities, and public services.</i>	The Proposed Project consists of a mixed-use development, combining employment, residential and service land uses. The Proposed Project is located in Central Subarea 2 of the University Community which is characterized in the Community Plan as the most urban of the four subareas, consisting of intense, multi-use development representing one of the major commercial/office noted within the City of San Diego.	Yes
Transportation Element. <i>Provide a network of transportation systems that are integrated, complementary and compatible with other City-wide and regional goals. A network that takes into account the physical, social and economic conditions of the environment, both present and future.</i> <i>An exterior noise level of 65 decibels (dB) and an interior noise level of 45 dB are considered acceptable noise levels for residential uses (including transient housing, e.g. hotels) while a noise level of 70 dB is considered an acceptable exterior noise level for office uses, 50 dB for interior.</i>	The Proposed Project is consistent with the City's General Plan and Community Plan Circulation Elements, by providing and improving circulation element roadways and reserving the land for a future MTDB LRT Station. Traffic noise generated in proximity the Proposed Project site would exceed the 65 dB exterior noise threshold at the proposed hotel pool site, however mitigation is proposed that would reduce this to an acceptable level. Exterior noise levels at the remaining outdoor areas would be below the threshold. Projected interior noise levels for the condominiums, hotel and office uses would slightly exceed the thresholds of 45 and 50 dB; however, it would be feasible to mitigate this impact based upon building design and insulation. An interior noise analysis during final design will be necessary to provide specific attenuation recommendations.	Yes Yes, with mitigation proposed in Section 4.5.

Table 4.1-1 (cont.)

GOAL OR PROPOSAL	PROJECT COMPLIANCE	CONSISTENT? YES/NO
Progress Guide and General Plan (cont.)		
Commercial Element. <i>Develop an integrated system of commercial facilities that effectively meets the needs of San Diego residents and visitors as well as assuring that each new development does not impede the economic vitality of other existing commercial areas.</i>	The Proposed Project would be providing both residential and employment land uses, consistent with the land uses within the surrounding University Community. The proposed land uses will compliment the existing uses commercial areas, such as by providing lodging for visitors.	Yes
<i>Encourage when feasible the simultaneous development of residential and commercial uses.</i>	The Proposed Project will include the simultaneous development of residential and commercial uses.	Yes
Public Facilities, Services and Safety Element. This element identifies schools and the provision of quality education as the most important area of public service and recommends cooperative assistance with school districts in resolving problems arising over the availability of schools in newly developing areas of the City.	The Proposed Project would result in an adverse, but not significant, impact to Doyle Elementary School by generating 8 to 11 additional elementary students. Doyle is currently at capacity. Standard project impact fees will provide funding to the District for long-term solutions.	Yes
<i>Evaluate yearly the existing libraries for continued use or necessary expansion or relocation.</i>	Library service in the vicinity of the proposed condominium tower is considered sufficient. An existing library (University Community Branch Library; 10,000 s.f.) is less than two miles from the site. A new library is proposed within Nobel Park which will consist of approximately 15,000 s.f. and is expected to be constructed by the year 2000-2001.	Yes

Table 4.1-1 (cont.)

GOAL OR PROPOSAL	PROJECT COMPLIANCE	CONSISTENT? YES/NO
Progress Guide and General Plan (cont.)		
<p>Conservation Element. <i>Floodplains, steep slopes, canyons, coastal and waterfront lands should be left undeveloped, or minimally developed consistent with their special qualities and limitations.</i></p> <p><i>Only sites best suited to development should be used. Steeply sloping or highly erodable land or natural stream channels should be left as open space or agricultural land. Construction should be clustered to minimize its effects.</i></p> <p><i>Grading should be kept to a minimum. Canyons should not be filled. Existing trees and ground covers should be retained as much as possible. Natural drainage systems should be preserved.</i></p> <p><i>Water quality objectives and criteria of the Regional Water Quality Control Board and the State Water Resources Control Board should be achieved and maintained.</i></p> <p><i>Protect and enhance the quality of San Diego's air resources so as to promote the public health and welfare and the productive capacity of its population and natural environment.</i></p>	<p>The Proposed Project would result in impacts to existing steep slopes, canyons, and natural drainages as described under the impact analysis for Issue 1. However, the proposed project is not designated as open space pursuant to the Open Space and Recreation Element of the Community Plan (Figure 37), and is not located within or immediately adjacent to an MSCP Multi-Habitat Planning Area.</p> <p>The Proposed Project design includes measures to minimize and avoid impacts to water quality, consistent with the objectives of the Regional Water Quality Control Board. (Refer to Section 4.7, Hydrology/Drainage.)</p> <p>An Air Quality analysis was performed for the Proposed Project; no significant impacts were identified.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Table 4.1-1 (cont.)

GOAL OR PROPOSAL	PROJECT COMPLIANCE	CONSISTENT? YES/NO
Progress Guide and General Plan (cont.)		
Urban Design Element. Encourage the balance of natural and created features by integrating new development with the natural landscape or within the framework of an existing community whereby there would be minimal impacts to the community's physical and social assets.	The Proposed Project would eliminate all of the natural features onsite; thereby not integrating new development with the existing natural features; however, the proposed project is not designated as open space pursuant to the Open Space and Recreation Element of the Community Plan (Figure 37), and is not located within or immediately adjacent to an MSCP Multi-Habitat Planning Area.	Yes
University Community Plan		
Urban Design Element. The design theme in the Central Subarea should include "bold, contemporary high-rise structures" with a "variety of building types, shapes, sizes, colors and materials."	The Proposed Project includes a hotel, condominium tower, office tower and scientific research building, with proposed architectural treatments and design considered contemporary and state-of-the-art. The Project will include building with a variety of shapes and sizes.	Yes
<i>Improve accessibility and use relationships within the community by establishing well-defined multi-modal linkage systems.</i>	The Proposed Project includes reservation of land for a planned MTDB LRT station and includes a Class II bicycle lane on Judicial Drive as defined in the Circulation Element.	Yes
<i>Provide for the needs of pedestrians in all future design and development decisions.</i>	Pedestrian pathways and sidewalks have been integrated into the proposed design, linking pedestrians to each building, to the central courtyard and to the surrounding pedestrian corridors of the University Community. A pedestrian link to La Jolla Village Drive has also been included into the design.	Yes

Table 4.1-1 (cont.)		
GOAL OR PROPOSAL	PROJECT COMPLIANCE	CONSISTENT? YES/NO
University Community Plan (cont.)		
Urban Design Element (cont.)		
<i>Ensure that San Diego's climate, and the community's unique topography and vegetation influence the planning and design of new projects.</i>	The Proposed Project does not provide for the unique topography and vegetation influence of the site; however, the proposed project is not designated as open space pursuant to the Open Space and Recreation Element of the Community Plan (Figure 37), and is not located within or immediately adjacent to an MSCP Multi-Habitat Planning Area.	Yes
<i>Ensure that every new development contributes to the public realm and street livability by providing visual amenities and a sense of place.</i>	The Proposed Project includes several visual amenities, including an enhanced view corridor looking north from La Jolla Village Drive between the hotel and office tower, that includes a terraced garden landscape. A large public open space area is proposed at the corner of Judicial and Executive drives which will include public art or a specimen tree. Street yards along La Jolla Village and Judicial drives will include landscaping and accent lighting complementary to the proposed buildings and consistent with the existing landscape image along these corridors (see Figure 3-8).	Yes
<i>Ensure that the street yards of private developments bordering La Jolla Village Drive and Genesee Avenue support the desired image and monumental quality of these roads.</i>		
<i>Retain the sloping landscaped berms along the borders of La Jolla Village Drive.</i>	The Proposed Project will retain and landscape the slope along La Jolla Village Drive (see Figure 3-8).	Yes
<i>Maximize the landscape investment by using drought-tolerant plants.</i>	Drought-tolerant plants are proposed (see Figure 3-8).	Yes
<i>Plant mature street yard trees.</i>	Mature street yards are proposed.	Yes

Table 4.1-1 (cont.)

GOAL OR PROPOSAL	PROJECT COMPLIANCE	CONSISTENT? YES/NO
University Community Plan (cont.)		
Urban Design Element (cont.) <i>Locate private property art works and other amenities so that they are visible and accessible from La Jolla Village Drive. Require all new developments abutting La Jolla Village Drive to provide artworks (or landscaping or building elements) or contribute to the Community Art Fund.</i> <i>Designate and clearly define a primary pedestrian network linking superblocks, major activity centers and resource areas utilizing the public sidewalk, street level crossings, overpasses, meandering paths through private developments, and trails through natural open space areas.” The Element includes Judicial Drive in the Urban Node Pedestrian Network. Relative to this roadway:</i> <i>Ensure that urban node pedestrian network sidewalks have generously landscaped parkways, are non-contiguous, and have a minimum of six feet in width.</i> <i>Pedestrian paths should be provided within private developments that connect with the sidewalk pedestrian network.</i> <i>Avoid vehicular access from the pedestrian street network.</i>	<p>Proposed landscaping, accent lighting and view corridors will be visible from La Jolla Village Drive. The main entryway/public open space located along Judicial Drive will include a central specimen tree or art (e.g., sculpture).</p> <p>Pedestrian pathways through the Proposed Project site will link the various building on site, as well as link pedestrians to the surrounding network, including Judicial Drive which is identified in the Community Plan as part of the Urban Node Pedestrian Network. The proposed sidewalk along Judicial Drive will be generously landscaped, will have a minimum six-foot width and will link with the pathways that cross through the project site (see Figure 3-8). The primary vehicular access to the site is from Executive Drive. Two less-used maintenance and service entries are proposed along Judicial Drive.</p>	<p>Yes</p> <p>Yes</p>

Table 4.1-1 (cont.)

GOAL OR PROPOSAL	PROJECT COMPLIANCE	CONSISTENT? YES/NO
University Community Plan (cont.)		
Urban Design Element (cont.)		
<i>Ensure that the proposed light rail transit corridor (LRT) shown in Figure 22 ...offers a variety of interesting views and amenities to transit riders.</i>	The Proposed Project includes the reservation of land for the future LRT station shown of Figure 22 of the Community Plan. LRT riders will have views of project landscaping along Executive Drive (Figure 3-8), including a large grassy public park area at the project entryway at the intersection of Judicial/Executive drives, immediately south of the proposed LRT station. The Proposed Project includes pedestrian links to the LRT stop/corridor. The proposed project includes a 450,000-s.f. office tower, 30,000-s.f. scientific research building and hotel and condominiums, all of which would be serviced by the future LRT stop.	Yes
<i>Ensure that future transit stops optimize convenience and safety of riders and contribute to the functional and aesthetic quality of the community. Require that developments flanking the LRT corridor locate entrances, and amenities towards the transit right-of-way. Integrate transit stations into major destination areas including the campus, shopping centers, hospitals, schools, hotels, large employment centers and other major destination points as determined by route demand analyses.</i>	(see previous paragraph)	Yes

Table 4.1-1 (cont.)

GOAL OR PROPOSAL	PROJECT COMPLIANCE	CONSISTENT? YES/NO
University Community Plan (cont.)		
Urban Design Element (cont.)		
<i>Street yards of new developments should average the streetyards of adjoining and fronting development as determined by route demand analyses.</i>	The proposed streetyards along La Jolla Village and Judicial drives are similar to the streetyards of existing development along these corridors.	Yes
<i>Transition the scale and height of adjacent buildings. Projects which lie between dissimilar use types or are adjacent to projects of differing intensities should be designed to ascend or descend in scale and height to create a harmonious, smooth transition. Place low rise buildings near the street and high rise buildings away from the street in large scale projects. Maximize the potential inherent and natural terrain elevation differences to create varying building heights and interesting roofline compositions.</i>	The Proposed Project includes a variety of building heights, varying from the two-story scientific research building to the 32- 30-story condominium tower. The Proposed Project site is located adjacent to similar types of land uses, including high-rise office towers and low-rise scientific research uses. The proposed mass, bulk and height of the proposed structures are compatible with the type of structures found within Subarea 2, particularly along the north side of La Jolla Village Drive. The proposed high-rise office structure is located near La Jolla Village Drive; however, the proposed setback from the street is similar to and consistent with the street- yards all along La Jolla Village Drive. The Proposed Project includes a gradual slope from north to south and terraces the site partially to incorporate some of the natural topographic changes.	Yes
<i>Site buildings to maximize solar and view corridors; articulate the building mass with offsets; conceal rooftop equipment; provide areas for employees which include seating, sunny plazas and recreational facilities; and avoid locating parking and parking entrances adjacent to the pedestrian network streets. All parking should be in unobtrusive locations.</i>	The Proposed Project does include several view corridors, large sunny courtyards and plazas for employees, conceals rooftop equipment and places parking areas and structures away from the community pedestrian networks in unobtrusive locations on the east side of the project site.	Yes

Table 4.1-1 (cont.)

GOAL OR PROPOSAL	PROJECT COMPLIANCE	CONSISTENT? YES/NO
Urban Design Element (cont.)		
<p>Development Intensity Element. <i>Provide a workable circulation system which accommodates anticipated traffic without reducing the Level of Service below "D."</i></p> <p><i>Subarea 29 (9.39 acres of Visitor Commercial) may not exceed 258 trips/acre.</i></p> <p><i>Subarea 31 (Scientific Research) is limited to 20,000 s.f./acre.</i></p>	<p>The Proposed Project would be inconsistent with the Development Intensity Element. A <u>CPA TDR</u> is proposed whereby <u>vehicle trips projected for another site (Regents Park Project) within the community are utilized at the project site.</u> development intensity at the project site would be increased, while the development intensity at another site is decreased (Regents Park Project).</p>	No
<p>Noise Element. <i>Minimize and avoid adverse noise impacts by planning for the appropriate placement and intensity of land uses relative to noise sources, and provide guidelines for the mitigation of noise impacts where incompatible land uses are located in a high-noise environment.</i></p> <p><i>Provide the development of land uses that are incompatible with the SANDAG study or subsequent similar studies on aircraft noise.</i></p> <p><i>Encourage and where possible assist the Navy in its acquisition of land or easements surrounding NAS Miramar to insure that the land uses are compatible with noise from the airport operations.</i></p>	<p>The Proposed Project will not result in any significant, unmitigable noise impacts. Exterior noise impacts at the hotel pool from projected traffic on La Jolla Village and Judicial drives can be mitigated by construction of a barrier (wall) around the pool area. Interior noise levels can be reduced to below the interior threshold by use of proper building design and insulation; these specific measures will be identified in the final design interior acoustical study.</p> <p>The Proposed Project will be compatible with nearby MCAS Miramar; the 1996 EIS for the realignment from NAS to MCAS Miramar included a noise analysis that identifies the 65 dB CNEL contour line following I-805 to the east of the project. The project site is partially constrained by an existing <u>restrictive use</u> easement. Land uses within this area are restricted to non-residential uses which is consistent with the proposed project.</p>	<p>Yes</p> <p>Yes</p>

Table 4.1-1 (cont.)

GOAL OR PROPOSAL	PROJECT COMPLIANCE	CONSISTENT? YES/NO
University Community Plan (cont.)		
Safety Element. <i>Promote public safety by taking into account aircraft accident potential in the placement of structures and activities; and provide for the safe operation of NAS Miramar through the preservation of appropriate departure corridors.</i>	Most of the proposed structures are located outside the NAS Miramar CLUP defined Accident Potential Zones. The proposed Scientific Research building and parking structure meet population density and land use restrictions for this zone.	Yes
Resource Management Element. <i>Canyons, hillsides and natural drainage systems should be preserved. Grading should be kept to a minimum, particularly adjacent to designated open space areas. Native vegetation should be retained where feasible to reduce erosion, preserve native species and preserve representative habitats.</i>	The Proposed would result in impacts to the existing steep hillsides, biologically sensitive lands, and natural drainages as described under the impact analysis for Issue 1. However, the proposed project is not designated as open space pursuant to the Open Space and Recreation Element of the Community Plan, (Figure 37), and is not located within or immediately adjacent to an MSCP Multi-Habitat Planning Area.	Yes
<i>Development should minimize erosion and sedimentation.</i>	The Proposed Project grading would remove steep slopes and would convey project run-off into man-made stormwater pipelines, reducing the potential for long-term erosion and sedimentation. Proposed landscaping includes the use of drought-tolerant plant materials.	Yes
<i>Landscaping plans should utilize drought-tolerant plants and efficient watering systems.</i>		
<i>Development plans should maximize opportunities for active and passive heating and cooling, and incorporate measures to increase energy-efficient forms of transportation.</i>	Proposed structures will utilize UBC-required energy-efficient designs. The Proposed Project would contribute to the use of energy-efficient forms of transportation by reserving land for a planned future MTDB LRT station.	Yes
<i>Streets should be designed and traffic lights adjusted to maximize smooth flow of traffic to reduce hydrocarbon and carbon monoxide emissions by reduction in idling time.</i>	The proposed improvements to Judicial and Executive Drives include installation of a traffic signal which will be timed with other nearby signals per City of San Diego standards.	Yes
<i>Impacts to paleontological and cultural resources should be identified and mitigated through the environmental review process.</i>	No impacts to cultural resources are anticipated, and the potential for paleontological impacts can be mitigated, as identified in Section 4.8.	Yes

Issue 3: *Would the Proposed Project result in land uses which are not compatible with the noise standards or accident potential zones delineated in the Comprehensive Land Use Plan (CLUP) for Naval Air Station (NAS) Miramar?*

The Proposed Project would be compatible with the land use restrictions identified within the NAS Miramar CLUP, relative to public safety and noise issues. The NAS Miramar CLUP noise contours, as shown in Figure 4.1-32, indicate that the 65 dB CNEL for the airport crosses through the project site. A more current noise study was prepared in 1996 for the realignment and transition of the air station from a Navy facility to a Marine Corps facility. A noise study was prepared based upon the aircraft operations and fleet mix associated with MCAS Miramar, resulting in a modified noise contour map. The revised noise contours (shown later in Figure 4.5-2 in Section 4.5 Noise) show the 65 dB CNEL contour line following I-805, approximately 1,000 feet east of the project site. The project site would be exposed to noise levels of approximately 62 to 64 dB CNEL. Using the Airport Noise/Land Use Compatibility Matrix in the NAS Miramar CLUP, the proposed residential, hotel and office uses are compatible land uses with the exterior noise thresholds shown in the table. The interior noise level requirements, 45 dB for residential and hotel and 50 dB for offices, would need to be verified through an acoustical analysis based upon final building designs (i.e., when building materials, ventilation and insulation are known). Potential interior noise impacts can be mitigated to below a level of significance.

Most of the Proposed Project structures and improvements are located outside the NAS Miramar CLUP APZs. The proposed scientific research building and part of the parking structure are located within APZ-1. Office uses are conditionally compatible within this zone if the building results in a population of 50 or fewer persons per acre and if lot coverage in APZ-1 is less than 25 percent. The proposed scientific research building would result in a maximum population of 8 persons per acre, based upon the CLUP methodology. The scientific research building and parking structure would cover 14.2 percent of the lot within APZ-1. The Proposed Project is compatible with the NAS Miramar CLUP. (Refer to Section 4.10 Human Health & Public Safety for a detailed discussion on APZs.)

Significance of Impacts

The Proposed Project is determined to be in compliance with the NAS Miramar CLUP restrictions for APZ land use compatibility. The potential for interior noise impacts identified in Section 4.5 can be mitigated to below a level of significance. Refer also to Sections 4.5 Noise and 4.10 Human Health & Public Safety for additional information regarding NAS Miramar CLUP requirements.

Mitigation Measures, Monitoring and Reporting Program

No significant impacts have been identified and therefore no mitigation measures are recommended.

Issue 4: *Would the Proposed Project result in land uses which are not compatible with existing or planned surrounding land uses?*

The proposed mixed-use project is compatible with existing and planned land uses surrounding the site. The proposed hotel, office and condominium uses are similar to the mix of land uses found in Subarea 2 of the *University Community Plan* area. The project site is surrounded by other high-rise offices, multi-family residential uses and scientific research uses. The proposed destination resort hotel is compatible with other high-end lodging facilities in the University Community and is in close proximity to a regional shopping center, major transportation corridors and one of the major office nodes in the City of San Diego. The Proposed Project is compatible with proposed land uses, including a large multi-family residential and

scientific research project proposed south of the project, across La Jolla Village Drive. The Project is also compatible with the land use restriction of the NAS Miramar CLUP which is the applicable land planning document for the nearby MCAS Miramar facility.

Significance of Impacts

No significant land use compatibility impacts have been identified. The Proposed Project is consistent with existing and planned surrounding land uses.

Mitigation Measures, Monitoring and Reporting Program

No significant impacts have been identified relative to land use compatibility. No mitigation measures are therefore recommended.

4.2 Landform Alteration/Visual Quality

4.2.1 Existing Conditions

☐ Landform

The University Community planning area consists of highly varied topography with coastal bluffs, rolling hills, broad flat mesas and a network of canyons that separate individual communities and land uses. The most notable canyons are San Clemente Canyon, Sorrento Valley, Rose Canyon and Soledad Canyon. In the vicinity of University Towne Center, where the Proposed Project is sited, the topography consists of a series of side canyons and round ridges which forms the transition from the major canyons to the mesa tops along Miramar Road, north of the Towne Center, and north of UCSD. Most of the land surrounding the Proposed Project site is developed, and relatively level, including the office and residential uses to the west, the scientific research uses to the northwest and north and La Jolla Village Drive to the south. The landform to the south of La Jolla Village Drive is similar to the Proposed Project's in that it includes canyons and primarily (currently) undisturbed slopes and plateaus and is located between urban developed uses to the west and I-805 to the east. This area is also proposed to be graded and developed with multi-family residential and scientific research uses.

The project site's topography is dominated by a steeply sloped canyon in the western portion of the property, trending north/south, and a plateau on the eastern and northeastern portions of the site. As shown in Figure 2-6 in Section 2.0 Environmental Setting, elevations on site range from approximately 278 feet amsl in the canyon bottom to 390 feet amsl in the northeastern corner of the property. The canyon begins and ends with manufactured slopes rising up to Executive Drive in the north and La Jolla Village Drive in the south. A significant proportion of the canyon's slope, especially in the northern half of the canyon, has been graded as part of the North City Waste Water Diversion Tunnel Project. A finger canyon forks off the main canyon in a southeast/northwest direction (Figures 2-5 and 2-6 in Section 2.0). Slopes that form the canyon are generally greater than 25 percent, including the manufactured slopes. A slope analysis was prepared for the project site. Approximately 3.11 acres of manufactured and disturbed slopes and approximately 2.10 acres of native, undisturbed slopes exceed a 25 percent slope. A total of 6.43 acres within the project boundaries fall within the City of San Diego Hillside Review Overlay Zone (HROZ) which is regulated under the provisions of the RPO, as discussed in Section 4.1 Land Use (refer to Figure 4.2-1, which shows the slopes on site exceeding a 25 percent gradient and slopes that fall within the City's HROZ).

The eastern and northeastern portions of the property consist of a relatively level plateau, mostly undisturbed by grading or human activity. Minimal disturbances include a few dirt trails and one graded dirt road, visible in the aerial photograph in Figure 2-5, referenced above. Elevations on the eastern portion of the site range from approximately 390 feet amsl in the very northeast to 381 feet amsl at the very southeastern end of the site (Figure 2-6 in Section 2.0). This eastern portion is generally higher than the immediately adjacent land to the east that slopes down toward I-805.

The project site perimeter is at a similar grade to surrounding buildings and roadways on the north and northwest; however, the site sits atop a substantial slope rising up from La Jolla Village Drive. La Jolla Village Drive is at approximately 339 feet amsl and the top of slope along the road frontage is at approximately 380 feet amsl. (Refer to Figure 2-7c which shows the existing slope differential between La Jolla Village Drive and the project site.)

□ Visual Quality

University Community Characteristics

The project site is located within the eastern half of the University Community of San Diego. This community is primarily comprised of a mix of commercial, office and residential land uses. The University Community is considered a moderately dense urban setting, generally bound by Interstates 5, 805 and State Route 52. Open space within the Community is recognized as being regionally and locally important for conservation and recreational purposes. Regionally important community open space includes the 1,100-acre Torrey Pines State Reserve located in the northern portion of the community, Torrey Pines City Park and Golf Courses, Rose Canyon, San Clemente Canyon, and the hillsides along Sorrento Valley and Soledad Canyon. Locally important open space includes lands associated with UCSD, the portion of MCAS Miramar within the Community, open space within individual developments, and population-based City parks maintained by the City's Park and Recreation Department.

Single-family residential areas are found primarily south of Rose Canyon, with a majority of the multi-family residential developments found south and west of University Towne Center. Commercial buildings surround the intersections of La Jolla Village Drive and Towne Center Drive, and Genesee Avenue and Interstate 5. UCSD occupies a block of land spanning generally from Interstate 5 to the Pacific Ocean and north of La Jolla Village Drive. Industrial and research buildings are prevalent north of Miramar Road, east of Judicial Drive and along Eastgate Mall and Genesee Avenue. High- and moderate-rise office towers and hotels flank the north side of La Jolla Village Drive along a majority of this arterial between I-5 and I-805.

The most notable aesthetic features of the University Community landscape are the Torrey Pines State Reserve and associated bluffs, San Clemente Canyon along SR-52, the Mormon Temple adjacent to Interstate 5 and the high-rise hotels and office buildings of the "Golden Triangle" along La Jolla Village Drive. The residential developments in the south end of the community and the research and industrial uses in the northern portions are generally low-lying and unobtrusive in appearance.

In proximity to the Proposed Project site, surrounding land uses consist of vacant land immediately west and east, two 10-story office buildings, a condominium complex and additional office buildings. To the east beyond the vacant parcel is I-805, and across the freeway lies the City of San Diego Metropolitan Waste Water Department's North City Water Reclamation Plant. MCAS Miramar and commercial businesses along Miramar Road lie south and east of this facility, respectively. A vacant parcel to the northwest has been graded and an office/research building is located on a parcel directly to the northeast. Immediately south lies La Jolla Village Drive and beyond that a large expanse of vacant land until the Renaissance multi-family residential complex is reached. (The vacant land is currently being evaluated for a multi-family residential and scientific research project.) The five-story La Jolla Gateway office buildings and the University Towne Center mall are located further to the southwest.

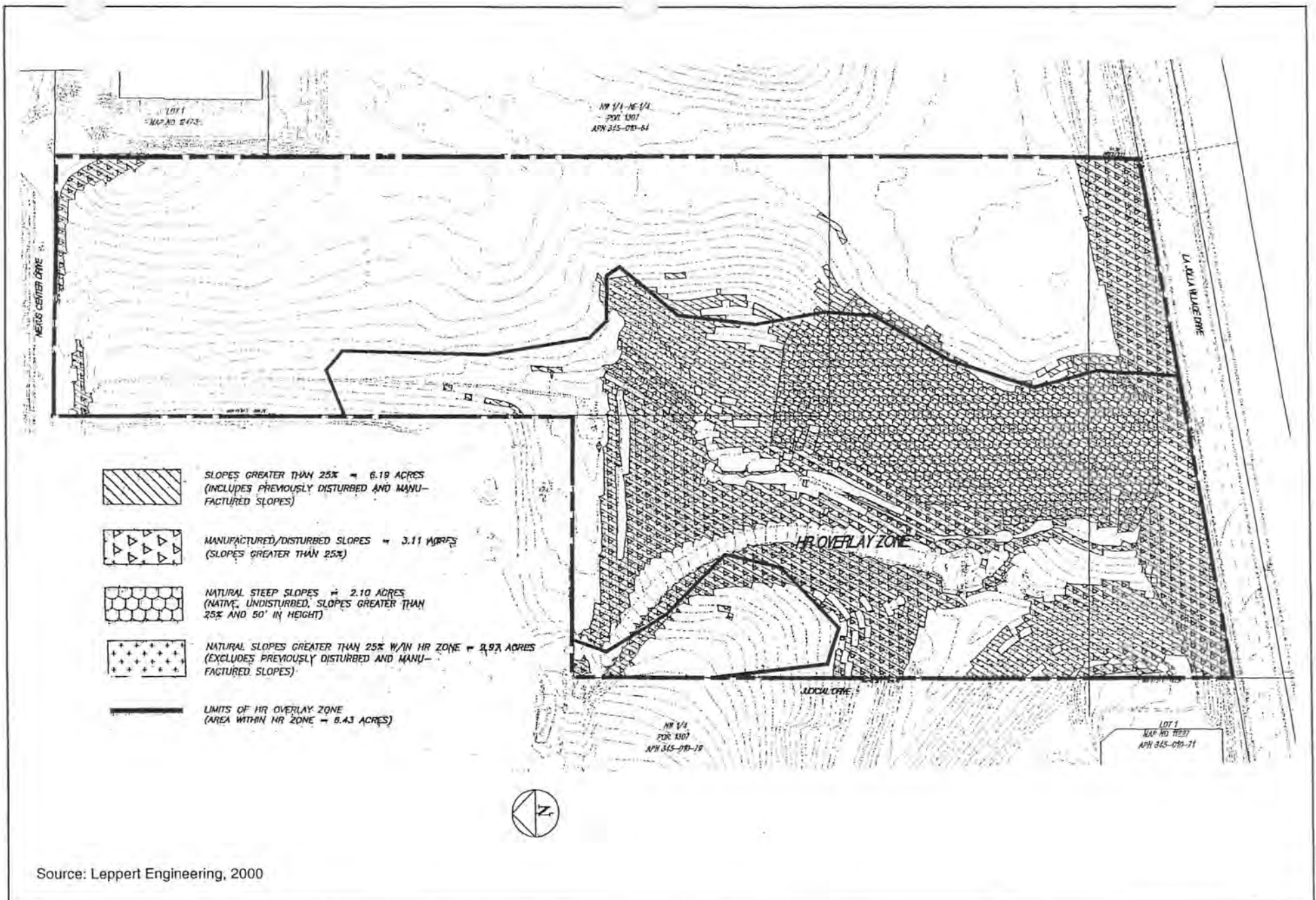


Figure 4.2-1
SLOPE ANALYSIS

The development within this portion of the University Community (Subarea 2) is characterized as being relatively modern in design. Structures along the main spine of Subarea 2, La Jolla Village Drive, consist of a mix of low-, moderate- and high-rise buildings of different sizes and shapes. Structures are primarily geometric and utilize materials such as reflective glass, polished metals and stone or other natural-looking accent pieces.

Site Characteristics

As noted throughout this report, the project site is currently vacant, partially disturbed, and partially natural with a mix of native vegetation. The site currently supports coastal sage scrub, southern mixed chaparral, southern willow scrub, and disturbed habitat. The chaparral dominates the flat portions of the property in the east, with coastal sage scrub on the slopes of the canyon that have not been previously graded. Southern willow scrub exists within the canyon bottom in the southwest portion of the property. Some trails and a dirt road are present on the eastern, plateau portion of the site, as well as some dumped landscape waste and scattered general refuse. The main canyon in the southwest portion of the site is disturbed by manufactured, previously graded slopes, a paved access road and several man-made utility structures. City of San Diego Metropolitan Wastewater Department utilities cross the project site through the canyon and include some above-ground appurtenances, such as a diversion structure and several man-holes. In addition, a concrete brow ditch and rip-rap improvements for stormwater flows follow portions of the canyon bottom and continue up the northern manufactured slope located south of Executive Drive. The disturbed features of the project site are visible in the aerial photograph and site photographs taken within and looking into the main canyon (Figures 2-5, 2-7a and 2-7b in Section 2.0).

Off-site Views

The project site is visible from several vantage points in the surrounding community. Several photographs were taken at the edge of the site and from more distant off-site locations looking toward the project site, as noted in Figures 4.2-2 through 4.2-2c. Views of the site from the surrounding community are somewhat limited due to intervening urban development and topography. Public views toward the site would be primarily from surrounding roadways, including La Jolla Village Drive/Miramar Road, I-805, and points along nearby collector streets (Towne Center Drive and Golden Haven Drive). Due to the site's topographic features, only portions of the site are visible from these distant vantage points. Views looking north from Golden Haven Drive (Figure 4.2-2a) are limited to the site's plateau on the eastern end of the site. The change in topography from the plateau to the canyon is visible from this vantage point but not the canyon due to distance and intervening topography and La Jolla Village Drive. Views of the project site from the east side of I-805 are also limited to primarily the eastern plateau since the plateau on site is situated at a higher elevation than the off-site vacant land to the east and the project's canyon to the west. Views from the east side of the freeway also include the adjacent high-rise office towers to the west of the site (Spieker Buildings), portions of the low-rise scientific research buildings to the northwest of the site, and the more distant office high- and moderate-rise buildings to the southwest of the project site (Figure 4.2-2a).

Views of the project site from I-805 and La Jolla Village Drive are limited due to the intervening topography and speed at which these roadways are driven, minimizing the amount of time a person can focus on the site. The canyon is partially visible from La Jolla Village Drive, to both east and westbound motorists, where the southern slope dips down to elevation 330 feet amsl at the canyon

opening along La Jolla Village Drive. Besides views from public roadways, the project site is visible from nearby office towers, scientific research and multi-family residential uses. The project site and canyon is partially visible from some of the residential units located 1,000 feet to the west on Towne Center Drive, and from the upper floors of the office buildings on the eastern side of Towne Center Drive, north of Executive Drive, and at the La Jolla Gateway buildings to the south. The two office towers to the west of the property (Spieker Buildings) actually overlook the project property and maintain unobstructed views of the entire site. The scientific research buildings to the north and northwest also have unobstructed views of the plateau and canyon rims. Views of the site from the adjacent Nexus building are limited to the higher elevation plateau areas and the graded pad that is adjacent but off site within the pocket of the reversed “L” project site boundary (Figure 4.2-2b).

Site visibility is illustrated in Figures 4.2-2a and 4.2-2b, where the high-rise structures surrounding the project site have the clearest views toward the site.

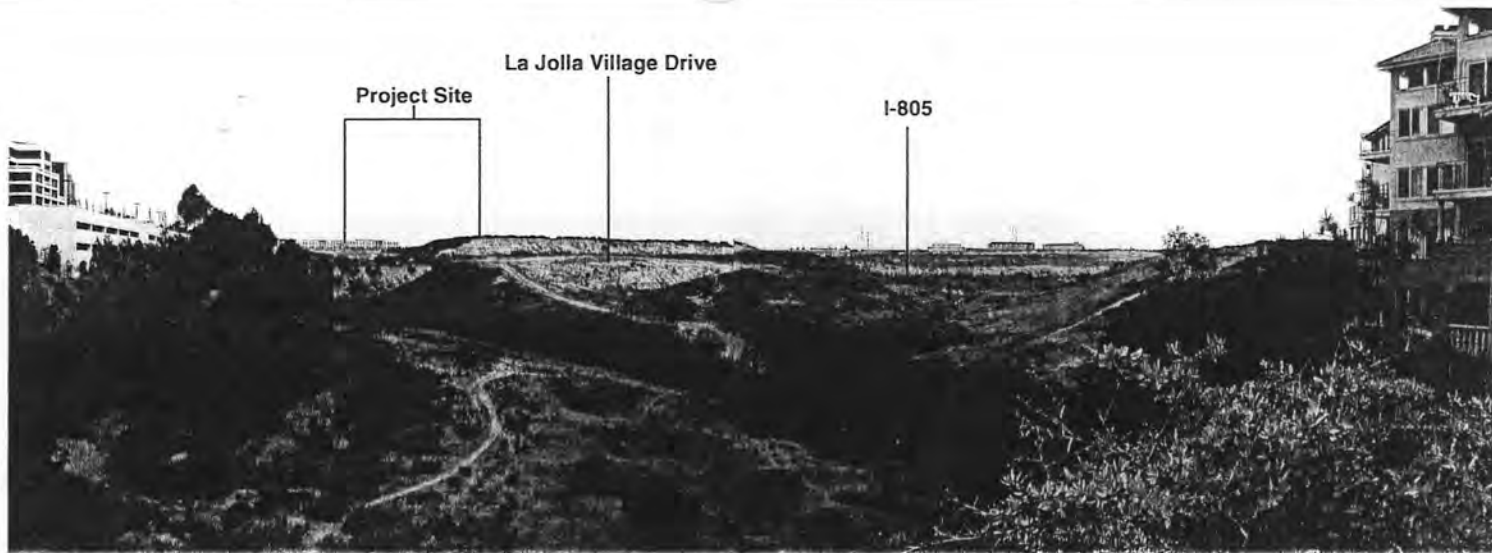
4.2.2 Impact Analysis

Issue 1: *Would the Proposed Project result in a project bulk and scale, materials, or style which would be incompatible with the surrounding development?*

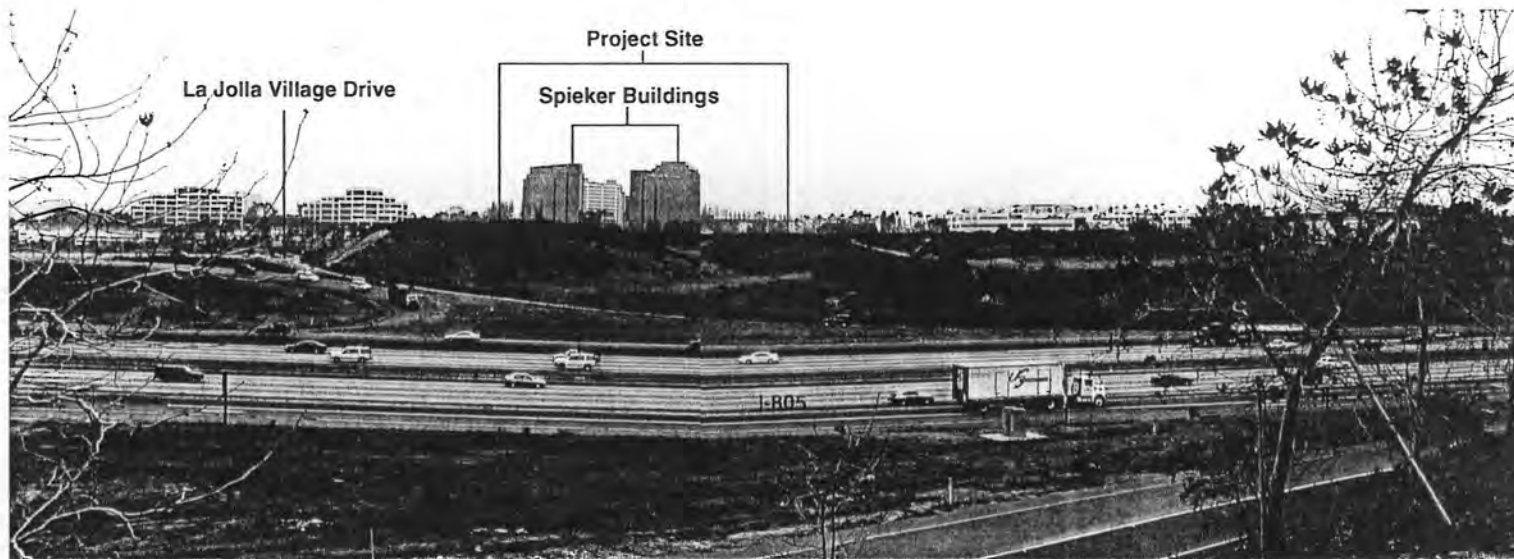
The City of San Diego’s significance criteria for visual resources (City of San Diego, revised May 1999) include significance criteria for height, bulk, architectural style, and loss of neighborhood landmarks. Project impacts are considered significant if one or more of the following conditions apply:

- a. The project exceeds the allowed height or bulk regulations and existing patterns of development in the surrounding area by a significant margin.
- b. The project would have an architectural style or use building materials in stark contrast to adjacent development, where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town).
- c. The project would result in the physical loss, isolation or degradation of a community identification symbol, or landmark (e.g., a stand of trees, coastal bluff, historic landmark,) which is identified in the General Plan, applicable community plan or coastal program.
- d. The project is located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive bulk, signage, or architectural projections.
- e. The project would have a cumulative effect by opening up a new area for development or changing overall character of the area (e.g., rural to urban, single-family to multi-family). Project level mitigation should be identified at the community plan level.

The Proposed Project includes a 321-foot tall, 20-story office building; a 369-foot tall, ~~32-~~30-story condominium complex; a 185-foot tall, ~~15-~~12-story hotel; a 2-story scientific research building; and an 8-story parking structure including two levels below-grade, one level at-grade, and five levels above-grade with a maximum height of approximately 60 feet at the highest point. Refer to Section 3.0 Project Description, Figures 3-2 through 3-6 for proposed building elevations.



1. View Looking North From Golden Haven Drive, Across Proposed La Jolla Crossroads Project Site



2. View Looking West Toward the Project Site From the East Side of I-805, North of Miramar Road

Figure 4.2-2a
SITE PHOTOGRAPHS



3. View Looking Southwest from Northeast Corner of Project Site



4. Looking South, Across Canyon Towards La Jolla Village Drive

Figure 4.2-2b
SITE PHOTOGRAPHS

5. View Looking North Toward
Adjacent Nexus Building



6. View Looking Southwest
Toward Spieker Buildings

7. View Looking Southwest
From the Southern Property Boundary



Figure 4.2-2c
SITE PHOTOGRAPHS

The proposed mixed-use development is similar in mass, bulk and height to other similar types of land uses in the University Community. A majority of the commercial and office uses found along the north side of La Jolla Village Drive are characterized as being both mid- and high-rise structures, including a number of high-rise office towers and hotels. The mid- and high-rise structures are intermittently interrupted by low- to mid-rise multi-family residential uses and commercial establishments such as restaurants. Multi-level parking structures are also found in this urban setting. The proposed office and condominium towers are considered to be relatively tall structures; however, they are consistent with the high-rise development pattern that exists along La Jolla Village Drive and in Subarea 2 of the University Community planning area in general. There are no height or floor area ratio restrictions for proposed structures within the University Community planning area. While the proposed condominium tower would exceed the height of adjacent buildings, it would be similar in stature to some of the taller structures in the community. The proposed buildings would not exceed the height of the existing structures in the subarea by a significant margin.

The Subarea 2 Urban Design Element recommendations in the Community Plan provide guidance as to building height transition and location of high-rise structures. The Plan recommends the following:

1. The street yards of new developments should average the streetyards of adjoining and fronting developments. Overpowering and drastic street setback variations should be avoided.
2. Transition the scale and height of adjacent buildings: Projects which lie between dissimilar use types or are adjacent to projects with differing intensities, should be designed to ascend in scale and height to create a harmonious, smooth transition.
3. Place lower rise buildings near the street and higher rise buildings away from the street in large scale projects.
4. Articulate the building mass with offsets, changes of plane, stepped terraces, and irregular architectural edges.

The Proposed Project's steetyard along La Jolla Village Drive is similar to the steetyard of the adjacent developments to the west. The Proposed Project is located adjacent to projects of similar type and intensity, rather than dissimilar uses. While the proposed project includes placement of a high-rise structure near La Jolla Village Drive, it is in keeping with the development theme of other high-rise structures to the west along this main arterial. The Proposed Project structures provide articulation in the building mass of each individual building, as well as between the various buildings. The various sizes and shapes of the buildings create visual interest and mirror the changes in building heights and mass seen throughout this subarea of the community.

The Proposed Project's architectural style is similar to that of nearby office towers, hotels and multi-family residential projects. The proposed modern, state-of-the-art features include use of reflective glass, solid spandrels and architectural accents of natural-looking materials (e.g., manufactured stone, marble, etc.). The Proposed Project would not be in stark contrast with the architecture of other nearby structures, but would blend with the theme that has been established. In addition, there would be no physical loss, isolation or degradation of a community identification symbol or landmark. Refer to Figures 4.2-3 and 4.2-4 for site and building sections from La Jolla Village Drive and future Judicial Drive.

The project is located in a fairly visible area (a portion of the site is visible from I-805); however, the Proposed Project would not strongly contrast with the surrounding development since the site is situated at

the eastern end of a relatively dense urban environment. As discussed above, the proposed structure heights, architecture and building placement would be compatible with the established land uses along the La Jolla Village Drive corridor. While the Project is compatible with the development theme along the main arterial, it would be one of the first visual features for motorists exiting I-805 and heading west on La Jolla Village Drive and there would not be any interim transition between this project and the freeway. The proposed height and mass of structures could be considered an adverse visual impact; however, the proposed landscaping along the eastern site boundary would soften the appearance of the site from the east, thereby avoiding a significant visual impact or contrast. As discussed in Section 3.0 Project Description, proposed landscaping includes a combination of vines and vertical trees along the eastern site boundary, providing a visual screening and softening of proposed structures.

The Proposed Project would not change the character of the area as it consists of a mixed-use development that is compatible with the uses intended in the Community Plan and the existing mixed-uses found in the immediate vicinity. The proposed office, hotel, condominium and scientific research uses are also found in the neighboring areas to the west and north and are proposed for the vacant land to the south across La Jolla Village Drive. Vacant parcels to the northeast and north of Nexus Center Drive are already graded for proposed scientific research projects. Ten-story office buildings exist almost immediately to the west on the east side of Towne Center Drive, with taller buildings further west on the north side of La Jolla Village Drive. These buildings will form a backdrop to the development proposed when looking from the east toward the project site. Subarea 2 also has two major hotels, the San Diego Marriot La Jolla and Embassy Suites, both located on La Jolla Village Drive to the west. Three-story condominium complexes exist to the west on Towne Center Drive, with the five-story multi-family Renaissance complex within sight to the south. Two parking structures are visible on either side of La Jolla Village Drive as one approaches Towne Center Drive. As a result, the Proposed Project land uses are in keeping with the local community character. No significant visual quality impact is anticipated.

Significance of Impacts

The Proposed Project does not conflict with City of San Diego significance criteria for height, bulk, materials and style, nor does it result in an impact to or loss of neighborhood landmarks. The Proposed Project would be compatible with the surrounding development found within, and planned for, Subarea 2 of the University Community. No significant visual impact is anticipated.

Mitigation Measures, Monitoring and Reporting

No mitigation is required, since no significant visual quality impacts were identified.

Issue 2: Would the Proposed Project result in substantial change to natural topography or ground surface relief features?

Issue 3: Would the Proposed Project result in the loss, covering or modification of any unique physical features such as a natural canyon or hillside slope in excess of 25 percent gradient?

The City of San Diego's significance criteria (City of San Diego, revised May 1999) were used as guidelines in the preparation of this impact analysis. Where an aesthetic impact would occur, projects that exceed the specified thresholds are typically considered to significantly alter the natural (or naturalized) landform pursuant to CEQA. These criteria are:

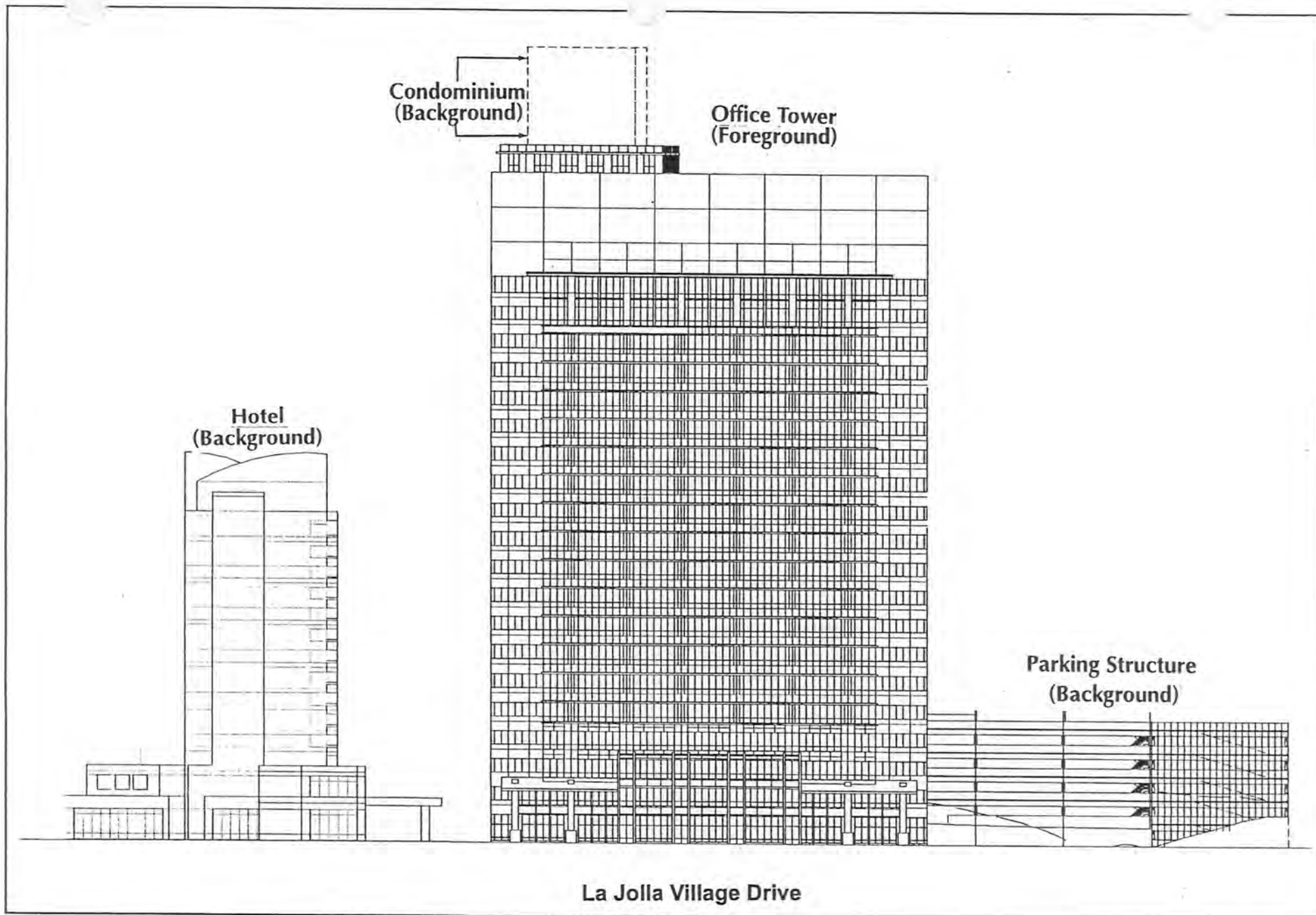


Figure 4.2-3
SITE/BUILDINGS SECTION FROM LA JOLLA VILLAGE DRIVE

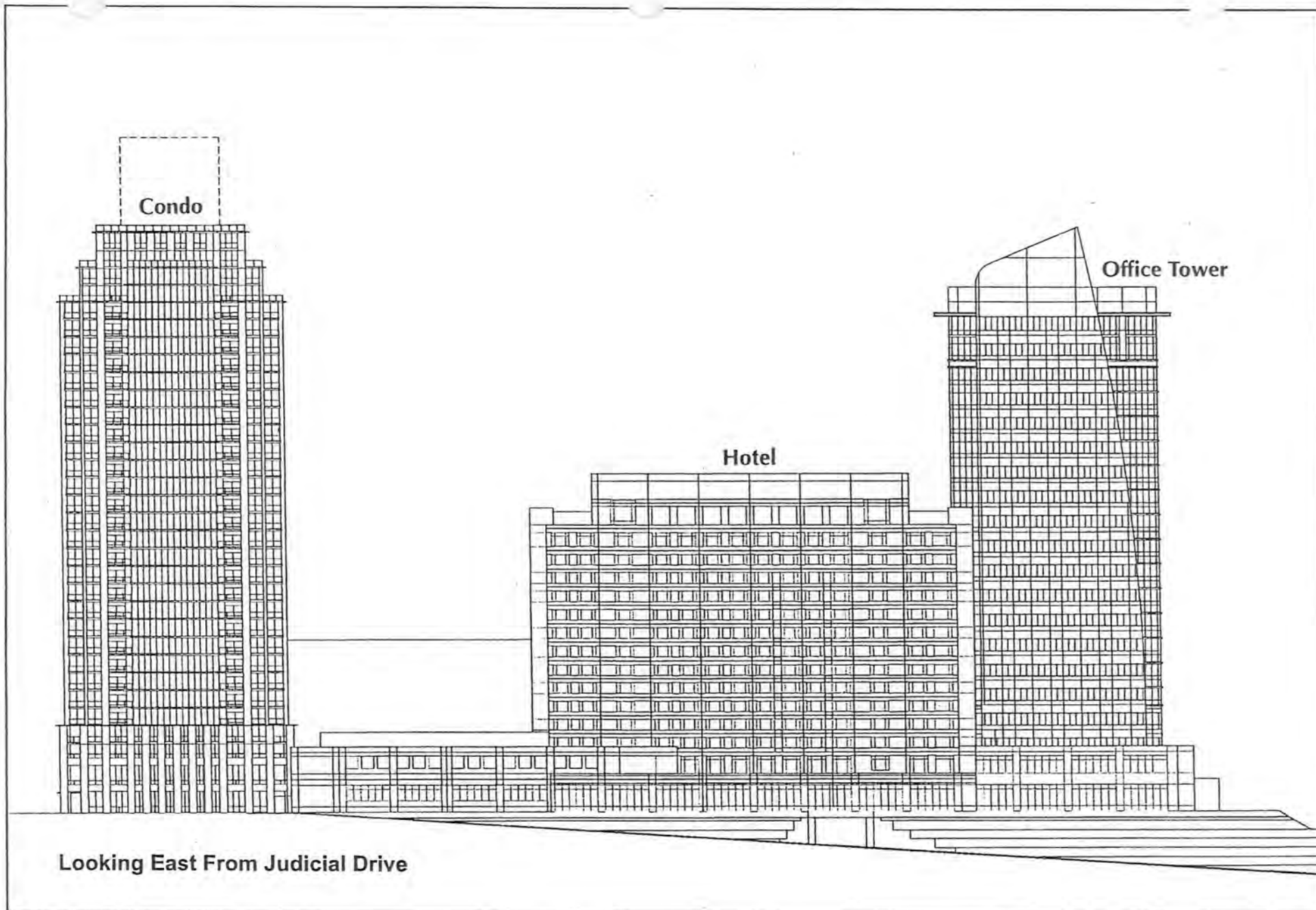


Figure 4.2-4
SITE /BUILDINGS SECTION FROM JUDICIAL DRIVE

1. The project would alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill.
2. The project would disturb steep (25 percent gradient or steeper) sensitive slopes in excess of the encroachment allowances of the Resource Protection Ordinance or the Hillside Review Overlay Zone (HROZ).
3. The project would create manufactured slopes higher than 10 feet or steeper than 2:1 (50 percent).
4. The project would result in a change in elevation of steep natural slopes (25 percent or steeper) from existing grade to proposed grade of more than five feet by either excavation or fill, unless the area over which excavation or fill would exceed five feet is only at isolated points at the site.

However, the above conditions may not be considered significant if one or more of the following apply:

1. The proposed grading plans clearly demonstrate, with both spot elevations and contours, that the proposed landforms will closely imitate the existing on-site landform and/or that of the pre-existing surrounding neighborhood landforms. This may be achieved through "naturalized" variable slopes.
2. The proposed grading plans clearly demonstrate, with both spot elevations and contours, that the proposed slopes follow the natural existing landform and at no point vary more than 1.5 feet from the natural landform elevations.
3. The proposed excavation or fill is necessary to permit installation of alternative design features such as step-down or detached buildings, non-typical roadway or parking lot design, small retaining walls, and alternative wall design which reduce the project's overall grading requirements.

The Proposed Project would transform an existing moderately deep canyon and finger canyon and adjacent plateau into a gently sloping parcel for the development of the proposed office tower, condominium, hotel, research building and parking structure. However, since the Proposed Project would not generate a significant visual quality or aesthetic impact, as discussed under Issue 1 above, the proposed landform alteration would not result in a significant visual quality impact. Thus, the criteria listed above would not apply to this project.

Significance of Impacts

The Proposed Project would alter the natural topography and relief features by filling a moderately large, partially disturbed canyon and finger canyon; however, since the Proposed Project would not result in a significant aesthetic impact, the landform alteration impacts are not considered significant.

Mitigation Measures, Monitoring and Reporting

Since no significant impacts are identified, no mitigation is required.

Issue 4: *Would the Proposed Project result in the obstruction of any vista or scenic view from public viewing areas?*

The City of San Diego visual quality impact significance criteria (City of San Diego, revised May 1999) establishes thresholds for potential impacts to public views from designated open space areas, roads or parks, and for project impacts to visual landmarks or scenic vistas (Pacific Ocean, downtown skyline, mountains, waterways). In order for a project to result in a significant impact, one or more of the following conditions must apply:

1. The project would substantially block a view through a designated public view corridor as shown in an adopted community plan, the General Plan, or the Local Coastal Program. Minor view blockages would not be considered to meet this condition. In order to determine whether this condition has been met, consider the level of effort required by the viewer to retain the view.
2. The project would cause substantial view blockage of a public resource (such as the ocean) that is considered significant by the applicable community plan. Unless the project is moderate to large in scale, condition 3 would typically have to be met for view blockage to be considered substantial.
3. The project exceeds the allowed height for bulk regulations, and this excess causes unnecessary view blockage.
4. The project would have a cumulative effect by opening up a new area for development, which will ultimately cause "extensive" view blockage. (Cumulative effects are usually considered significant for a community plan analysis but not necessarily for individual projects. Project level mitigation should be identified at the community level.) View blockage would be considered "extensive" when the overall scenic quality of a resource is changed; for example, from an essentially natural view to a largely man-made appearance.

There are no public view corridors identified for this area in the University Community Plan; Community Plan requirements consist of the following: (1) provide a minimum 100-foot open area between the I-805 off-ramp onto La Jolla Village Drive; and (2) buildings nearest to I-805 should help maintain views into the community. The property is not adjacent to the off-ramps and is situated more than 300 yards from the freeway. No significant impact to views into the community from the Proposed Project are anticipated.

No public views would be blocked by the proposed development. There are no ocean, canyon or natural landmarks close by. The buildings of the Golden Triangle are the main visual features in the vicinity. The area is already heavily developed and this project is not opening up a new area for development.

Significance of Impacts

No impacts to scenic vistas or views from public viewing places have been identified.

Mitigation Measures, Monitoring and Reporting

No mitigation is recommended as there are no significant impacts to public views, vistas or landmarks.

4.3 Biological Resources

The Proposed Project site was surveyed for biological resources by HELIX Environmental Planning, Inc. (HELIX) biologists in 1998/1999. Prior to conducting biological field surveys, HELIX reviewed existing site-specific information and conducted an in-house database search for sensitive species known to occur within the project vicinity. The following surveys have been conducted on site: a rare plant survey was conducted by Melanie Howe in May, 1998; a habitat assessment and vegetation mapping were conducted on February 20, 1999 by Scott Taylor; a jurisdictional delineation was conducted by Larry Sward and Sally Trnka on February 22, 1999; a general biological survey was conducted by Sally Trnka and Justin Fischbeck on March 5, 1999; and quino checkerspot butterfly (*Euphydryas editha quino*) presence/absence protocol surveys were conducted from March 7, 1999 to May 6, 1999 by Scott Taylor and Sally Trnka. The results of all of the above described surveys were presented in a report entitled La Jolla Commons – Polygon Southwest (La Jolla Commons) Biological Technical Report (HELIX 2000; Appendix B). The discussion provided in this EIR summarizes the results and conclusions included in the biological technical report.

Results of all surveys were mapped on a 1"=40' scale topographic map, and an aerial photograph was used to help delineate vegetation mapping. Plant communities were mapped by HELIX based on MSCP classifications (City of San Diego 1997). A general biological survey was conducted by walking through the study area and taking note of all plant and animal species observed or detected (for example, by scat or tracks). Rare plant and narrow endemic species surveys were conducted by walking suitable habitat for all potentially occurring species at the appropriate time of year (when they were flowering or most visible). The quino checkerspot butterfly focused surveys were conducted using 1999-accepted protocols. The jurisdictional delineation was performed using the Wetlands Delineation Manual, as referenced in Appendix B of the Jurisdictional Delineation Report.

4.3.1 Existing Conditions

The project site includes a large drainage that extends in a north-south direction in the western half of the property, creating a canyon-like topography in this portion of the site. Portions of the drainages in the bottom of the canyon were disturbed when the City of San Diego constructed pipelines for the North City Waste Water Diversion Tunnel Project in approximately 1996. A mesa located on the east side of the project site drains into the canyon. Grading for the pad northwest of the property created a large fill slope south of the Executive Drive alignment that extends onto the site. Sensitive vegetation types present on site include Diegan coastal sage scrub, southern mixed chaparral, and southern willow scrub. In addition, some disturbed and previously developed areas also occur on site.

Four soil types occur on site. Terrace escarpments occur in the drainages on a large portion of the central and western areas of the project site. Chesterton fine sandy loam, Redding gravelly loam, and Altamont clay occur on the mesa on the eastern side of the project site. The Redding gravelly loam on site does not contain any mima mound topography. Based on the presence of altamont clay, lenses of this soil type were searched during site visits because these soils are known to support native grassland habitat.

The project site supports several native habitats in addition to containing several highly disturbed and developed areas. Surrounding land use consists of commercial development to the north and the west, undeveloped land to the east, and undeveloped land on the south of La Jolla Village Drive. There is an approximately five-acre undeveloped parcel located between the southern end of the project site and commercial development to the west. Elevation on the site ranges from approximately 278 to 382 feet amsl.

❑ Existing Vegetation Communities

As stated above, the project site supports three vegetation communities, Diegan coastal sage scrub, southern mixed chaparral, and southern willow scrub (Table 4.3-1 and Figure 4.3-1) that are considered sensitive by the City of San Diego (1997b) and other resource agencies and groups, as well as disturbed habitat and developed areas. In addition, a combination of soft-bottomed and concrete drainages occur throughout the low-lying portions of the site.

**Table 4.3-1
EXISTING VEGETATION COMMUNITIES**

VEGETATION COMMUNITY	TIER LEVEL	ACREAGE		
		ON SITE	OFF SITE	TOTAL
Diegan coastal sage scrub	II	1.58	0.0	1.58
Diegan coastal sage scrub – disturbed	II	1.39	0.27	1.66
Southern mixed chaparral	III A	9.63	0.94	10.57
Southern willow scrub	N/A	0.10	0.03	0.13
Unvegetated streambed	N/A	0.01	0	0.01
Disturbed habitat	IV	3.74	1.52	5.26
Developed	IV	0.41	0	0.41
TOTAL		16.85	2.76	19.61

Uplands

Diegan Coastal Sage Scrub (Tier II). Diegan coastal sage scrub is one of the two major shrub types that occur in California. This habitat type occupies xeric sites characterized by shallow soils and is dominated by subshrubs whose leaves abscise during drought. Sage scrub species have relatively shallow root systems and open canopies. This allows for the occurrence of a substantial herbaceous component. Four floristic associations are recognized within coastal sage scrub plant formation and these occur in distinct geographical areas along the California coast. The Diegan association occupies the area from Orange County to northwestern coastal Baja California, Mexico (O'Leary 1990). The Diegan coastal sage scrub on the project site is diverse. Dominant species vary by location but include: black sage (*Salvia mellifera*), California sagebrush (*Artemisia californica*), and coyote bush (*Baccharis pilularis*). Approximately 1.58 acres of Diegan coastal sage scrub occur on site, largely on the lower portions of slopes throughout the property.

Diegan coastal sage scrub is considered a sensitive habitat by several resource agencies, including the City of San Diego (1990), the County of San Diego (1991) and the California Department of Fish and Game (Holland 1986) because it supports a number of state and federally endangered, threatened and rare vascular plants as well as several bird and reptile species that are federally listed or are candidate species for federal listing. Grazing and urbanization are primarily responsible for the loss of coastal sage scrub. This habitat is characterized as a Tier II, or uncommon upland habitat, by the City of San Diego MSCP Implementing Agreement and requires mitigation.

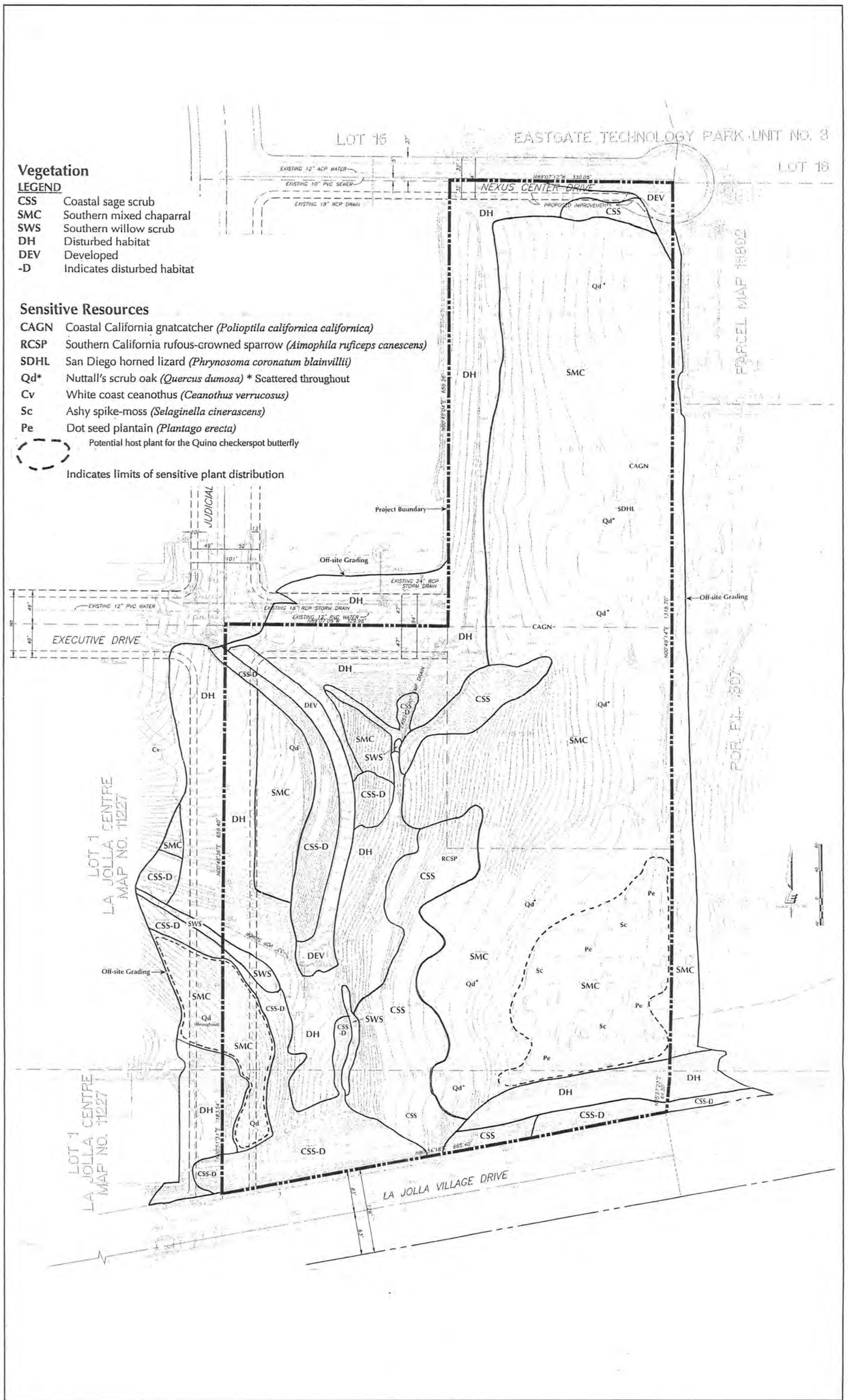


Figure 4.3-1
VEGETATION AND SENSITIVE RESOURCES

Disturbed Diegan coastal sage scrub is also considered to be Tier II habitat by the City of San Diego. It consists of similar species as intact Diegan coastal sage scrub, but contains fewer shrub species and a greater proportion of non-native grasses and exotic annuals. This habitat occupies approximately 1.39 acres on site, and approximately 0.27 acre off site.

Southern Mixed Chaparral (Tier IIIA). Southern mixed chaparral is composed of broad-leaved, sclerophyllous shrubs that grow to about 6 to 10 feet tall and form dense often nearly impenetrable stands. This habitat is the prevalent vegetation type on site. In the southeastern portion of the site, this habitat type includes some sparsely vegetated patches. The dominant plant in this vegetation type is chamise (*Adenostoma fasciculatum*), with lesser amounts of black sage (*Salvia mellifera*), lemonade berry (*Rhus integrifolia*), and other chaparral species. In portions of the site, Nuttall's scrub oak (*Quercus dumosa*) is the dominant species. Southern mixed chaparral occupies 9.63 acres on site and 0.94 acre off site, mostly on the mesa tops and toward the top of the slopes on site.

Southern mixed chaparral is considered a sensitive habitat under the recently adopted Implementation Agreement for the MSCP (City of San Diego 1997). Although mixed chaparral is still relatively common, the MSCP considers the habitat important for various wildlife species, and for preservation of biodiversity. Mixed chaparral is considered a Tier IIIA, or common upland habitat type, in the approved MSCP Implementing Agreement, and requires mitigation for impacts.

Disturbed Habitat (Tier IV). Disturbed habitats include unvegetated land and areas that are sparsely vegetated or contain ruderal species such as mustard (*Brassica* sp.), telegraph weed (*Heterotheca grandiflora*), cocklebur (*Xanthium strumarium*), and tree tobacco (*Nicotiana glauca*). Disturbed habitat is considered Tier IV, or other upland habitat type, in the approved MSCP Implementing Agreement, not requiring mitigation for impacts. Disturbed areas on site are the result of recent grading for adjacent road construction and for the North City Waste Water Diversion Tunnel Project. Disturbed habitat occupies 3.74 acres on site and 1.52 acres off site.

Developed. Developed areas on site include paved and dirt roads. Approximately 0.41 acre of previously developed land occur on site. Developed areas are Tier IV habitats and do not require mitigation.

Wetlands

Southern Willow Scrub (Wetland). Southern willow scrub consists of broad-leaved, winter-deciduous stands of trees dominated by shrubby willows (*Salix* sp.) in association with mule fat (*Baccharis salicifolia*). This habitat occurs on loose, sandy or fine gravely alluvium deposited near stream channels during flood flows. Southern willow scrub habitat on site includes arroyo willow (*Salix lasiolepis*) that has recently established in the drainage bottoms in the western portion of the site. Other species in this habitat type on site include mule fat and cattails (*Typha* sp.) This vegetation type occupies approximately 0.10 acre on site and 0.03 acre off site.

Southern willow scrub is considered a sensitive habitat by the City of San Diego (1997), the County of San Diego (1991), the CDFG (Holland 1986), and the ACOE (1987) because it is a wetland habitat. Impacts to wetlands are also regulated by the revised RPO adopted in January of 1998. This ordinance defines wetlands as areas that include any of the three wetland characteristics: (1) wetland vegetation; (2) wetland soils; or (3) wetland hydrology. The City's wetland definition also states that "areas demonstrating Wetland characteristics, which are artificially created are not considered Wetlands by this definition." The southern willow scrub habitat on site occurs along drainages that

contain a variety of man-made drainage structures and the majority of the water present in the drainages likely comes from adjacent urban runoff. The wetland vegetation occurring along the drainages falls under City RPO jurisdiction because these drainages occur in areas that both current site topography and historic site aerial photographs show to support wetland hydrology (e.g., a natural intermittent stream course); thereby meeting the City's wetlands definition.

Drainages. As shown on the jurisdictional delineation map (Figure 4.3-2), the on-site drainages include remnant patches of intermittent stream course channel with recently constructed man-made drainage improvements, and intermittent patches of willow trees. Drainage collects in two concrete brow ditches located on the fill slope immediately below Executive Drive. A stretch of natural (i.e., earth bottom) drainage leads from these brow ditches to another concrete brow ditch that traverses much of the drainage in the central portion of the site. The southerly end of the brow ditch leads to another natural section of the drainage, two portions of which contain grouted riprap. Another concrete brow ditch enters the property from the southwestern corner of the site. The largest area of southern willow scrub is located along a drainage that collects urban runoff from the property to the west of the project site. The southern end of this drainage contains a three-foot diameter corrugated metal pipe that conveys water to the south, where it enters the primary drainage and is fed into a 42-inch diameter concrete pipe and flows under La Jolla Village Drive. Approximately 0.01 acre of soft-bottomed drainages occur on site in addition to drainage areas occupied by southern willow scrub.

Drainages on site are sensitive due to their status as ACOE non-vegetated Waters of the U.S., CDFG streambed, and City of San Diego wetlands. While the drainages on site contain a variety of man-made drainage improvements, these drainages fall under City RPO jurisdiction because they occur in areas that both current site topography and historic site aerial photographs show to support wetland hydrology (e.g., natural intermittent stream course).

□ Sensitive Plant Species

Fifty-six plant species, including 2 sensitive and 21 non-native species, were observed in the study area during the vegetation mapping and rare plant surveys (Appendix A of the La Jolla Commons Biological Technical Report). The dominant plants on site were shrub components of the Diegan coastal sage scrub and southern mixed chaparral.

Sensitive plant species are those which are considered sensitive by the USFWS (1990), CDFG (1992), California Native Plant Society (CNPS), and/or are MSCP target species (City of San Diego 1995). The sensitive plant species observed include Nuttall's scrub oak (*Quercus dumosa*), and ashy spike moss (*Selaginella cinerascens*) (Figure 4.3-2 and Table 4.3-2). Twelve additional sensitive plant species have the potential to occur on site. None of the 14 MSCP-listed narrow endemic species was observed on site during the spring 1998 rare plant survey, and the potential for any of these species to occur on site is considered low to none (Table 4.3-3).

Additional information on the two sensitive species observed, other sensitive species with potential to occur on site, and all narrow endemic species is available in the La Jolla Commons Biological Technical Report (Appendix B).

4.3.2 Impact Analysis

The City of San Diego evaluates significance of impacts to biological resources in several ways. First, all projects are evaluated through the CEQA process. Guidelines for determining significance of impacts under CEQA and mitigation requirements for these impacts are based in large part on the City's Significance Determination Guidelines Under the California Environmental Quality Act (City of San Diego, revised 1999).

In addition to the CEQA review process, City staff also review impacts to biological resources under the RPO, (revised January 1998) and through the project's consistency with the City's MSCP Subarea Plan. The revised RPO regulations require that development avoid impacts to certain biological habitats as much as possible. These habitats include all MHPA lands, wetlands and vernal pools in naturally occurring complexes, listed non-covered species habitat, and narrow endemics. The MSCP Subarea Plan provides guidance for determining significance of impacts to biology on a regional basis. The MSCP program was developed and agreed to by the USFWS and CDFG and thus represents policy for biological resource regulations that combines federal, state and local regulations with exception of wetland resources.

For the following discussion of impacts, an impact is direct when the primary effects of a project replace existing habitat with graded or developed areas. An indirect impact consists of secondary effects of a project, including habitat insularization, edge effect, exotic species invasion, vehicular noise, and increased human or pet intrusion. The magnitude of an indirect impact can be the same as a direct impact, however the effect usually takes a longer time to become apparent.

Issue 1: Would the Proposed Project affect the long-term conservation of biological resources?

Impacts to habitat present on the subject property would contribute to the overall decrease of habitat remaining for sensitive plant and animal species within San Diego; however long-term conservation of biological resources for the entire City of San Diego has been addressed by the MSCP, which was adopted in July of 1997 by the City of San Diego, USFWS and CDFG. MHPA open space preserved as part the MSCP agreement is intended to protect local biological resources, including all MSCP-listed covered species as well as other plant and animal species that use the same habitats, for the long-term. As no MSCP-designated MHPA open space occurs on or adjacent to the subject property, the Proposed Project would not substantially affect the long-term conservation of biological resources within the City of San Diego.

Significance of Impacts

Direct, indirect, and cumulative affects from the Proposed Project on the long-term conservation of biological resources are not considered significant because all project impacts occur outside of MHPA-designated open space areas.

Mitigation Measures, Monitoring, and Reporting Program

No long-term conservation impacts were assessed; therefore, no mitigation is required.

Issue 2: Would the Proposed Project result in an impact on a sensitive habitat, including but not limited to streamside vegetation, vernal pools, wetland, coastal sage scrub, or chaparral?

On-site grading would directly impact approximately 1.58 acres of Diegan coastal sage scrub, 1.39 acres of disturbed Diegan coastal sage scrub, 9.63 acres of southern mixed chaparral, 0.10 acre of southern willow scrub, 0.01 acre of unvegetated intermittent streambed (RPO wetland) and 3.74 acres of disturbed habitat (Table 4.3-5). Off-site grading associated with improvements for Judicial Drive and minor off-site grading on the site perimeter would directly impact approximately 0.27 acre of disturbed Diegan coastal sage scrub, 0.94 acre of southern mixed chaparral, 0.03 acre of southern willow scrub and 1.52 acres of disturbed habitat. Impacts to Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, southern mixed chaparral, southern willow scrub and unvegetated streambed are all considered significant and would require mitigation per the MSCP and RPO requirements. Concrete and gunnited brow ditches are not considered biological resources; therefore, impacts to these features within the onsite drainage have not been quantified for mitigation purposes.

**Table 4.3-5
VEGETATION IMPACTS**

VEGETATION COMMUNITY	TIER	ACREAGE		
		ON-SITE	OFF-SITE	TOTAL
Diegan coastal sage scrub	II	1.58	0.0	1.58
Diegan coastal sage scrub – disturbed	II	1.39	0.27	1.66
Southern mixed chaparral	III A	9.63	0.94	10.57
Southern willow scrub	N/A	0.10	0.03	0.13
Unvegetated streambed	N/A	0.01	0.0	0.01
Disturbed	IV	3.74	1.52	5.26
Developed	IV	0.41	0	0.41
TOTAL		16.86	2.76	19.62

There are no indirect impacts associated with this project because the project site is surrounded by existing and planned future development, and because the site is not within or adjacent to the MHPA.

Significance of Impacts

Impacts to Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, southern mixed chaparral, southern willow scrub and unvegetated streambed are all considered significant and would require mitigation.

Mitigation Measures, Monitoring, and Reporting Program

Project impacts would be mitigated in compliance with the mitigation ratios and preservation requirements of the MSCP and RPO. A summary of the mitigation requirements for the sensitive habitats on-site is provided in Table 4.3-6.

**Table 4.3-6
HABITAT MITIGATION REQUIREMENTS**

HABITAT TYPE	TIER	IMPACTED ACREAGE (on site)	IMPACTED ACREAGE (off site)	TOTAL IMPACTED ACREAGE	MITIGATION RATIO*	REQUIRED MITIGATION*	
						ACRES	TIER
Diegan coastal sage scrub	II	1.58	0.0	1.58	1:1	1.58	I - III
Diegan coastal sage scrub – disturbed	II	1.39	0.27	1.66	1:1	1.66	I - III
Southern mixed chaparral	III A	9.63	0.94	10.57	0.5:1	5.29	I - III
Southern willow scrub	N/A	0.10	0.03	0.13	3:1†	0.39	N/A
Unvegetated streambed	N/A	0.01	0.0	0.01	3:1†	0.03	N/A
Disturbed habitat	IV	3.74	1.52	5.26	0:1	0	-
Developed	IV	0.41	0	0.41	0:1	0	-
TOTAL		16.86	2.76	19.62	-	8.95	

*Mitigation ratios and requirements are based on impacts located outside the MHPA and mitigation located inside the MHPA.

†Typically, the City of San Diego would require a 2:1 mitigation ratio for these wetland types; however, following consultation with the ACOE and CDFG, a 3:1 mitigation ratio is being provided.

The following measures would be implemented to mitigate impacts to sensitive habitats.

1. Prior to issuance of any grading permit and/or the recordation of the final map, the applicant shall mitigate for impacts to 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral in accordance with the City of San Diego *Land Development Code Biology Guidelines* (adopted on 9/28/99), satisfactory to the City Manager. The City Manager shall ensure that the applicant has preserved 8.53 acres off-site of Tier I-III habitat within the MHPA or as appropriate outside the MHPA in accordance with the Biology Guidelines.
2. Prior to the issuance of any grading permit which affects on-site wetlands and/or the recordation of the final map, the applicant shall assure mitigation for the loss of 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed at a ratio of 3:1, satisfactory to the City Manager. The applicant proposes to restore 0.42 acre of wetland habitat within Los Peñasquitos Lagoon watershed on land owned and managed by the California State Department of Parks (State Parks). The proposed wetland restoration site is currently occupied by giant reed (*Arundo donax*) and is located downstream from the intersection of Flintkote and Estuary Way in Sorrento Valley (Figure 4.3-3). The mitigation program involves removal of giant reed from 0.42 acre of land followed by replanting of the cleared area with southern willow scrub species. The mitigation program will be carried out by a contractor paid by the applicant, with oversight by the State Parks preserve manager.
 - a. Prior to issuance of any grading permit which affects on-site wetlands, the City Manager shall verify that a bonded mitigation agreement in sufficient amount to ensure the mitigation of 0.42 acre of wetlands within Los Peñasquitos Lagoon or other mitigation site acceptable to the City and resource agencies has been executed.

- b. Prior to issuance of any grading permit which affects on-site wetlands and prior to initiating off-site wetland restoration, a final wetlands mitigation plan shall be prepared by the applicant and approved by the City Manager. The mitigation plan shall describe the proposed mitigation area location and methodology, buffer requirements (if needed), maintenance program, monitoring and reporting plan, success criteria, remedial measures to correct any problems, and any other information deemed necessary by the City.
- c. Prior to the issuance of any grading permit which affects on-site wetlands, the applicant shall submit verification that a qualified project biologist has been retained to oversee the implementation of the wetlands mitigation plan. The project biologist shall have experience preparing and monitoring wetland and riparian mitigation plans in San Diego County and shall be acceptable to the City Manager and the resource agencies. The project biologist shall oversee other specialists and contractors involved in the implementation of the mitigation plan.
- d. The applicant shall submit the following items to the City prior to issuance of any grading permit which affects on-site wetlands:
 - Evidence of compliance with Sections 401 and 404 of the federal Clean Water Act.
 - Evidence of compliance with Section 1603 of the State of California Fish & Game Code.

Evidence shall include either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager.

Significance After Mitigation

Implementation of the mitigation measures described above would reduce impacts to sensitive habitats to below a level of significance.

Issue 3: Would the Proposed Project result in a reduction in number of any unique, rare, endangered, threatened, sensitive, or fully protected species of plants or animals?

Grading would directly impact approximately 200 to 300 Nuttall's scrub oaks, and scattered populations of ashy spike-moss. In addition, grading activities on site would directly impact the coastal California gnatcatcher, southern California rufous crowned sparrow and San Diego horned lizard, all of which are MSCP-covered species.

None of the other federal, state, or narrow endemic listed plant species with potential to occur on site is expected to occur because appropriate conditions for these species do not occur on site, and/or because adequate surveys at the appropriate time of year were conducted with negative results. Although some quino habitat features were found on site (openings in chaparral containing nectaring resources and larval host plants), 1999 focused surveys for the quino checkerspot had negative results.



There are no indirect impacts associated with this project because the project site is surrounded by existing or planned future development, and because the site is not within or adjacent to the MHPA.

Significance of Impacts

Impacts to Nuttall's scrub oak are considered less than significant due the relatively low sensitivity of this species. Impacts to ashy spike moss are considered less than significant because of its common and widespread distribution. Nuttall's scrub oak and ashy spike-moss are not covered species under the existing City of San Diego MSCP; however, adequate conservation of these species is provided under the MSCP through the preservation of off-site habitats which support these species.

Impacts to the coastal California gnatcatcher, Southern California rufous-crowned sparrow and San Diego horned lizard are considered significant; however, these are all covered species under the City's MSCP.

No indirect impacts to sensitive species from the Proposed Project are anticipated.

Mitigation Measures, Monitoring, and Reporting Program

No mitigation for impacts to non-MSCP covered sensitive plants (Nuttall's scrub oak and ashy spike-moss) is required because of their low sensitivity, relative local abundance, and the preservation of this species in other open space areas. Impacts to the three MSCP-covered animal species (coastal California gnatcatcher, southern California rufous-crowned sparrow, and San Diego horned lizard) would be mitigated by implementation of habitat mitigation requirements in conformance with the City of San Diego's MSCP Subarea Plan.

Issue 4: Would the Proposed Project result in interference with nesting/foraging/movement of any resident wildlife species or result in the deterioration of wildlife corridors?

Development of the Proposed Project would decrease the open space currently available for coastal California gnatcatchers and other species located on and immediately east of the site to nest, forage, and move about.

Long-term conservation of biological resources for the entire City of San Diego has been addressed by the MSCP Subarea Plan which was adopted in July of 1997 by the City of San Diego, U.S. Fish and Wildlife Service, and California Department of Fish and Game. No MHPA open space occurs on or adjacent to the subject property, therefore, impacts to the nesting, foraging, and movement of wildlife species due to the Proposed Project is not considered significant.

The project site is considered to be an isolated canyon due to previous land development and infrastructure improvements surrounding the site. Major transportation routes and urban development prevent the canyon within the site to function as a wildlife corridor. The project site was not found to function as a wildlife corridor during biological resource surveys; therefore, no effects to corridors in the local area are expected from the Proposed Project.

Significance of Impacts

No significant impacts to wildlife species or wildlife corridors would occur.

Mitigation Measures, Monitoring, and Reporting Program

Impacts to nesting/foraging/or movement of resident wildlife species or wildlife corridors are not significant; therefore, no mitigation is required.

4.4 Transportation/Traffic Circulation

A Traffic Study was prepared by Darnell & Associates, Inc. titled *Traffic Study for La Jolla Commons Project in the City of San Diego* and dated May 18, 2000. The results of the traffic study are summarized herein. The traffic study is attached to this EIR in its entirety as Appendix C. The following scenarios were evaluated in the May 2000 study:

- Near-term (2001) Conditions without Judicial Drive (with and without the Proposed Project)
- Near-term (2001) Conditions with Judicial Drive (with and without the Proposed Project)
- Community Plan Buildout Conditions without the Proposed Project
- Community Plan Buildout Conditions with the Proposed Project

4.4.1 Existing Conditions

Existing traffic conditions are measured in terms of level of service. Six levels of service are defined for each type of facility (e.g., freeway, arterial, signalized intersection) for which analysis procedures are available. They are given letter designations, from A to F, with level of service (LOS) A representing the best operating conditions and LOS F, the worst. The City of San Diego General Plan Circulation Element recommends LOS D or better as acceptable for arterial roadway segment average daily trip (ADT) volumes. Street segment levels of service are determined based upon a volume to capacity ratio (V/C) and intersection levels are based upon seconds of delay.

☐ Roadway Characteristics and Segment Conditions

The Proposed Project site is located within the University Community planning area. The existing and projected circulation system was obtained from the *University Community Plan* Circulation Element. Circulation Element roads potentially impacted by the Proposed Project are listed below along with a description of their Circulation Element classification and their current condition. Figure 4.4-1 depicts the planned circulation system and Table 4.4-1 provides the roadway capacities and existing volumes (ADT) for each road segment evaluated in this analysis. Existing daily traffic volumes (represented in ADT) on area roadways are depicted in Figure 4.4-2.

Judicial Drive: Judicial Drive is classified as four-lane Major Street on the Adopted Circulation Element of the University City Community Plan. The only segment of Judicial Drive currently constructed runs south from Eastgate Mall to the intersection with Executive Drive. This facility would be extended south to La Jolla Village Drive, as described in Section 3.0 Project Description. Judicial Drive is proposed to continue south and connect with Nobel Drive per the University Community Plan Circulation Element. The extension of Judicial Drive south to Nobel Drive includes construction of a tunnel under La Jolla Village Drive; no intersection at La Jolla Village Drive is proposed. This extension south is not proposed as part of the Proposed Project; however, it will possibly be implemented in the near-term due to other pending development projects south of La Jolla Village Drive.

Town Center Drive: Town Center Drive will serve as the western link from the project site to east/west facilities of Executive Drive, La Jolla Village Drive, and Nobel Drive. Town Center Drive is constructed to its community plan classification, a four-lane major street between Eastgate Mall and Golden Haven Drive. South of Golden Haven to Nobel Drive, it is designated and built as a four-lane collector road with a center median.

**Table 4.4-1
EXISTING ROADWAY SEGMENT LOS SUMMARY**

SEGMENT	ADT	DESIGN CAPACITY*	V/C RATIO	LOS
Genesee Ave.				
- East of I-5	30,600	60,000	0.51	B
- North of Eastgate Mall	29,500	60,000	0.49	B
Eastgate Mall				
- West of Towne Center Dr.	12,806	40,000	0.32	A
- East of Towne Center Dr.	7,941	30,000	0.26	B
- East of Judicial Dr.	7,941	30,000	0.26	B
- East of I-805	10,100	15,000	0.67	D
Executive Dr.				
- West of Towne Center Dr.	4,200	30,000	0.14	A
- East of Towne Center Dr.	2,115	40,000	0.05	A
La Jolla Village Dr.				
- East of I-5	47,500	60,000	0.79	C
- West of Genesee Ave.	44,900	60,000	0.75	C
- West of Towne Center Dr.	45,516	60,000	0.76	C
- East of Towne Center Dr.	67,477	60,000	1.12	F
Miramar Rd.				
- West of Eastgate Mall	62,981	60,000	1.05	F
- East of Eastgate Mall	68,000	60,000	1.13	F
- West of Camino Santa Fe	68,000	60,000	1.13	F
Nobel Dr.				
- West of I-805	N/A	N/A	N/A	N/A
Towne Center Dr.				
- South of Executive Dr.	11,200	40,000	0.28	A
- South of La Jolla Village Dr.	22,400	40,000	0.56	C
Judicial Dr.				
- North of Executive Dr.	753	40,000	0.02	A
- South of Executive Dr.	N/A	N/A	N/A	N/A
- North of Nobel Dr.	N/A	N/A	N/A	N/A

*These values represent the daily volume at the upper limit of LOS E per City standards.

V/C Ratio - Volume to Capacity Ratio

N/A - not applicable

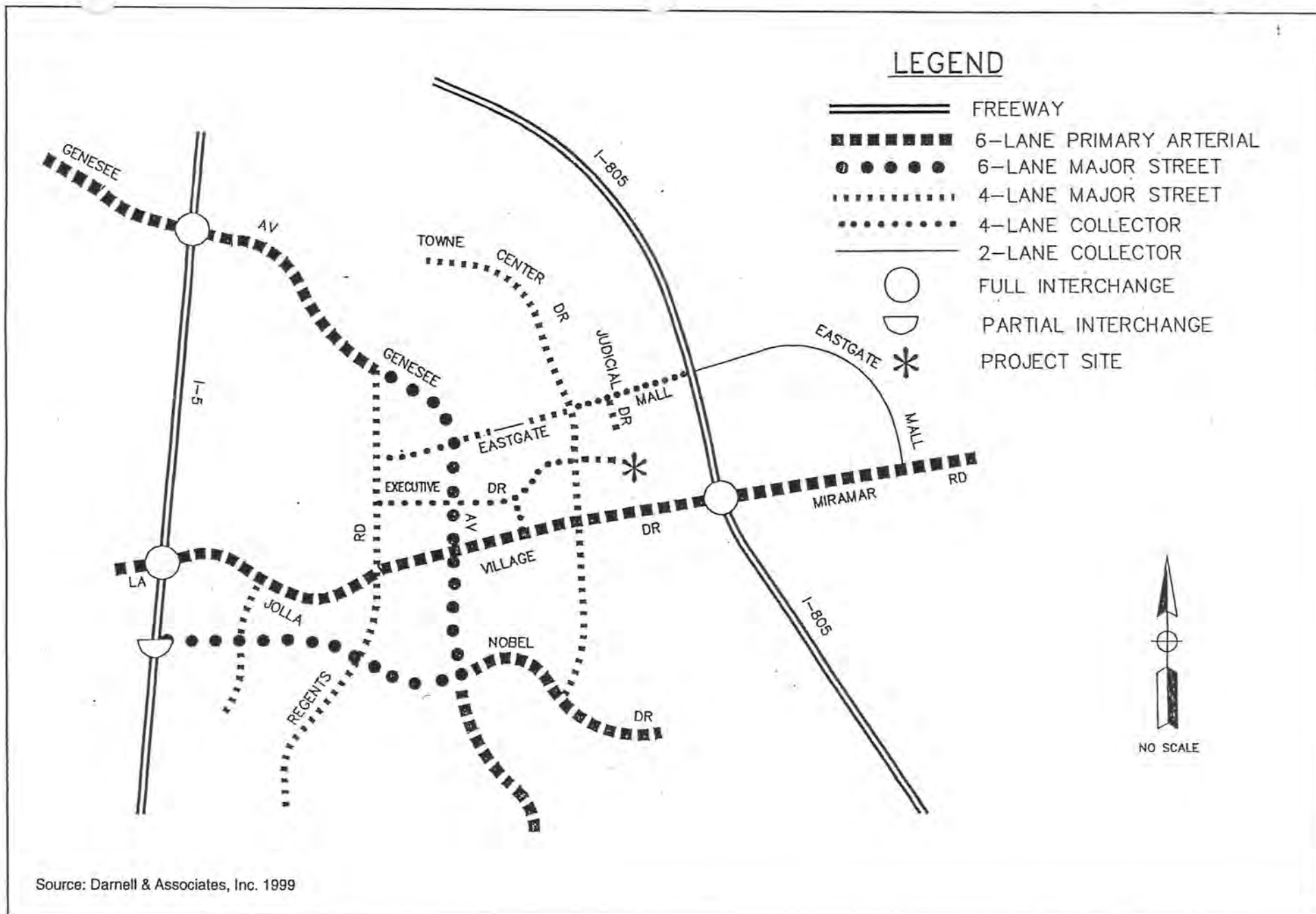


Figure 4.4-1
EXISTING CIRCULATION SYSTEM

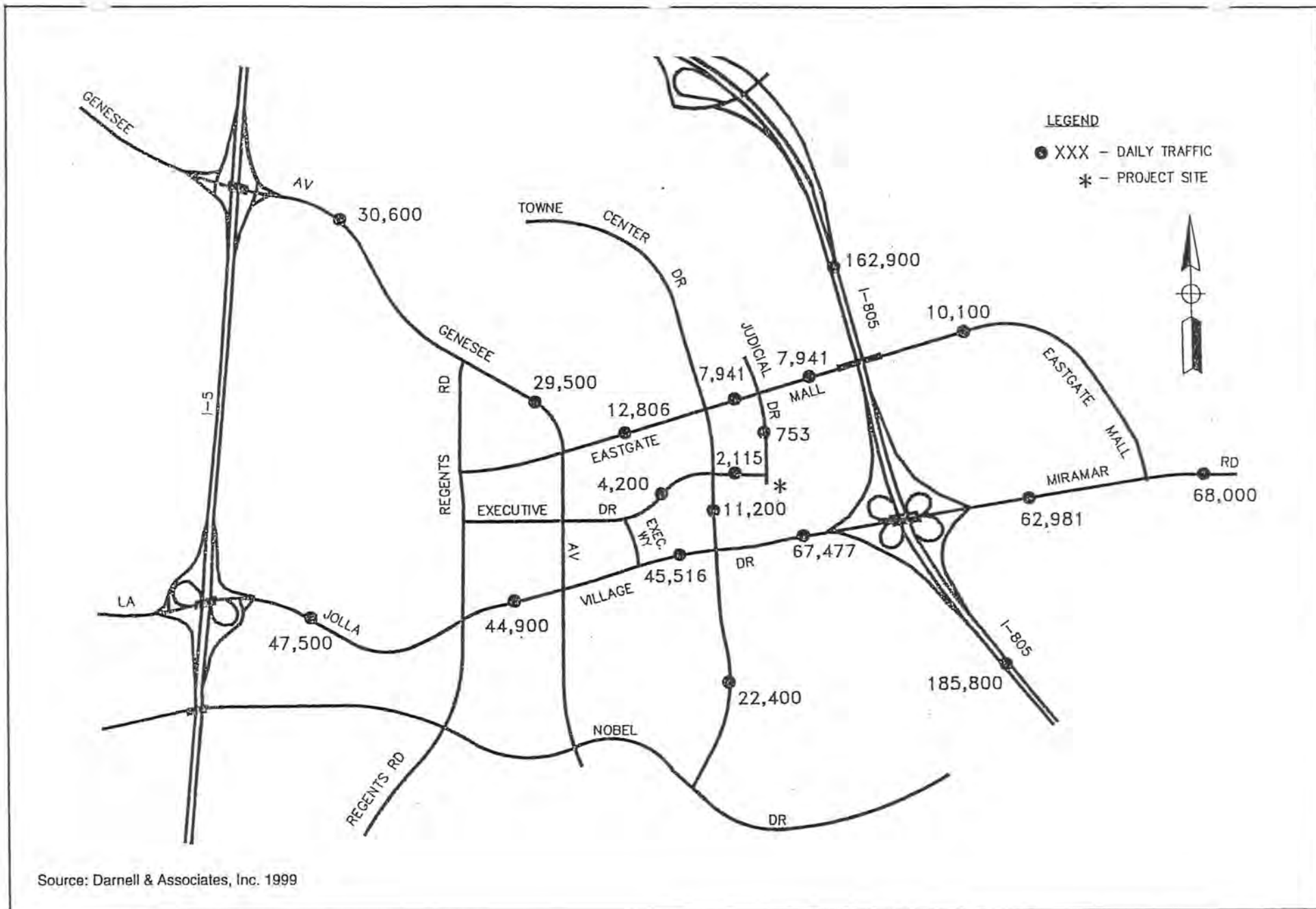


Figure 4.4-2.
EXISTING DAILY TRAFFIC VOLUMES

Genesee Avenue: Genesee Avenue links the project with I-5 and the northern areas of La Jolla. Genesee Avenue has two different classifications for the segments between I-5 on the north and SR 52 on the south. The segments covered by this analysis are the six-lane Prime Arterial between I-5 and Regents Road, and the six-lane Major Street from Regents Road to Nobel Drive. Genesee Avenue is constructed to its adopted classifications along the entire length.

La Jolla Village Drive: This facility is constructed to its adopted Circulation Element classification of a six-lane Prime Arterial between Interstate 5 and Town Center Drive. The segment between Town Center Drive and I-805 is constructed as a six-lane Prime Arterial, but is planned to be expanded to an eight-lane Prime Arterial in the future. The segments between Regents Road and Executive Way allow curb-side parking; on the remaining segments curb-side parking is prohibited. Access to this road from adjacent properties is controlled (i.e., limited number of driveways and adequate number of signalized intersections) to reduce side friction and maintain capacity.

Miramar Road: Miramar Road is the continuation of La Jolla Village Drive, and links the community of Mira Mesa with I-805 and the University City community. Miramar Road is the primary east/west arterial facility between SR-52 to the south and the uncompleted SR-56 located four miles to the north. This facility is constructed to its adopted classification of six-lane Prime Arterial from I-805 to I-15.

Eastgate Mall: Eastgate Mall trends from Regents Road on the west to Miramar Road on the east. This facility carries two different classifications between Genesee Avenue and Miramar Road: from Genesee to Town Center it is classified as a four-lane major road; east of Town Center to Miramar Road the classification is a four lane Collector Road. From Genesee to Town Center Drive the improved travel-way is constructed to four-lane Major Road standards. A 600 foot section of unimproved frontage on the south side between Genesee Avenue and Town Center Drive remains. This section is one lane in each direction with left turn pockets. Between Town Center Drive and the bridge over I-805 is a similar situation whereby the segment is constructed to four lane Collector Road standards; temporary traffic control measures restrict this segment to two travel lanes at the I-805 overcrossing. This segment also has the turn pockets and the same capacity. The bridge section of Eastgate Mall is two lanes and east of the bridge the road is two lanes with left turn pockets at the intersecting streets. The north half of the travel-way is fully improved. The south side is partially improved. The capacity of the existing cross-section is equivalent to the two-lane segments to the west.

Executive Drive: This local four-lane Collector Road trends parallel to and between Eastgate Mall and La Jolla Village Drive. It is a local Circulation Element facility connecting Regents Road on the west and terminating just past Judicial Drive on the east. Executive Drive is classified as a four-lane Collector Road in the Community Plan and is constructed to that standard along its entire length.

Nobel Drive: Nobel Drive is the most southerly east/west Circulation Element road in the community. East of I-5 to Genesee Avenue it is classified and constructed to six-lane Major Road standards. At Genesee the classification changes to a six-lane Primary Arterial. This classification continues east to the planned interchange with I-805. Between the interchange and Miramar Road the classification is a four-lane Major Road. Nobel Drive east of the local street of Shoreline Drive is unbuilt. The segments yet to be constructed are from Shoreline to I-805, the interchange at I-805 (currently under construction), and the extension to Miramar Road. The construction of these segments and the interchange is funded and expected to be in place by the year 2001.

As shown in Table 4.4-1, La Jolla Village Drive, between Towne Center Drive and I-805, is operating at LOS F based upon a comparison of road capacity to daily volumes. Similarly, as La Jolla Village Drive transitions to Miramar Road, east of I-805, it operates at LOS F from I-805 to Camino Santa Fe. These La Jolla Village Drive and Miramar Road segments have been failing since the late 1980's. Planned Circulation Element widening of La Jolla Village Drive from six to eight lanes, and planned improvements in the City's Facilities Benefit Assessment (FBA)/Facilities Financing Plan (Project NUC 50) for Miramar Road are designed to relieve the existing and Community Plan buildout traffic congestion along this roadway.

In addition to measuring road segment conditions based upon road capacity and existing daily traffic volumes, road congestion is also measured by looking at peak hour traffic volumes, particularly along major arterials where congestion is often a reflection of the traffic flow through signalized intersections along the arterial. The County of San Diego Congestion Management Plan (CMP) identifies La Jolla Village Drive and Miramar Road as major arterials and requires that a peak hour analysis be performed for these arterials if there is a potential for a project to impact the flows. A CMP peak hour arterial segment analysis was performed by Darnell & Associates (Table 5 in Appendix C). The analysis concluded that the segments of La Jolla Village Drive and Miramar Road in the vicinity of the project site (Genesee Avenue to Camino Santa Fe) operated at LOS C or better in both the eastbound and westbound directions during the AM and PM peak hours.

□ **I-805 Freeway Segments**

I-805 is located approximately 700 feet east of the project site. I-805 is an eight-lane freeway that provides a regional link between the US/Mexico border and Sorrento Valley; I-805 trends parallel to and east of I-5. Immediately east of the project site, I-805 provides access to and from La Jolla Village Drive via a full diamond and full cloverleaf interchange. Freeway performance and level of service is measured based upon peak hour capacity. The existing daily volumes on I-805, in proximity to the Proposed Project, are summarized in Table 4.4-2. As can be seen in Table 4.4-2, I-805 is operating at LOS E north of La Jolla Village Drive and LOS F south of La Jolla Village Drive during peak hour operation.

□ **Intersection Conditions**

A total of thirteen intersections were evaluated for their existing conditions to compare with post-project conditions and to determine the potential for significant impacts. Figure 4.4-3 shows the existing intersection geometrics for the thirteen intersections evaluated. As shown in Table 4.4-3, all intersections in the project vicinity are operating at LOS D or better, with the exception of the Eastgate Mall/Miramar Road intersection which currently is operating at LOS F during the PM peak hour. Delays at this intersection exceed 3½ minutes. Two FBA projects [NUC-50 and NUC-34] are planned which will add an additional westbound lane on Miramar Road and an additional southbound left-turn lane on Eastgate Mall.

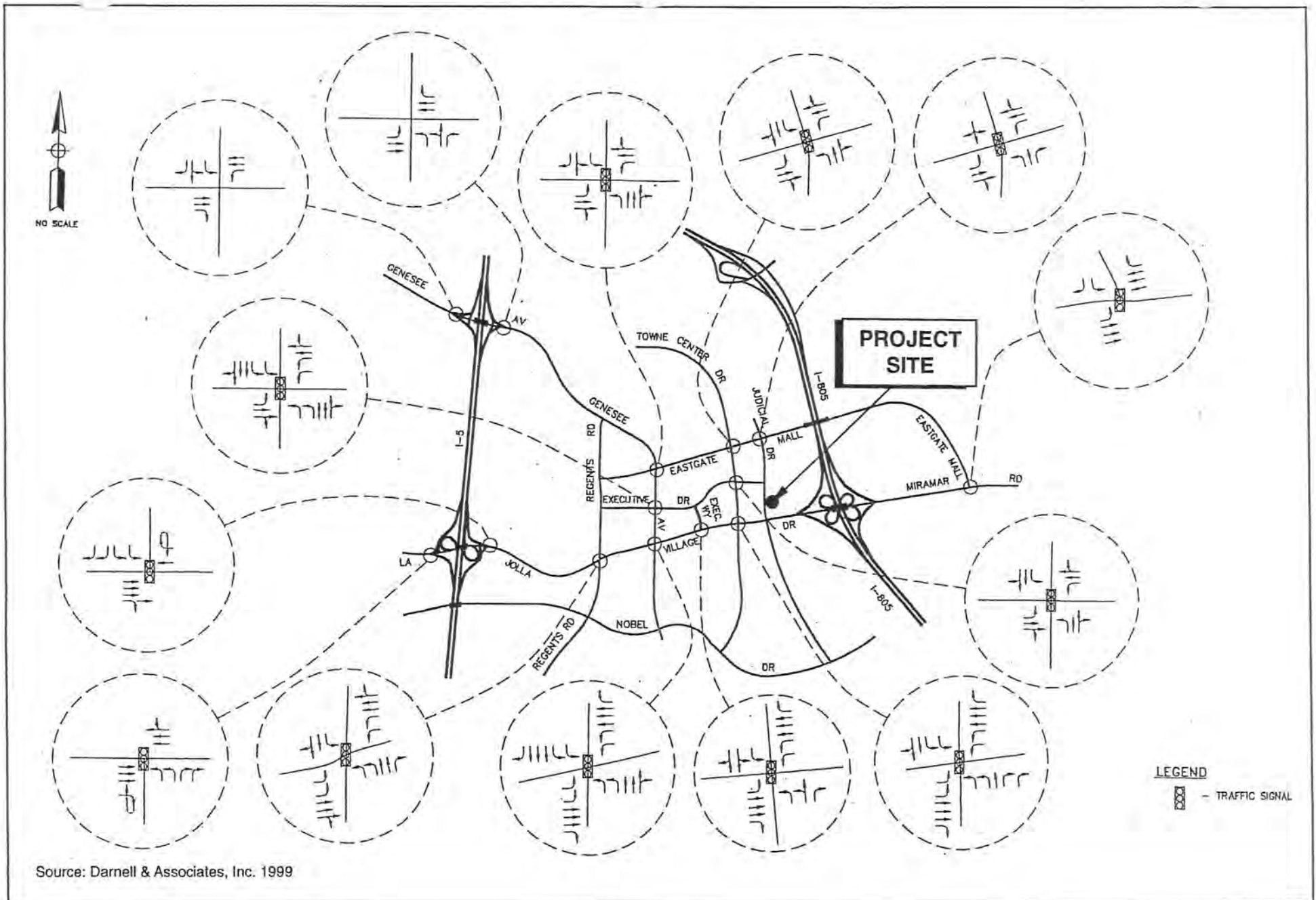


Figure 4.4-3
EXISTING INTERSECTION GEOMETRICS

Table 4.4-2
EXISTING FREEWAY SEGMENT VOLUMES AND LOS SUMMARY

Route	Limits	Number of Lanes	Capacity	ADT	Peak Hour %	Direction Split %	Truck Factor %	V/C Ratio	LOS
I-805	North of La Jolla Village Dr.	4	8,800	162,900	8.60	60.0	5.1	1.004	E
	South of La Jolla Village Dr.	4	8,800	185,800	8.60	60.0	5.1	1.145	F(0)
	South of Nobel Dr.	4	8,800	185,000	8.60	60.0	5.1	1.145	F(0)
	South of Governor Dr.	4	8,800	191,000	8.60	60.0	5.1	1.178	F(0)

Lanes - Number of lanes in one direction; HOV-High Occupancy Lanes.

Capacity - Capacity in one direction.

ADT - Average Daily Traffic.

Peak Hour % - Percentage of average daily traffic occurring during the peak hour.

Direction Split % - Percentage of peak hour traffic traveling in peak direction.

Truck Factor % - Truck/terrain factor to represent influence of heavy vehicles and/or grades.

V/C Ratio - Volume to Capacity Ratio.

LOS - Caltrans District 11 procedure was used to estimate the freeway level of service. Designations vary from A to F, with four levels of LOS F from F(0) to F(3).

Table 4.4-3
SUMMARY OF EXISTING TRAFFIC INTERSECTION LOS

INTERSECTION	AM PEAK		PM PEAK	
	Delay (sec./veh.)	LOS	Delay (sec./veh.)	LOS
Eastgate Mall				
- Genesee Ave.	24.6	C	22.9	C
- Towne Center Dr.	19.4	C	21.5	C
- Judicial Dr.	5.8	B	5.5	B
- Miramar Rd.	9.2	B	216.2	F

Table 4.4-3 (cont.)

INTERSECTION	AM PEAK		PM PEAK	
	Delay (sec./veh.)	LOS	Delay (sec./veh.)	LOS
Executive Drive				
- Genesee Ave.	18.4	C	19.5	C
- Towne Center Dr.	11.4	B	12.5	B
- Judicial Dr.	N/A	N/A	N/A	N/A
La Jolla Village Drive				
- I-5 Southbound Ramps	5.3	B	4.0	A
- I-5 Northbound Ramps	6.8	B	4.7	A
- Regents Rd.	26.0	D	31.6	D
- Genesee Ave.	26.5	D	26.7	D
- Executive Way	14.4	B	17.5	C
- Towne Center Dr.	21.6	C	25.6	D

sec./veh. - Delay is measured in seconds per vehicle.

N/A - not applicable

☐ **I-805 Interchange Conditions**

Interchange conditions at La Jolla Village Drive/Miramar Road/I-805 were determined based upon three different analyses: (1) Assuming a Caltrans Flow Rate methodology; (2) Assuming a uniform 15-minute maximum delay methodology used by the City; and (3) Field observations during the PM peak hour. In all three analyses, the current vehicle demand exceeds the flow rate at the metered eastbound to southbound on-ramp in both the AM and PM peak hours. (Refer to Tables 8 and 9 in Appendix C for the specific results of each analysis.)

4.4.2 Impact Analysis

Issue 1: *Would the proposed project result in an increase in projected traffic which is substantial in relation to the capacity of the existing street and freeway systems?*

For the purposes of this EIR, significant traffic impacts are based upon thresholds of significance identified in the City of San Diego Traffic Impact Study Manual (July 1998). The following thresholds in Table 4.4-4 are based upon an acceptable increase in the V/C ratio for roadway segments and an increase in seconds of delay for signalized intersections. The acceptable LOS standard for roadways and intersections in San Diego is LOS D; however, for undeveloped locations, the goal is to achieve an LOS C. The LOS D standard applies to the urban, developed setting of the Proposed Project. If a proposed project's traffic impacts exceed the values shown in the Table, then the impacts are deemed "significant" if the segment or intersection is projected to operate at LOS E or F. An increase in delay or V/C ratio would not be significant if the segment or intersection continues to operate at LOS D or better. For significant impacts, the project applicant shall

provide “feasible measures” to bring the facility back to the level held by the facility prior to the project’s traffic impacts.

Table 4.4-4
SIGNIFICANT TRANSPORTATION IMPACT MEASURE

LEVEL OF SERVICE WITH PROJECT	ALLOWABLE INCREASE DUE TO PROJECT IMPACTS*	
	Intersections Delay (seconds)	Roadway Segments Volume/Capacity (V/C)
A	N/A	0.10
B	6	0.06
C	4	0.04
D	2	0.02
E	2	0.02
F	2	0.02

*An increase in delay or V/C ratio would not be significant if the segment or intersection continues to operate at LOS D or better.

Source: City of San Diego Traffic Impact Study Manual, July 1998.

❑ Project Trip Generation

The Proposed Project is projected to generate approximately 10,319 ADT; an estimated 1,093 trips during the AM peak hour (inbound and outbound) and 1,212 trips during the PM peak hour (inbound and outbound). The projected trip generation volumes are based upon factors within the City of San Diego Trip Generation Manual (1998), provided in Table 10 of Appendix C. Table 4.4-5 provides the number of trips generated by each component of the project, as well as the break down for AM and PM peak hour trips.

The projected 10,319 trips exceed the *University Community Plan* buildout traffic conditions by 6,508 trips. However, as discussed in Section 3.0 Project Description and Section 4.1 Land Use, the Proposed Project includes a transfer of ADTs from the Regents Park Project to the Project site by means of a CPA to the University Community Plan. ~~a Transfer of Development Rights (TDR), as permitted in the University Community Plan Development Intensity Element.~~ The Regents Park Project (located in Subarea #24 of the Development Intensity Element) has an excess of 8,000 ADTs which can be transferred to the Proposed Project site. The Proposed Project would utilize 6,508 trips from the 8,000 ADT available. With the transfer of trips, the Proposed Project would not increase the number of vehicle trips projected under Community Plan buildout conditions and would use less ADT than are available. (This data is relevant for Trip Generation, Buildout Conditions and the Issue 2 impact analysis.)

**Table 4.4-5
TRIP GENERATION CALCULATION SUMMARY AND COMPARISON**

TRIP GENERATION FOR THE PROPOSED PROJECT				
Land Use	Total Units	Daily Trips	AM Peak Hour Trips (In:Out)	PM Peak Hour Trips (In:Out)
Hotel	325 Rooms	3,250	195 (117:78)	260 (156:104)
Scientific Research & Development	40,000 sq. ft.*	845	136 (122:14)	119 (1:107)
Commercial Office	450,000 sq. ft.	5,264	685 (617:68)	737 (147:590)
Condominiums	120 Dwelling Units	960	77 (15:62)	96 (67:29)
TOTAL TRIPS		10,319	1,093 (871:222)	1,212 (382:830)
TRIP GENERATION FOR UNIVERSITY COMMUNITY PLAN				
Land Use	Daily Trip Generation	Total Units	Daily Trips	
University Community Plan				
• Visitor Commercial	258 Trips/Acre	9.39 Acres	2,423	
• Scientific & Research Uses	17 Trips/Acre	7.5 Acres	1,388	
TOTAL TRIPS			3,811	
DAILY TRIP GENERATION DIFFERENCE (La Jolla Commons Project – Community Plan)			6,508	
TRANSFER OF <u>ADTs</u> DEVELOPMENT RIGHTS (from Regents Park Project)			6,508	
NET INCREASE IN COMMUNITY PLAN ADT			0	

*The Scientific Research building is currently proposed to be 30,000 sq. ft.; these calculations provide a worse-case analysis.

☐ **Project Trip Distribution**

The Proposed Project includes the construction of Judicial Drive from its current terminus at Executive Drive south to the proposed tunnel under La Jolla Village Drive. The Proposed Project does not include the extension of Judicial Drive south to Nobel Drive; however, this extension is planned in the Community Plan Circulation Element and is anticipated to be constructed in the near-term as part of other pending projects in the community. Since the timing of the extension is unknown, the traffic impact analysis evaluates project trip distribution to the local circulation system assuming both scenarios; with and without the extension of Judicial Drive from La Jolla Village Drive to Nobel Drive. The Proposed Project trip distribution and the

associated daily traffic volumes for area roadway segments for the estimated 10,319 average daily trips is shown in Figures 4.4-4 through 4.4-7 for both scenarios.

□ **Near-Term Conditions (2001)**

Projected traffic volumes and the potential for impacts to the surrounding circulation system were determined for the near-term and long-term. Near-term conditions are those anticipated when the Proposed Project construction is complete and vehicle trips are being generated from the proposed land uses. The near-term conditions are estimated for the year 2001 and include vehicle trips from other approved or pending projects and circulation improvements anticipated or under construction. (Refer to Appendix A of the Traffic Study [Appendix C] pages A-44 to A-51 for specific ADTs projected for each of the near-term projects.) Near-term conditions include the following projects and circulation improvements:

- Projects under construction on Town Center Drive, north of Eastgate Mall
- Projects under construction on Town Center Drive, between Executive Drive and Eastgate Mall (Sun Road Corporate Center, Gensia Center, Nexus University Center I & II, Nexus Center UTC, and the Hamann Center)
- Nobel Research Park and La Jolla Crossroads Phase I
- Nobel Drive extension from its existing terminus (at Shoreline Drive) east to Miramar Road, including the half-diamond interchange at I-805

In addition to the Nobel Drive circulation improvements, Judicial Drive is proposed to be extended from La Jolla Village Drive south to Nobel Drive. As discussed in Section 4.4.1, the Proposed Project includes the construction of Judicial Drive south to La Jolla Village Drive; however, it does not include the construction of the planned tunnel under La Jolla Village Drive or the extension south to Nobel Drive. Since the timing of this improvement is currently unknown and is tied to the approval and implementation of other projects located south of La Jolla Village Drive, this near-term analysis looks at the proposed project impacts with and without the extension of Judicial Drive to Nobel Drive.

In order to evaluate the Proposed Project's contribution to the traffic conditions, the near-term projections evaluate conditions both with and without the Proposed Project.

Long-term, future traffic conditions are addressed following this analysis under the heading Buildout Conditions (2020).

Near-Term Without Judicial Drive Extension

Road Segments. The near-term traffic conditions on road segments are shown in Table 4.4-6 for conditions expected both with and without the Proposed Project. The Table also provides the existing ADTs and levels of service for comparison. As shown in Table 4.4-6, the near-term traffic conditions without the Proposed Project are similar to the existing conditions. Most segments remain at their current LOS and near-term conditions would not reduce any of the road segments to below LOS D. The existing failing segments on Miramar Road and on La Jolla Village Drive east of Towne Center Drive would remain at LOS F, even with the implementation of the new interchange. The near-term conditions with the Proposed Project are also similar; no segments are

Table 4.4-6
ROADWAY SEGMENT LOS SUMMARY NEAR-TERM WITH AND WITHOUT
THE PROPOSED PROJECT WITHOUT JUDICIAL DRIVE EXTENSION

SEGMENT	EXISTING		NEAR-TERM WITHOUT PROJECT		NEAR-TERM WITH PROJECT		
	ADT	LOS	ADT	LOS	ADT	LOS	V/C Ratio Increase
Genesee Ave.							
- East of I-5	30,600	B	31,026	B	31,439	B	0.00
- North of Eastgate Mall	29,500	B	27,027	B	27,749	B	0.01
Eastgate Mall							
- West of Towne Center Dr.	12,806	A	18,391	B	19,526	B	0.03
- East of Towne Center Dr.	7,941	B	11,520	C	12,758	C	0.05
- East of Judicial Dr.	7,941	B	11,924	C	13,162	C	0.04
- East of I-805	10,100	D	11,224	D	12,462	D	0.08
Executive Dr.							
- West of Towne Center Dr.	4,200	A	1,322	A	1,941	A	0.02
- East of Towne Center Dr.	2,115	A	4,157	A	11,793	A	0.19
La Jolla Village Dr.							
- East of I-5	47,500	C	42,742	C	43,568	C	0.02
- West of Genesee Ave.	44,900	C	38,928	C	40,269	C	0.02
- West of Towne Center Dr.	45,516	C	44,939	C	47,209	C	0.04
- East of Towne Center Dr.	67,477	F	67,000	F	70,715	F	0.06
Miramar Rd.							
- West of Eastgate Mall	62,981	F	70,383	F	70,486	F	0.00
- East of Eastgate Mall	68,000	F	65,904	F	67,245	F	0.02
- West of Camino Santa Fe	68,000	F	68,346	F	69,584	F	0.02
Nobel Dr.							
- West of Interstate 805	N/A	N/A	16,148	A	16,148	A	0.00
Towne Center Dr.							
- South of Executive Dr.	11,200	A	19,073	B	25,884	C	0.17
- South of La Jolla Village Dr.	22,400	C	21,294	C	22,120	C	0.02
Judicial Dr.							
- North of Executive Dr.	753	A	3,728	A	6,411	A	0.07
- South of Executive Dr.	N/A	N/A	N/A	N/A	2,580	A	-
- North of Nobel Dr.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

N/A - not applicable

Bold number – significantly impacted roadway segment.

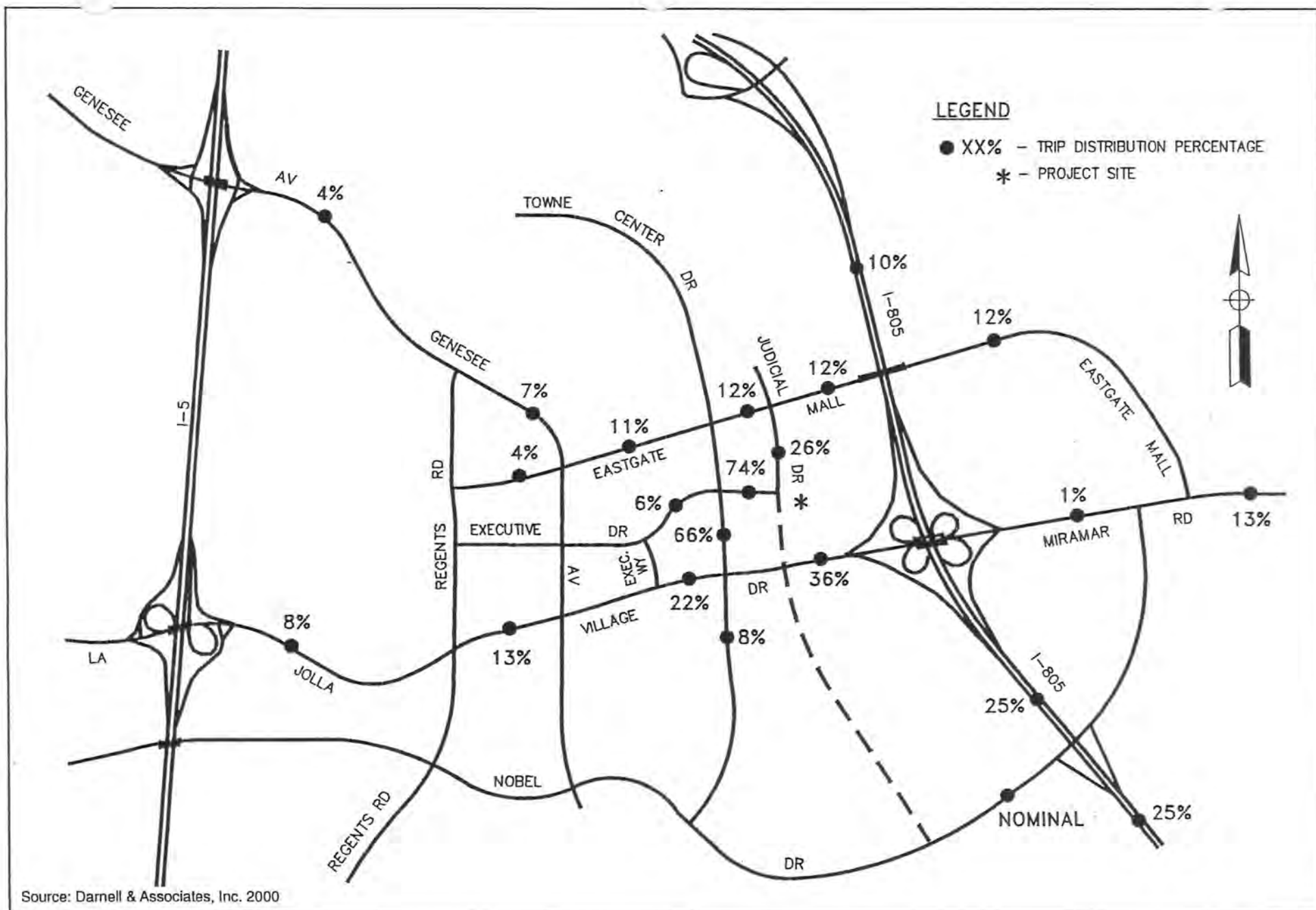


Figure 4.4-6
PROJECT TRIP DISTRIBUTION (WITHOUT JUDICIAL DRIVE EXTENSION)

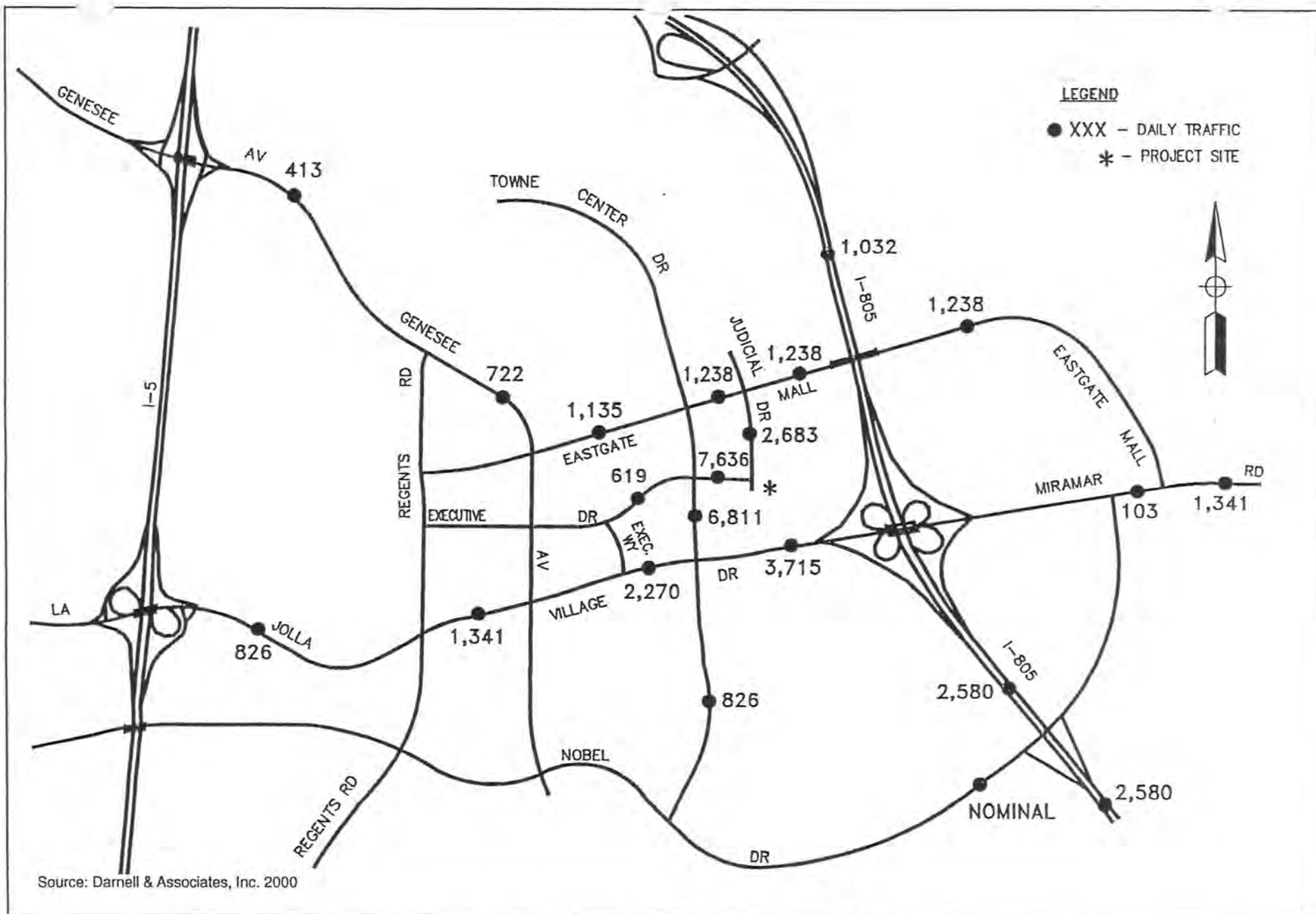


Figure 4.4-7
PROJECT RELATED DAILY TRAFFIC VOLUMES (WITHOUT JUDICIAL DRIVE)

reduced to below LOS D and the existing failing segments remain at LOS F. While the traffic volumes on five of the road segments would exceed the V/C ratio increase according to the criteria in Table 4.4-4, the Proposed Project traffic does not change the LOS for area segments to below LOS D. The only projected significant roadway segment impact under this scenario is to the segment of La Jolla Village Drive east of Towne Center Drive.

I-805 Freeway Segments. The I-805 freeway segments in proximity to the Proposed Project are projected to worsen with implementation of near-term development projects, with and without the Proposed Project traffic. Table 4.4-7 provides a comparison of the existing conditions to the near-term conditions. The segments of I-805 in the study area are projected to continue to fail, with or without the Proposed Project.

Intersections. With the addition of near-term project traffic and the extension of Nobel Drive to Miramar Road, the intersection of Eastgate Mall and Miramar Road continues to operate at LOS F, with or without the Proposed Project (Table 4.4-8). The intersection delay increases by approximately 81 seconds without the Proposed Project, and by approximately 118 seconds (almost two minutes) with the Proposed Project during the PM peak hour. The increase in delay at this intersection is considered significant. The intersection of Executive Drive and Towne Center Drive is projected to experience an increase in delay of 9.8 seconds (with the Proposed Project) which is above the established threshold; however, the intersection does not deteriorate to below LOS D and therefore is not considered a significant impact.

I-805 Interchange. The near-term traffic conditions with and without the Proposed Project results in an improvement at the I-805 interchange eastbound La Jolla Village Drive to southbound on-ramp. This improvement is due to the new interchange at I-805 and Nobel Drive. Some of the vehicle trips accessing southbound I-805 would be able to use the Nobel Drive southbound on-ramp instead of the La Jolla Village Drive on-ramp. The Proposed Project trips would increase the delay time at the eastbound La Jolla Village Drive to southbound on-ramp; however, the project's contribution is not considered significant as the total delay does not exceed the City's maximum acceptable delay of 15 minutes.

Near-term With Judicial Drive Extension

Road Segments. The near-term traffic conditions on road segments are shown in Table 4.4-9 for conditions expected both with and without the Proposed Project. The Table also provides the existing ADTs and levels of service for comparison. As shown in Table 4.4-9, the near-term traffic conditions without the Proposed Project are similar to the existing conditions; however, the segment of Towne Center Drive south of La Jolla Village Drive improves from LOS C to LOS B due to the addition of Judicial Drive. Most segments remain at their current LOS and near-term conditions would not reduce any of the road segments to below LOS D. The existing failing segments on Miramar Road and on La Jolla Village Drive east of Towne Center Drive would remain at LOS F. The extension of Judicial Drive would not help to alleviate those conditions. The near-term conditions with the Proposed Project are also similar; no segments are reduced to below LOS D and the existing failing segments remain at LOS F. While the traffic volumes on five of the road segments would increase above the threshold criteria in Table 4.4-4, the Proposed Project traffic does not change the LOS for area segments to below LOS D. Four of the five segments experiencing increases in V/C ratios are projected to remain at LOS D or better. These impacts are thus not considered significant. The road segment of La Jolla Village Drive east of Towne Center Drive

Table 4.4-7
I-805 FREEWAY SEGMENT VOLUMES AND LOS SUMMARY NEAR-TERM
WITH AND WITHOUT THE PROPOSED PROJECT WITHOUT JUDICIAL DRIVE EXTENSION

ROUTE	LIMITS	EXISTING CONDITIONS			NEAR-TERM WITHOUT PROJECT			NEAR-TERM WITH PROJECT				
		ADT	V/C Ratio	LOS	ADT	V/C Ratio	LOS	ADT	V/C Ratio	LOS	V/C Ratio Increase	Significant Increase
I- 805	North of La Jolla Village Dr.	162,900	1.004	E	183,143	1.129	F(0)	184,175	1.135	F(0)	0.006	No
	South of La Jolla Village Dr.	185,800	1.145	F(0)	190,183	1.172	F(0)	192,763	1.188	F(0)	0.016	Yes
	South of Nobel Dr.	185,800	1.145	F(0)	223,061	1.375	F(2)	225,641	1.391	F(2)	0.016	Yes
	South of Governor Dr.	191,200	1.178	F(0)	226,661	1.397	F(2)	229,034	1.411	F(2)	0.014	Yes

ADT - Average Daily Traffic

V/C Ratio - Volume to Capacity Ratio

LOS - Caltrans District 11 procedure was used to estimate the freeway level of service. Designations vary from A to F, with four level of LOS F from F(0) to F(3).

Significance is based on an increase in V/C ratio of more than one percent (0.01), applied to freeway segments operating at LOS E or F.

**Table 4.4-8
SUMMARY OF INTERSECTION LOS NEAR-TERM
WITH AND WITHOUT THE PROPOSED PROJECT WITHOUT JUDICIAL DRIVE EXTENSION**

INTERSECTION	EXISTING CONDITIONS DELAY/LOS		NEAR-TERM W/O PROJECT DELAY/LOS		NEAR-TERM W/PROJECT DELAY/LOS			
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	Delay Increase	PM Peak	Delay Increase
Eastgate Mall @ - Genesee Ave. - Towne Center Dr. - Judicial Dr. - Miramar Rd.	24.6/C 19.4/C 5.8/B 9.2/B	22.9/C 21.5/C 5.5/B 216.2/F	29.4/D 19.8/C 5.9/B 9.5/B	26.2/D 22.3/C 5.6/B 297.5/F	29.7/D 20.0/C 6.0/B 9.6/B	0.3 0.2 0.1 0.1	27.3/D 22.6/C 5.9/B 334.5/F	1.1 0.3 0.3 37.0
Executive Dr. @ - Genesee Ave. - Towne Center Dr. - Judicial Dr.	18.4/C 11.4/B N/A	19.5/C 12.5/B N/A	18.7/C 13.4/B N/A	20.1/C 18.6/C N/A	18.8/C 20.2/C 11.9/B	0.1 6.8 -	20.2/C 28.4/D 11.8/B	0.1 9.8 -
La Jolla Village Dr. @ - I-5 SB Ramps - I-5 NB Ramps - Regents Rd. - Genesee Ave. - Executive Way - Towne Center Dr.	5.3/B 6.8/B 26.0/D 26.5/D 14.4/B 21.6/C	4.0/A 4.7/A 31.6/D 26.7/D 17.5/C 25.6/D	5.2/B 6.1/B 24.8/C 24.5/C 13.1/B 22.8/C	4.6/A 4.5/A 28.0/D 25.7/D 16.8/C 27.4/D	5.2/B 6.6/B 25.0/C 24.8/C 13.7/B 26.0/D	0.0 0.5 0.2 0.3 0.6 3.2	4.7 4.6 28.9 25.9 18.8 29.0	0.1 0.1 0.9 0.2 2.0 1.6

Delay - measured in seconds per vehicle.
N/A - not applicable
Bold number – significantly impacted intersection.

would remain at LOS F; therefore, the increase in V/C ratio is considered significant. (This segment is highlighted in bold in Table 4.4-9.)

<p>Table 4.4-9 ROADWAY SEGMENT LOS SUMMARY NEAR-TERM WITH AND WITHOUT THE PROPOSED PROJECT WITH JUDICIAL DRIVE EXTENSION</p>							
SEGMENT	EXISTING		NEAR-TERM WITHOUT PROJECT		NEAR-TERM WITH PROJECT		
	ADT	LOS	ADT	LOS	ADT	LOS	V/C Ratio Increase
Genesee Ave.							
- East of I-5	30,600	B	30,807	B	31,220	B	0.00
- North of Eastgate Mall	29,500	B	27,596	B	28,318	B	0.01
Eastgate Mall							
- West of Towne Center Dr.	12,806	A	19,972	B	21,107	C	0.03
- East of Towne Center Dr.	7,941	B	13,932	C	15,170	C	0.05
- East of Judicial Dr.	7,941	B	12,967	C	13,483	C	0.02
- East of I-805	10,100	D	12,367	D	12,883	D	0.04
Executive Dr.							
- West of Towne Center Dr.	4,200	A	2,536	A	3,052	A	0.02
- East of Towne Center Dr.	2,115	A	6,431	A	12,106	A	0.14
La Jolla Village Dr.							
- East of I-5	47,500	C	42,248	C	43,074	C	0.02
- West of Genesee Ave.	44,900	C	37,640	C	38,981	C	0.02
- West of Towne Center Dr.	45,516	C	42,285	C	44,555	C	0.04
- East of Towne Center Dr.	67,477	F	63,708	F	65,978	F	0.04
Miramar Rd.							
- West of Eastgate Mall	62,981	F	68,374	F	69,200	F	0.01
- East of Eastgate Mall	68,000	F	64,236	F	65,577	F	0.02
- West of Camino Santa Fe	68,000	F	66,680	F	67,918	F	0.02
Nobel Dr.							
- West of I-805	N/A	N/A	21,211	A	23,378	A	0.04
Towne Center Dr.							
- South of Executive Dr.	11,200	A	20,447	B	25,607	C	0.13
- South of La Jolla Village Dr.	22,400	C	15,831	B	16,450	B	0.01
Judicial Dr.							
- North of Executive Dr.	753	A	6,687	A	8,544	A	0.04
- South of Executive Dr.	N/A	N/A	9,718	A	12,504	A	0.07
- North of Nobel Dr.	N/A	N/A	12,099	A	14,266	A	0.06

N/A - not applicable

Bold number – significantly impacted roadway segment.

I-805 Freeway Segments. The I-805 freeway segments in proximity to the Proposed Project are projected to worsen with implementation of near-term development projects with and without the Proposed Project traffic. Table 4.4-10 provides a comparison of the existing conditions to the near-term conditions with and without Proposed Project trips. The addition of near-term projects, without the Proposed Project, results in a significant impact to I-805 north of La Jolla Village Drive. The Proposed Project would not significantly impact this segment; however, it would significantly increase the V/C ratio on the I-805 segments south of Nobel Drive and south of Governor Drive, as shown in Table 4.4-10.

Intersections. With the addition of near-term project traffic and the extension of Judicial Drive to Nobel Drive, the intersections in the project study area would continue to operate at LOS D or better, with the exception of the intersection of Eastgate Mall and Miramar Road which would remain at LOS F (Table 4.4-11). The near-term traffic, without the Proposed Project, results in a significant increase in delay at several intersections; however, the most significant increase is seen at the intersection of Eastgate Mall and Miramar Road where the delay is projected to increase by 225 seconds (3 3/4 minutes) during the PM peak hour. The addition of Proposed Project traffic increases the delay by an additional 26 seconds, also considered significant (Table 4.4-11). Two other intersections experience an increase in delay with the Proposed Project traffic; however, this increase is not considered significant since the LOS is C.

I-805 Interchange. The near-term traffic conditions without the Proposed Project results in an increase in delay time and queue length at the eastbound to northbound on-ramp to I-805 during the PM peak; however, the delay is not considered significant (Table 25, Appendix C). The addition of Project traffic to near-term traffic results in a significant increase in the delay at the eastbound to southbound on-ramp to I-805 from La Jolla Village Drive. The delay would increase from 13 minutes to 17 minutes, thus exceeding the 15 minute delay identified by the City as unacceptable.

❑ **Buildout Conditions (2020)**

The buildout of the University Community is based upon the land use designations and the Circulation Element improvements identified within the *University Community Plan*. Buildout for this community is estimated for year 2020. In addition to the anticipated growth within the University Community, regional traffic is projected based upon SANDAG's growth projections which were obtained from their Series 9 Transportation Forecasting Model. Circulation Element improvements assumed for the buildout conditions include the following:

- La Jolla Village Drive/Miramar Road is widened from six to eight lanes on both sides of I-805
- Reconfiguration of the I-805 interchange
- Regents Road is extended to Governor Drive
- Eastgate Mall is widened to a four-lane Collector road
- Judicial Drive is extended south to Nobel Drive
- I-805 is widened to include two HOV lanes (one northbound and one southbound)

**Table 4.4-10
I-805 FREEWAY SEGMENT VOLUMES AND LOS SUMMARY NEAR-TERM
WITH AND WITHOUT THE PROPOSED PROJECT WITH JUDICIAL DRIVE EXTENSION**

ROUTE	LIMITS	EXISTING CONDITIONS			NEAR-TERM WITHOUT PROJECT			NEAR-TERM WITH PROJECT				
		ADT	V/C Ratio	LOS	ADT	V/C Ratio	LOS	ADT	V/C Ratio	LOS	V/C Ratio Increase	Significant Increase
I- 805	North of La Jolla Village Dr.	162,900	1.004	E	183,458	1.131	F(0)	184,490	1.137	F(0)	0.006	No
	South of La Jolla Village Dr.	185,800	1.145	F(0)	190,183	1.172	F(0)	190,596	1.175	F(0)	0.003	No
	South of Nobel Dr.	185,800	1.145	F(0)	222,330	1.370	F(2)	224,910	1.386	F(2)	0.016	Yes
	South of Governor Dr.	191,200	1.178	F(0)	225,930	1.392	F(2)	228,303	1.407	F(2)	0.015	Yes

ADT - Average Daily Traffic

V/C Ratio - Volume to Capacity Ratio

LOS - Caltrans District 11 procedure was used to estimate the freeway level of service. Designations vary from A to F, with four level of LOS F from F(0) to F(3).

Significance is based on an increase in V/C ratio of more than one percent (0.01), applied to freeway segments operating at LOS E or F.

Table 4.4-11
SUMMARY OF INTERSECTION LOS NEAR-TERM
WITH AND WITHOUT THE PROPOSED PROJECT WITH JUDICIAL DRIVE EXTENSION

INTERSECTION	EXISTING CONDITIONS DELAY/LOS		NEAR-TERM W/O PROJECT DELAY/LOS		NEAR-TERM W/PROJECT DELAY/LOS			
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	Delay Increase	PM Peak	Delay Increase
Eastgate Mall @ - Genesee Ave. - Towne Center Dr. - Judicial Dr. - Miramar Rd.	24.6/C 19.4/C 5.8/B 9.2/B	22.9/C 21.5/C 5.5/B 216.2/F	28.4/D 19.7/C 10.9/B 13.9/B	26.4/D 21.5/C 11.2/B 441.5/F	29.0/D 19.9/C 11.0/B 14.4/B	0.6 0.2 0.1 0.5	28.1/D 21.9/C 12.3/B 467.9/F	1.7 0.4 1.1 26.4
Executive Dr. @ - Genesee Ave. - Towne Center Dr. - Judicial Dr.	18.4/C 11.4/B N/A	19.5/C 12.5/B NA	18.6/C 13.0/B 7.8/B	19.9/C 16.6/C 8.4/B	18.7/C 15.4/C 11.2/B	0.1 2.4 3.4	20.0/C 21.8/C 12.6/B	0.1 5.2 4.2
La Jolla Village Dr. @ - I-5 SB Ramps - I-5 NB Ramps - Regents Rd. - Genesee Ave. - Executive Way - Towne Center Dr.	5.3/B 6.8/B 26.0/D 26.5/D 14.4/B 21.6/C	4.0/A 4.7/A 31.6/D 26.7/D 17.5/C 25.6/D	5.2/B 6.3/B 24.8/C 26.3/D 13.5/B 24.8/C	4.6/A 4.5/A 28.2/D 27.4/D 20.6/C 27.7/D	5.2/B 6.6/B 25.0/C 27.0/D 15.0/B 26.0/D	0.0 0.5 0.2 0.7 1.5 1.2	4.7/A 4.7/A 29.2/D 28.2/D 24.9/C 28.8/D	0.1 0.2 1.0 0.8 4.3 1.1
Nobel Dr. @ - Judicial Dr. - I-805 SB On-ramp - I-805 NB Off-ramp	NA NA NA	NA NA NA	7.0/B 3.0/A 6.3/B	8.7/B 3.8/A 5.8/B	7.5/B 3.0/A 6.3/B	0.5 0.0 0.0	9.2/B 4.3/A 5.8/B	0.5 0.5 0.0

N/A - not applicable.

Bold number – significantly impacted intersection.

For the buildout conditions, the I-805/La Jolla Village Drive/Miramar Road interchange reconfiguration was assumed to include the following, as outlined on page 20 of Caltrans' October 1995 Project Report.

- The existing interchange would be converted from a full-cloverleaf configuration to a partial-cloverleaf configuration requiring the widening of the La Jolla Village Drive overcrossing structure
- The I-805 northbound and southbound off-ramp connections to La Jolla Village Drive/Miramar Road would be signalized
- All freeway on ramps from La Jolla Village Drive and Miramar Road would be metered

Road Segments

The traffic conditions on road segments in the vicinity of the Proposed Project are projected to operate at LOS D or better, with and without the Proposed Project traffic, as shown in Table 4.4-12. The Circulation Element and I-805 interchange improvements planned in the project study area will improve traffic conditions over the near-term scenario discussed previously. The addition of Proposed Project traffic to road segments would result in an increase in the projected volume to capacity ratio on four road segments; however, none of the segments would operate at worse than LOS D and therefore the impact is not considered significant.

<p>Table 4.4-12 BUILDOUT SEGMENT LOS SUMMARY WITH AND WITHOUT THE PROPOSED PROJECT</p>								
SEGMENT	DESIGN CAPACITY*	BUILDOUT WITHOUT PROPOSED PROJECT			BUILDOUT WITH PROPOSED PROJECT			
		ADT	V/C Ratio	LOS	ADT	V/C Ratio	LOS	V/C Ratio Increase
Genesee Ave. - East of I-5 - North of Eastgate Mall	60,000 60,000	41,465 27,609	0.69 0.46	C B	41,878 28,331	0.70 0.47	C B	0.01 0.01
Eastgate Mall - West of Towne Center Dr. - East of Towne Center Dr. - East of Judicial Dr. - East of I-805	40,000 30,000 30,000 30,000	19,831 11,589 13,886 13,686	0.50 0.39 0.46 0.46	B C C C	20,966 12,827 14,402 14,202	0.52 0.43 0.48 0.47	B C C C	0.02 0.04 0.02 0.01
Executive Dr. - West of Towne Center Dr. - East of Towne Center Dr.	30,000 40,000	3,562 6,431	0.12 0.16	A A	4,078 12,106	0.14 0.30	A A	0.02 0.14
La Jolla Village Dr. - East of I-5 - West of Genesee Ave. - West of Towne Center Dr. - East of Towne Center Dr.	60,000 60,000 60,000 70,000	48,723 43,635 44,972 65,244	0.81 0.73 0.75 0.93	C C C D	49,549 44,976 47,242 67,514	0.83 0.75 0.79 0.96	C C C D	0.02 0.02 0.04 0.03
Miramar Road - West of Eastgate Mall - East of Eastgate Mall - West of Camino Santa Fe	70,000 70,000 70,000	60,776 55,638 60,844	0.87 0.79 0.87	D D D	61,602 56,979 62,082	0.88 0.81 0.89	D D D	0.01 0.02 0.02
Nobel Dr. - West of I-805	60,000	39,162	0.65	C	41,329	0.69	C	0.04
Towne Center Dr. - South of Executive Dr - South of La Jolla Village Dr.	40,000 40,000	24,201 20,879	0.61 0.52	C B	29,361 21,498	0.73 0.54	C C	0.12 0.02
Judicial Dr. - North of Executive Dr. - South of Executive Dr. - North of Nobel Dr.	40,000 40,000 40,000	13,932 13,963 22,331	0.35 0.35 0.56	A A C	15,789 16,749 24,498	0.39 0.42 0.61	B B C	0.04 0.07 0.05

*These values represent the daily volume at the upper limit of LOS E per City standards.

I-805 Freeway Segments

Projected freeway volumes on the effected I-805 segments are anticipated to remain congested, with and without the Proposed Project. Table 4.4-13 shows that all segments remain at LOS F, even under buildout conditions with the addition of two HOV lanes.

**Table 4.4-13
BUILDOUT CONDITIONS FOR FREEWAY SEGMENTS
WITH AND WITHOUT THE PROPOSED PROJECT**

ROUTE	LIMITS	BUILDOUT WITHOUT PROPOSED PROJECT			BUILDOUT WITH PROPOSED PROJECT				
		ADT	V/C Ratio	LOS	ADT	V/C Ratio	LOS	V/C Ratio Increase	Significant Increase?
I-805	North of La Jolla Village Dr.	214,340	1.097	F(0)	215,372	1.102	F(0)	0.005	No
	South of La Jolla Village Dr.	203,300	1.040	F(0)	203,713	1.042	F(0)	0.002	No
	North of Nobel Dr.	245,820	1.258	F(1)	248,400	1.271	F(1)	0.013	Yes
	South of Governor Dr.	254,731	1.303	F(1)	257,104	1.315	F(1)	0.012	Yes

ADT - Average Daily Traffic

V/C Ratio - Volume to Capacity Ratio

LOS - Caltrans District 11 procedure was used to estimate the freeway level of service. Designations vary from A to F, with four level of LOS F from F(0) to F(3).

Significance is based on an increase in V/C ratio of more than one percent (0.01), applied to freeway segments operation at LOS E or F.

Intersections

The level of service and anticipated delay at nearby intersections under future buildout conditions is shown in Table 4.4-14. Buildout conditions with and without the Proposed Project show that intersections would operate at LOS D or better. The Proposed Project ADTs are included in the University Community Plan Development Intensity Element (with a TDR of 6,508 trips) and were therefore included in the projections for long-term circulation improvements.

I-805 Interchange

Under future buildout conditions, the I-805 interchange will be significantly congested, with or without the Proposed Project. The Project's contribution to future queue lengths and delays at the eastbound to southbound on-ramp from La Jolla Village Drive is relatively small. The Project is estimated to increase the delay by one and three minutes for the AM and PM peak hours, respectively. The estimated increase in queue length is 81 and 297 meters for the AM and PM peak

Table 4.4-14
SUMMARY OF BUILDOUT INTERSECTION LOS WITH AND WITHOUT THE PROPOSED PROJECT

INTERSECTION	BUILDOUT CONDITIONS WITHOUT PROPOSED PROJECT				BUILDOUT CONDITIONS WITH PROPOSED PROJECT					
	AM Peak		PM Peak		AM Peak			PM Peak		
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay Increase	Delay (sec/veh)	LOS	Delay Increase
Eastgate Mall										
- Genesee Ave.	32.6	D	27.8	D	33.7	D	1.1	29.1	D	1.3
- Towne Center Dr.	20.9	C	22.1	C	21.2	C	0.3	22.6	C	0.5
- Judicial Dr.	14.5	B	17.3	C	15.2	C	0.7	20.7	C	3.4
- Miramar Rd.	12.3	B	16.1	C	12.6	B	0.3	17.2	C	1.1
Executive Dr.										
- Genesee Ave.	18.1	C	17.7	C	18.3	C	0.2	17.8	C	0.1
- Towne Center Dr.	15.8	C	19.5	C	19.0	C	3.2	25.4	D	5.9
- Judicial Dr.	14.5	B	11.8	B	20.1	C	5.6	20.6	C	8.8
La Jolla Village Dr.										
- I- 5 SB Ramps	7.3	B	4.9	A	7.3	B	0.0	4.9	A	0.0
- I- 5 NB Ramps	10.0	B	5.2	B	11.6	B	1.6	5.4	B	0.2
- Regents Rd.	28.6	D	25.5	D	29.2	D	0.6	26.1	D	0.6
- Genesee Ave.	26.4	D	29.9	D	28.6	D	2.2	31.3	D	1.4
- Executive Way	13.0	B	19.9	C	14.6	B	1.6	21.3	C	1.4
- Towne Center Dr.	26.9	D	25.3	D	28.7	D	1.8	29.1	D	3.8
Nobel Dr.										
- Judicial Dr.	8.9	B	10.7	B	9.4	B	0.5	13.3	B	2.6
- I-805 SB On Ramp	4.5	A	6.0	B	4.7	A	0.2	8.1	B	2.1
- I-805 NB Off Ramp	10.4	B	9.1	B	10.2	B	-0.2	9.7	B	0.6

sec./veh. - seconds of delay per vehicle
LOS - Level of Service
N/A - not applicable

hours, respectively. In addition, the eastbound to northbound on-ramp is expected to be impacted by the Proposed Project trips as well, increasing the delay by two minutes and seven minutes for the AM and PM peak hours, respectively (Appendix C). The demands at the interchange will far exceed the flow rate deemed acceptable by the City or Caltrans. The congestion at the interchange will be a function of regional growth and lack of capacity available on the I-805; congestion under buildout conditions is not a direct result of the Proposed Project but rather a cumulative, region-wide growth impact to which the project would contribute.

❑ **CMP Arterials**

The Proposed Project generates more than 2,400 daily trips and more than 200 peak hour trips, exceeding the thresholds identified by the San Diego County Congestion Management Program, requiring an enhanced CMP analysis. A CMP analysis prepared for the Proposed Project, included in Appendix C of this EIR, indicates that all eight CMP arterials evaluated for the Proposed Project would operate at LOS C condition or better under all scenarios analyzed. A summary of the CMP analysis is provided in Table 4.4-15. Therefore, the proposed project would not have a significant cumulative impact to CMP arterials.

❑ **CMP Freeway System**

The Proposed Project traffic, in combination with the listed cumulative projects, would increase the wait time at the southbound and northbound on-ramps from La Jolla Village Drive to I-805, as shown in Table 4.4-16. Due to the high degree of concern for increased wait times at freeway ramps in the University Community Plan area, this increase in wait time is considered cumulatively significant. The ramp congestion is due to the congested condition of the I-805 freeway segments in proximity to the study area. Mitigation to reduce congestion includes the addition of HOV lanes and possible freeway widening. Two HOV lanes are planned for the impacted segments which will reduce the volume to capacity ratio slightly. The HOV lanes are not expected to reduce the impacts to below a level of significance, however, and freeway widening is not considered a feasible mitigation measure due to existing land use constraints. This impact remains a significant and unmitigated, cumulative impact.

❑ **Construction Traffic**

Construction vehicles are necessary for the development of the site and can generally be divided into two categories: heavy and light vehicles. Heavy vehicles include concrete trucks, steel trucks, masonry trucks, and the like. Light construction vehicles are pick-up trucks that construction workers commonly use. Although construction vehicles would periodically disrupt traffic, the impact would be short-term and not of sufficient magnitude to be considered significant.

Significance of Impacts

❑ **Near-Term Conditions (2001)**

Under the near-term conditions without the extension of Judicial Drive, traffic generated by the Proposed Project would result in a significant increase in the V/C ratio on La Jolla Village Drive. The volumes would increase by 6 percent which is considered significant under the City of San Diego thresholds of significance, since this road segment is currently operating at LOS F. This impact can be mitigated by the Project's addition of one lane on La Jolla Village Drive along the project frontage and with full widening of La Jolla Village Drive to eight lanes for the full road segment, per the Circulation Element. In addition, the proposed project would significantly impact the intersection of Miramar Road/Eastgate Mall by increasing the delay

**Table 4.4-15
SUMMARY OF CMP PEAK HOUR ARTERIAL SEGMENTS LOS**

STREET SEGMENT	EXISTING CONDITIONS		NEAR TERM W/O JUDICIAL - WITHOUT PROJECT		NEAR TERM W/O JUDICIAL - WITH PROJECT	
	Eastbound AM/PM Peak Hour LOS	Westbound AM/PM Peak Hour LOS	Eastbound AM/PM Peak Hour LOS	Westbound AM/PM Peak Hour LOS	Eastbound AM/PM Peak Hour LOS	Westbound AM/PM Peak Hour LOS
La Jolla Village Dr. @ -Genesee Ave. to Executive Way -Executive Way to Towne Center Dr. -Towne Center Dr. to Eastgate Mall -Eastgate Mall to Camino Santa Fe	B/B B/B B/B B/B	B/B B/B C/C B/C	A/B A/B B/B C/B	A/B B/B B/C C/D	B/B B/B B/B C/B	A/B B/B C/C C/D
STREET SEGMENT	NEAR TERM WITH JUDICIAL - WITHOUT PROJECT		NEAR TERM WITH JUDICIAL - WITH PROJECT			
	Eastbound AM/PM Peak Hour LOS	Westbound AM/PM Peak Hour LOS	Eastbound AM/PM Peak Hour LOS	Westbound AM/PM Peak Hour LOS		
La Jolla Village Dr. @ -Genesee Ave. to Executive Way -Executive Way to Towne Center Dr. -Towne Center Dr. to Eastgate Mall -Eastgate Mall to Camino Santa Fe	B/B B/B B/B C/C	B/C B/C C/C C/D	B/B B/B B/B C/C	B/C B/C C/C C/D		
STREET SEGMENT	BUILDOUT - W/O PROJECT		BUILDOUT - WITH PROJECT			
	Eastbound AM/ PM Peak Hour LOS	Westbound AM/PM Peak Hour LOS	Eastbound AM/ PM Peak Hour LOS	Westbound AM/PM Peak Hour LOS		
La Jolla Village Drive @ -Genesee Ave to Executive Way -Executive Way to Towne Center Dr. -Towne Center Dr. to Eastgate Mall -Eastgate Mall to Camino Santa Fe	B/B B/B C/C C/C	B/C B/C C/D C/D	B/C B/B C/C C/C	B/C B/C C/D C/D		

Table 4.4-16
SUMMARY OF RAMP METER ANALYSIS (assuming Caltrans flow rate)

LOCATION	PEAK HOUR	EXISTING CONDITIONS				NEAR TERM W/O JUDICIAL - W/O PROJECT				NEAR TERM W/O JUDICIAL - WITH PROJECT				
		Demand	Flow	Excess Demand	Max Delay (Min)	Demand	Flow	Excess Demand	Max Delay (Min)	Demand	Flow	Excess Demand	Max Delay (Min)	Increase in Delay (Min)
EB LJV Dr./SB-I-805 On Ramp	AM	600	562	38	4	250	562	0	0	306	562	0	0	0
	PM	1070	562	508	54	490	562	0	0	698	562	136	15	15
WB LJV Dr./SB-I-805 On Ramp	AM	675	960	0	0	615	960	0	0	615	960	0	0	0
	PM	770	960	0	0	880	960	0	0	880	960	0	0	0
EB LJV Dr./NB-I-805 On Ramp	AM	500	500	0	NA	535	690	0	0	557	690	0	0	0
	PM	600	600	0	NA	648	690	0	0	731	690	41	4	4
WB Miramar Rd/NB I-805 On Ramp	AM	290	290	0	NA	309	246	63	15	309	246	63	15	0
	PM	600	600	0	NA	729	246	483	118	729	246	483	118	0
LOCATION	PEAK HOUR	NEAR TERM WITH JUDICIAL - W/O PROJECT				NEAR TERM WITH JUDICIAL - WITH PROJECT								
		Demand	Flow	Excess Demand	Max Delay (Min)	Demand	Flow	Excess Demand	Max Delay (Min)	Increase in Delay (Min)				
EB La Jolla Village Dr/SB-I-805 On Ramp	AM	551	562	0	0	560	562	0	0	0				
	PM	687	562	125	13	720	562	158	17	4				
WB La Jolla Village Dr/SB-I-805 On Ramp	AM	383	960	0	0	383	960	0	0	0				
	PM	627	960	0	0	627	960	0	0	0				
EB La Jolla Village Dr/NB-I-805 On Ramp	AM	590	690	0	0	612	690	0	0	0				
	PM	695	690	5	0	778	690	88	8	8				
WB Miramar Rd/NB I-805 On Ramp	AM	309	246	63	15	309	246	63	15	0				
	PM	729	246	483	118	729	246	483	118	0				
Nobel Dr/SB I-805 On Ramp	AM	908	1,522	0	0	955	1,522	0	0	0				
	PM	1,114	1,522	0	0	1,288	1,522	0	0	0				

Table 4.4-16 (cont.)

LOCATION	PEAK HOUR	BUILDOUT - W/O PROJECT				BUILDOUT - WITH PROJECT				
		Demand	Flow	Excess Demand	Max Delay (Min)	Demand	Flow	Excess Demand	Max Delay (Min)	Increase in Delay (Min)
EB La Jolla Village Dr/ SB-I-805 On Ramp	AM	991	562	429	46	1,000	562	438	47	1
	PM	1,367	562	805	86	1,400	562	838	89	3
WB La Jolla Village Dr/ SB-I-805 On Ramp	AM	900	960	0	0	900	960	0	0	0
	PM	1,400	960	440	28	1,400	960	440	28	0
EB La Jolla Village Dr/ NB-I-805 On Ramp	AM	1,137	690	447	39	1,159	690	469	41	2
	PM	1,094	690	404	35	1,177	690	487	42	7
WB Miramar Rd/ NB I-805 On Ramp	AM	587	246	341	83	587	246	341	83	0
	PM	498	246	252	61	498	246	252	61	0
Nobel Dr/SB I-805 On Ramp	AM	1,835	1,522	313	12	1,882	1,522	360	14	2
	PM	2,150	1,522	628	25	2,324	1,522	802	32	7

at that intersection by almost two minutes. Impacts to the intersection of Miramar Road/Eastgate Mall can be mitigated for near-term impacts.

Impacts to segments of I-805 and the interchange of I-805 and La Jolla Village Drive by the addition of Project traffic were deemed potentially significant; however, the only mitigation for this impact is widening the freeway, which is not considered a feasible mitigation when the impact is considered a cumulative, regional growth impact. A reduction in delay time at the La Jolla Village Drive/I-805 interchange is anticipated due to an offset by local traffic using the new interchange at I-805/Nobel Drive.

Under the near-term conditions with the extension of Judicial Drive, traffic generated by the Proposed Project would be reduced on La Jolla Village Drive; however, impacts would still be considered significant. The traffic would increase the V/C ratio by 4 percent which is above the City's threshold. The intersection of Miramar Road/Eastgate Mall would also continue to be significantly impacted by the Proposed Project, even with the extension of Judicial Drive.

Impacts to I-805 freeway segments and the interchange ramps would be considered significant with the addition of project traffic; these segments and the interchange are currently operating at LOS F. While the Proposed Project's contribution to these existing levels is considered significant, the impact is a regional growth impact that can only be mitigated by widening the freeway, which is not a feasible mitigation for project-level impacts.

☐ **Buildout Conditions (2020)**

The implementation of scheduled projects will provide the capacity on arterial segments and at area intersections within the University Community to serve the planned Community Plan buildout, including the trips generated by the Proposed Project. Road segments and intersections will operate at LOS D or better. Although two segments of I-805 in the project vicinity are expected to continue to operate at LOS F with or without the Proposed Project, contribution to traffic from the Proposed Project is anticipated to exceed the City's one percent threshold and thus significantly impact these segments. While long delays and lengthy queues are expected to continue, the addition of traffic generated by the Proposed Project is considered significant at the following I-805 access ramps: Eastbound La Jolla Village Drive to Southbound I-805, Eastbound La Jolla Village Drive to Northbound I-805, and Nobel Drive to Southbound I-805.

☐ **CMP Arterials**

The Proposed Project would not result in significant impacts to CMP arterials.

☐ **CMP Freeway System**

Due to the anticipated regional growth and demands on the I-805 freeway, future cumulative traffic impacts to this CMP freeway are projected to be significant and unmitigated.

☐ **Construction Impacts**

Construction phase truck traffic is considered a short-term and not significant impact.

Mitigation Measures, Monitoring, and Reporting Program

Either of the following two transportation mitigation options would reduce the significant traffic impacts to roadway segments and intersections, other than I-805, to below a level of significance. Option 1 consists of development in three phases (transportation phasing plan) and is recommended by City staff. Option 2 consists of a non-phased development which is preferred by the applicant.

Option 1 - Transportation Phasing Plan

Phase I

1. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of up to 3,333 ADT:
 - a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;
 - b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;
 - c. The construction of Nexus Center Drive as a two-lane industrial local street;
 - d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive.

Phase II

2. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 3,333 ADT up to 5,455 ADT:
 - a. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
 - b. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (North University City Project [NUC] 33);
 - c. The construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel.

Phase III

3. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 5,455 ADT up to 10,319 ADT:
 - a. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C);

- b. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
- c. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

Option 2 - Non-Phased Development (preferred by the applicant)

The following transportation mitigation measures are identical to those of Option 1 with one exception; Option 2 does not include the construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel.

- 1. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the any generation of up to 10,455 ADT:
 - a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;
 - b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;
 - c. The construction of Nexus Center Drive as a two-lane industrial local street;
 - d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive;
 - e. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
 - f. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (NUC-33);
 - g. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C);
 - h. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
 - i. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

Significance After Mitigation

Significant traffic impacts to roadway segments and intersections, other than I-805, would be mitigated to below a level of significance. Impacts to I-805 in the near-term and under build-out conditions would remain significant and unmitigated.

Issue 2: *Would the Proposed Project result in traffic generation in excess of the allocations identified in the University Community Plan?*

The Proposed Project includes a Community Plan Amendment (CPA) to add the land use overlays of Office and Residential to the VC designation, as well as to transfer vehicle trips allocated to the Regents Park Project to the Proposed Project site, and a Transfer of Development Rights (TDR) pursuant to the provisions in the Community Plan Development Intensity Element. The Proposed Project would increase the density of development on the project site above the anticipated density permitted in the Element; however, excess trips from the Regents Park Project (6,508 ADTs) would be allocated to the Proposed Project as part of the CPA TDR. The projected ADTs for Community Plan buildout and planned infrastructure would therefore not be exceeded. Refer to Table 4.4-5 in Section 4.4.1 for the projected Proposed Project trips and the trips proposed for transfer.

Significance of Impacts

No significant impact is anticipated since the Proposed Project is consistent with the traffic generation allocations identified in the Community Plan Development Intensity Element. The Project would not result in an increase over the community-wide trip allocations due to the proposed TDR.

Mitigation Measures, Monitoring, and Reporting Program

No mitigation is proposed since no significant impacts are anticipated.

Issue 3: *Would the Proposed Project result in alterations to the present circulation movements?*

The Proposed Project includes the construction of Judicial Drive from its present terminus approximately 400 linear feet south of Eastgate Mall south to La Jolla Village Drive. Judicial Drive would be constructed to its Circulation Element road classification of a four-lane Major Street. Executive Drive would be widened to accommodate a future MTDB LRT station. The Proposed Project would include these Circulation Element improvements and would not substantially alter the present circulation movements since the extension of Judicial Drive would primarily service the Proposed Project. While Judicial Drive is planned to be extended south of La Jolla Village Drive to Nobel Drive pursuant to the Circulation Element, the extension is not included as part of the Proposed Project. This planned extension of Judicial Drive is considered a beneficial impact and would improve circulation movements in the community.

As discussed in Section 3.0, Project Description, the Proposed Project is designed to accommodate the future MTDB LRT station within the Executive Drive right-of-way. In the interim, the median within Executive Drive would have a break to allow for vehicle turning movements from the north-south internal project roadway (Figure 3-8 in Section 3.0). Once the MTDB LRT station is constructed, the median break would be eliminated, requiring future project traffic to exit from the eastern intersection between the internal roadway and Executive Drive, east of the LRT station, if a westbound movement on Executive Drive is desired. Refer to Figure 3-1, Site Plan, for indication of site circulation and points of ingress/egress. This proposed circulation change would not result in a significant impact to area traffic.

Significance of Impacts

No significant impacts associated with the alteration of circulation movements are anticipated with the Proposed Project. Circulation Element road improvements are included in the Proposed Project which will benefit circulation movements.

Mitigation Measures, Monitoring, and Reporting Program

No significant circulation movement alteration impacts are anticipated and therefore no mitigation measures are proposed.

Issue 4: Would the Proposed Project result in a substantial impact upon existing or planned transportation systems?

The Proposed Project includes the preservation of land for a future MTDB LRT station within the right-of-way of Executive Drive. The Proposed Project is consistent with and accommodates planned mass transit system improvements, as identified within the Circulation Element of the University Community Plan. The Proposed Project also includes a Class II bicycle lane as part of the extension of Judicial Drive, also consistent with the Circulation Element.

Significance of Impacts

No significant impacts to existing or planned transportation systems are anticipated.

Mitigation Measures, Monitoring, and Reporting Program

No significant impacts have been identified; no mitigation measures are recommended.

Issue 5: Would the Proposed Project result in an increase in traffic hazards to motor vehicles, pedestrians or bicyclists?

The Proposed Project includes several roadway, mass transit, pedestrian and bicycle lane improvements, all of which are consistent with the planned facilities within the University Community Plan. Proposed road improvement designs (Judicial Drive, widening Executive Drive and the additional lane on La Jolla Village Drive) are proposed to be consistent with City of San Diego Transportation Department standards and criteria, specifically with regard to intersection standards, pedestrian crossings, and bicycle lane widths and striping. The Proposed Project includes a number of internal pedestrian walkways, linking the various buildings, courtyards and parking areas. Pedestrian crossings on internal roadways will be clearly marked by striping and signage.

Significance of Impacts

No significant impacts to motorists, bicyclists or pedestrians are anticipated with the Proposed Project design and circulation improvements.

Mitigation Measures, Monitoring, and Reporting Program

No significant traffic hazards are anticipated and therefore no mitigation measures are proposed.

4.5 Noise

A preliminary noise assessment and noise impact analysis was conducted for the Proposed Project by Pacific Noise Control. The report containing that analysis, *Acoustical Assessment Report for La Jolla Commons Project, City of San Diego* (March 2000), is included as Appendix D to this document. This report provides a quantitative analysis of the potential for noise impacts to and from the Proposed Project and is summarized within this section.

4.5.1 Existing Conditions

☐ Noise Definitions and Criteria

Noise is defined by the City of San Diego as “unwanted or objectionable sound” (City of San Diego, revised 1999). Sound is measured in decibels (dB), the relative loudness of sound to that of the faintest sound detectable by the human ear. By definition, this decibel scale is exponential rather than linear because the human ear can detect a large range of sound intensities, and this scale is less cumbersome than using non-converted sound values. Thus each increase in 10 decibels units reflects a 10-fold increase in sound intensity. For example, 20 dB is ten times louder than 10 dB, and 30 dB is 100 times louder than 10 dB. Another convention, “A-Weighting,” is employed because the human ear is more sensitive to certain frequencies than others. A-Weighting filters out lower frequencies and provides a good indicator of the annoyance potential of a noise. All references to decibels in this report will refer to A-weighted decibels, dB(A).

Environmental noise levels vary continuously and contain a mixture of noise from both close and distant noise sources. Distant noise sources create a relatively steady background noise in which no particular source is identifiable. Thus, by convention, sound is reported as average noise levels for a stated period of time at a location. L_{eq} , or the Time-Average Sound Level, describes this value. However, because community receptors are more sensitive to noise intrusion during evening and night hours, state law requires that during planning an artificial dB increment of 5 dB be added to noise levels between 7:00 AM to 10:00 PM and that 10 dB be added for between 10:00 PM and 7:00 AM. The A-weighted average sound exposure level for a 24-hour period is called the Community Noise Equivalent Level (CNEL). All reference to decibels in this report refers to dB CNEL.

Noise criteria used in preparing this analysis include the City of San Diego General Plan and the City Noise Abatement and Control Ordinance (construction noise). The City of San Diego requires that community noise levels be presented in terms of CNEL as set forth in the Transportation Element of the General Plan. Those guidelines require an exterior maximum CNEL of 65 dB for residential and hotel uses, and 70 dB for offices. Internal maximum thresholds are set at 45 dB for residential and hotel uses, and 50 dB for offices. In addition, temporary construction noise at a sensitive receptor in excess of 75 dB CNEL is considered significant according to the City’s “Significance Determination Guidelines” (City of San Diego, revised 1999). If temporary construction noise substantially interferes with normal business communication or affects sensitive receptors, such as day care facilities, hospitals, or schools, it would also be considered significant.

☐ Existing Noise Levels

The Proposed Project site is located adjacent to La Jolla Village Drive, a six-lane arterial, and less than one quarter of a mile to the west of I-805. MCAS Miramar is located to the east of I-805. The section of La Jolla Village Drive fronting the project site provides the main access from I-805 to the University Community business district, the University Towne Centre shopping center, and to residential uses located primarily south and west of the shopping center. The primary noise source at the site is vehicular traffic along La Jolla Village Drive and aircraft noise from MCAS Miramar. I-805 is a secondary noise source at the site.

In order to determine the existing ambient noise levels from traffic, noise levels were monitored at two locations on the site at the approximate locations of the proposed office tower adjacent to La Jolla Village Drive (site 1) and the scientific research building adjacent to Nexus Center Drive (Site 2)(Figure 4.5-1). Ambient noise levels were 72 dB L_{eq} at Site 1 and 53 dB L_{eq} at Site 2. Site 1 has an unobstructed view of La Jolla Village Drive and had the higher ambient noise reading of the two sites. Site 2 is further away from La Jolla Village Drive and is more likely to be affected by noise from I-805. The noise reading at this location was relatively low due to intervening buildings and topography. Refer to Appendix D for additional monitoring methodology and data. Existing CNEL values were determined using Caltrans' SOUND32 Highway Traffic Noise Prediction Model (Caltrans 1983) with California noise emission factors (Caltrans 1987). Resulting CNEL contours on the project site are shown in Figure 4.5-2. Refer to Appendix D for assumptions used in the contours modeling.

The contribution of MCAS Miramar operations to existing noise levels on site was based on published noise contours in the MCAS Miramar Final Environmental Impact Statement (FEIS) (Department of the Navy 1996). The 1996 FEIS data are more current than the contours identified in the 1992 NAS Miramar CLUP. Aircraft flown at MCAS Miramar include F/A-18, KC-130, C-5, C-141 planes and CH-46 and CH-53 helicopters. The project site is currently exposed to noise levels of approximately 62 to 64 dB CNEL (refer to Figure 4.5-3).

4.5.2 Impact Analysis

Issue 1: *Would the Proposed Project result in a significant increase in the existing ambient noise levels?*

Issue 2: *Would the Proposed Project result in the exposure of sensitive receptors to noise levels that exceed standards established in the City's noise ordinance or in the Transportation Element of the General Plan?*

☐ Exterior Noise

The project's long-term impact to the existing ambient noise levels would be minimal. The Proposed Project includes office, hotel, and residential uses, which would not generate excessive stationary source noise. The project's contribution to increasing the ambient noise level would be due to traffic generation. The existing ADT and the buildout ADT with the project would not substantially change the CNEL contours on the project site.

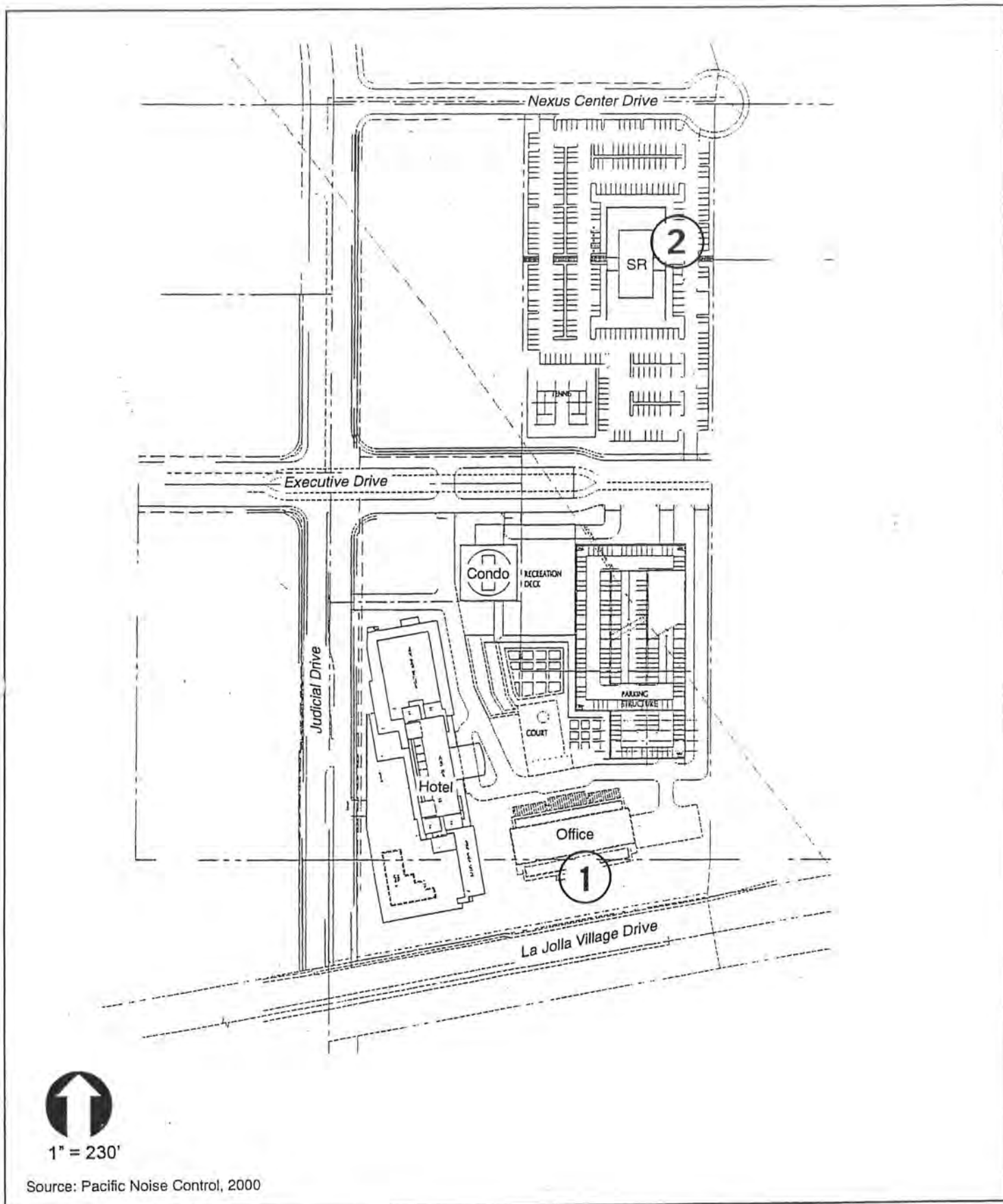


Figure 4.5-1
NOISE MEASUREMENT LOCATIONS

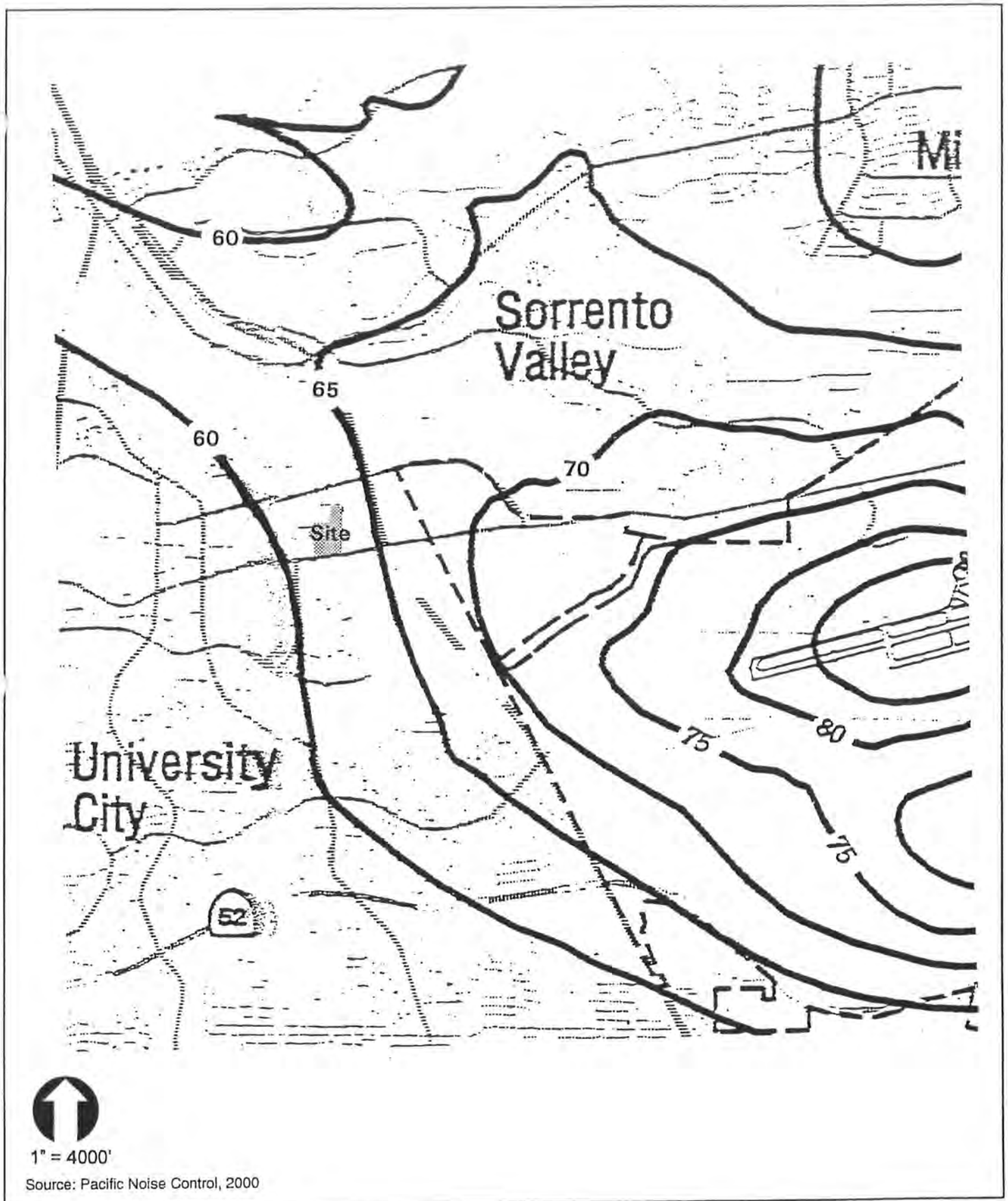


Figure 4.5-2
MCAS MIRAMAR CNEL NOISE CONTOURS

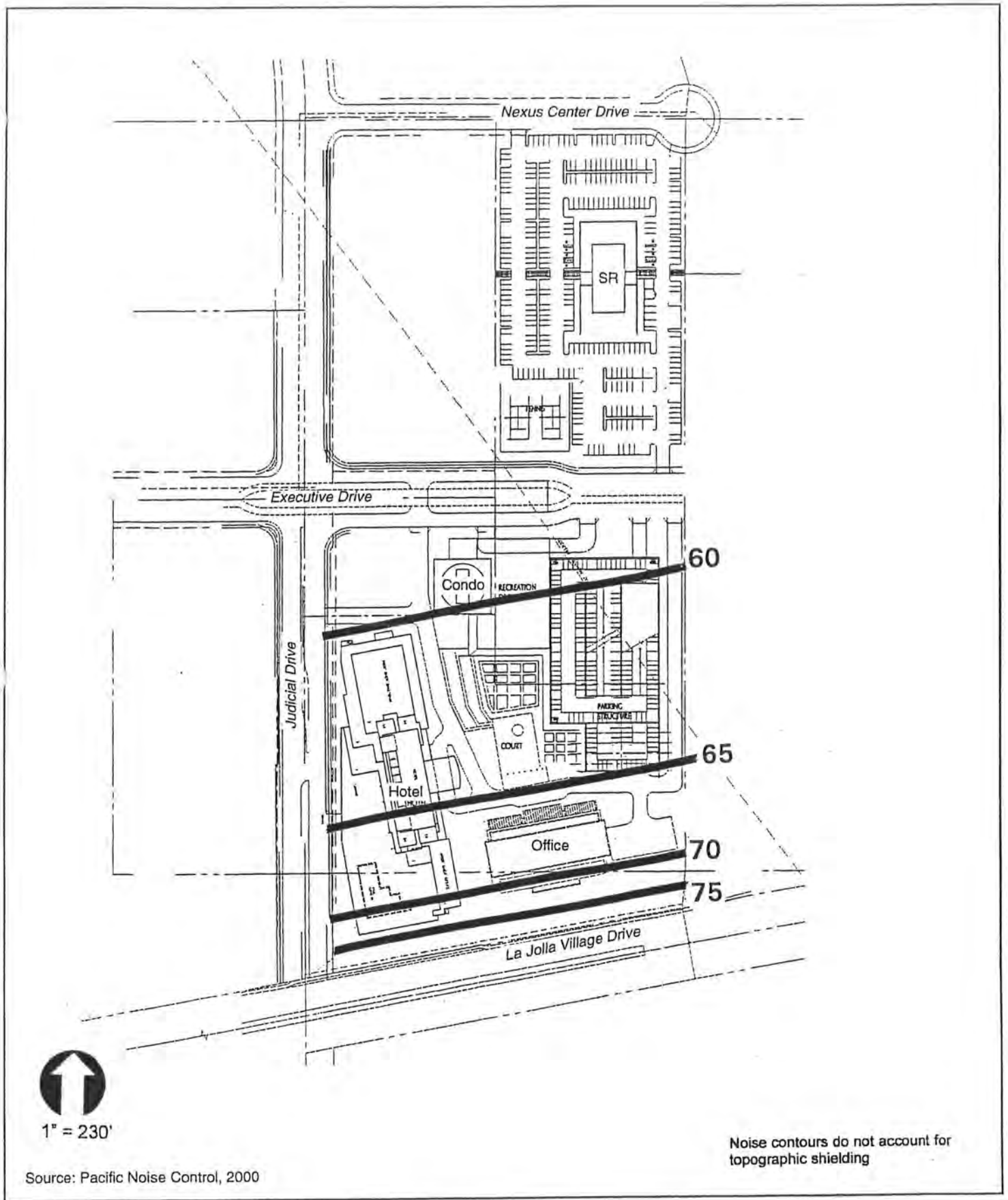


Figure 4.5-3
EXISTING TRAFFIC CNEL NOISE CONTOURS

Although the Proposed Project is not expected to generate any significant impacts to ambient noise levels, ambient noise has the potential to impact sensitive receptors on site. Future traffic CNEL noise contours indicate that on-site noise levels at the hotel swimming pool would exceed 65 dB CNEL (Figure 4.5-4) and that future cumulative CNEL noise contours on the project site (traffic noise from Judicial Drive, La Jolla Village Drive and MCAS Miramar) would exceed 70 dB CNEL in some areas (Figure 4.5-5). Future traffic noise levels were determined based upon the projected build-out traffic volumes as defined in the traffic study prepared for this project (Darnell & Associates, May 2000). The only outdoor usable space with the potential for significant impacts, based upon these contours, is the hotel swimming pool area adjacent to La Jolla Village Drive. Noise modeling of future conditions assigned this location a noise level in excess of 65 dB CNEL. Other outdoor uses of the proposed development – a recreation area at the condominium site, tennis courts, and a courtyard – would have no significant noise impacts. The outdoor recreation area at the condominium site would be located on the top level of the condominium parking structure. The parking structure, as well as the condominium, hotel, and office buildings, would provide shielding from the traffic noise along La Jolla Village Drive and Judicial Drive. Thus, the traffic noise level would be less than 65 dB at the outdoor recreation area.

The tennis courts, proposed to be located northeast of the condominium building, would be approximately 330 feet from the center line of Judicial Drive. At this distance, the noise level would be less than 60 dB CNEL and would comply with the City's noise criteria.

The courtyard, located on the north side of the office building located adjacent to La Jolla Village Drive, would be approximately 320 feet from the center line of La Jolla Village Drive. The intervening slope along La Jolla Village Drive would attenuate the traffic noise to approximately 61 dB CNEL. In addition, the office building and hotel would shield the courtyard area from traffic noise along La Jolla Village Drive and Judicial Drive. The noise level at the courtyard area would comply with the City's exterior noise criteria. The noise level associated with I-805 at the scientific research located at the northern portion of the site would be less than 60 dB CNEL due to the setback distance from I-805 and the shielding provided by an intervening building and topography. This noise level would comply with the City's exterior noise criteria.

☐ **Interior Noise**

Future CNEL noise contours (traffic plus MCAS Miramar aircraft noise) indicate that the proposed hotel and office tower would be exposed to noise in excess of 65 dB CNEL (Figure 4.5-4). Future cumulative CNEL noise contours on the project site would exceed 70 dB CNEL at the southern end of the site, and 65 dB CNEL for portions of the hotel and all of the office tower as shown in Figure 4.5-5. Building shells provide approximately a 15-decibel noise reduction. Hotel rooms and condominiums exposed to an exterior CNEL greater than 60 dB could result in an interior CNEL greater than 45 dB. Similarly, offices exposed to an exterior CNEL greater than 65 dB could result in an interior CNEL greater than 50 dB. Accounting for the noise reducing properties inherent to building shells, interior noise levels could still exceed the 45 dB and 50 dB threshold for hotels, residences and offices, respectively. The Proposed Project may be exposed to potentially significant interior noise impacts.

☐ **Construction Noise**

Short-term construction noise impacts would not be significant per the acoustical assessment report (Appendix D). It is estimated that hourly average noise levels at the closest existing noise sensitive receivers, residences located approximately 700 feet west of the site along Towne Centre Drive, would be approximately 55 to 60 dB during construction assuming a direct line-of-sight to the construction equipment. Construction activities would occur between the hours of 7:00 a.m. to 7:00 p.m., as required by the City's

noise ordinance. The City's noise ordinance also requires that construction noise not exceed an average sound level of 75 dB over a 12-hour period at or beyond the property lines of any property zoned for residential.

Significance of Impacts

The Proposed Project would not generate a significant increase in the existing ambient noise levels. However, due to automobile traffic noise along La Jolla Village Drive and Judicial Drive, as well as aircraft noise from MCAS Miramar, future noise levels at the site would exceed an exterior CNEL of 65 dB at the hotel swimming pool area. This impact is considered significant and will require mitigation.

Exterior noise levels greater than 60 dB could result in interior noise levels in excess of 45 dB for hotel and condominium uses, and exterior noise levels greater than 65 dB could result in interior noise levels in excess of 50 dB for office uses. This impact is considered potentially significant and will require mitigation.

Short-term construction noise impacts would not be considered significant.

Mitigation Measures, Monitoring and Reporting

Future ambient noise has the potential to significantly impact sensitive receptors on site. The following mitigation would reduce impacts to below a level of significance.

1. Prior to the issuance of any building permit, the applicant shall incorporate sound attenuation measures as described in the *Acoustical Assessment Report for La Jolla Commons Project* (Pacific Noise Control, March 2000) to the satisfaction of the City Manager. Specifically, a minimum six- and seven-foot high permanent noise barrier shall be constructed along the western and southern edges of the hotel swimming pool area (refer to Figure 4.5-6). The noise barrier may be constructed as a wall, berm, or combination of both. The materials used in the construction of the barrier are required to have a minimum surface density of 3.5 pounds per square foot, and may consist of masonry material, plexiglas, tempered glass, or a combination thereof. The barrier must be designed so that there are no openings or gaps. The required noise barriers shall be included on the construction plans, satisfactory to the City Manager.
2. Prior to the issuance of any building permit, the applicant shall submit a final acoustical report to the satisfaction of the City Manager. The City Manager shall verify that all measures identified in the approved report which are necessary to achieve an interior noise level of 45 dB at the condominium and hotel and 50 dB CNEL at the office building have been incorporated into the design of the proposed structures.

Significance After Mitigation

The anticipated noise impacts to hotel swimming pool users (exterior) and condominium, hotel and office occupants (interior) would be reduced to below a level of significance after mitigation.

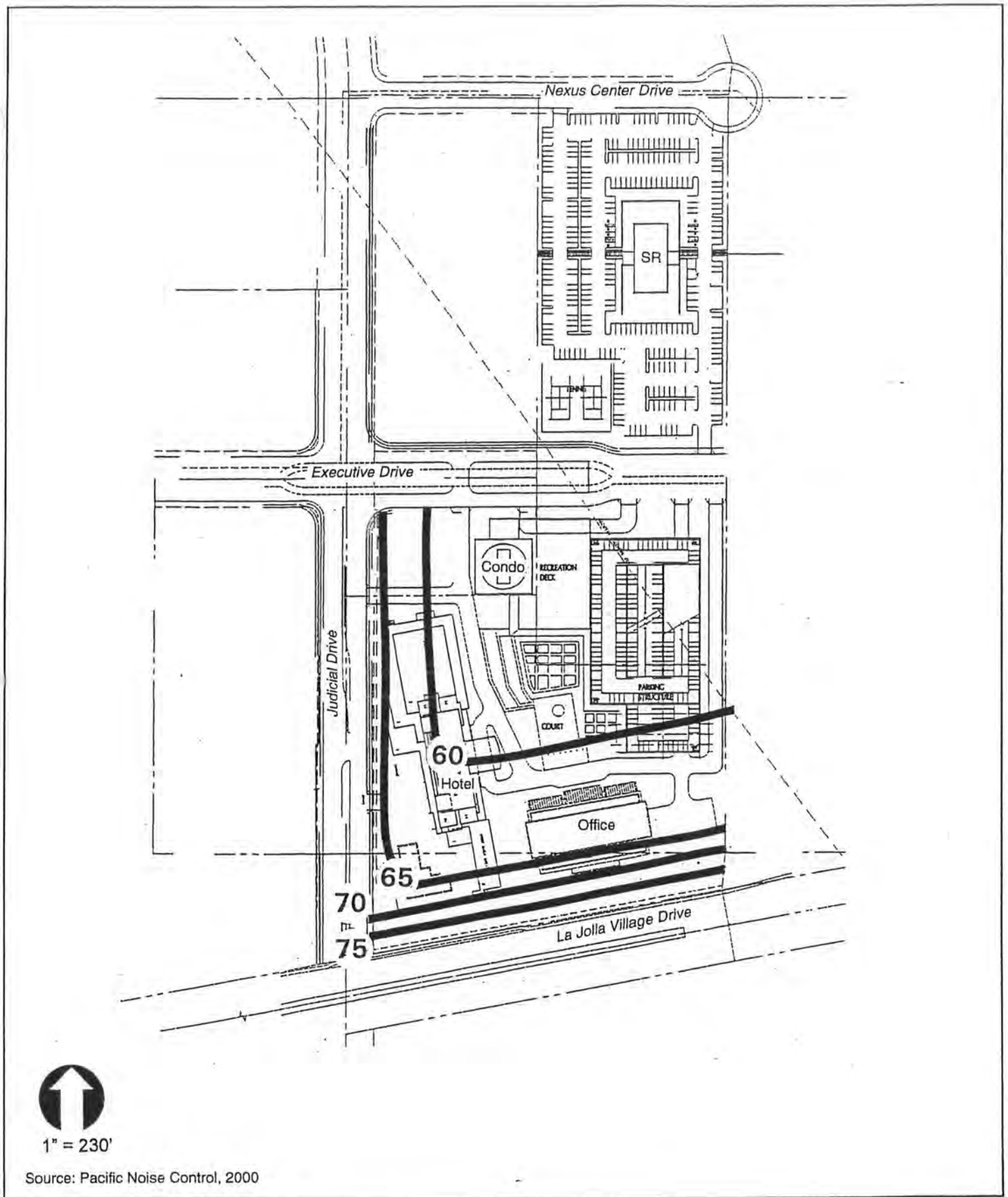


Figure 4.5-4
FUTURE TRAFFIC CNEL CONTOURS

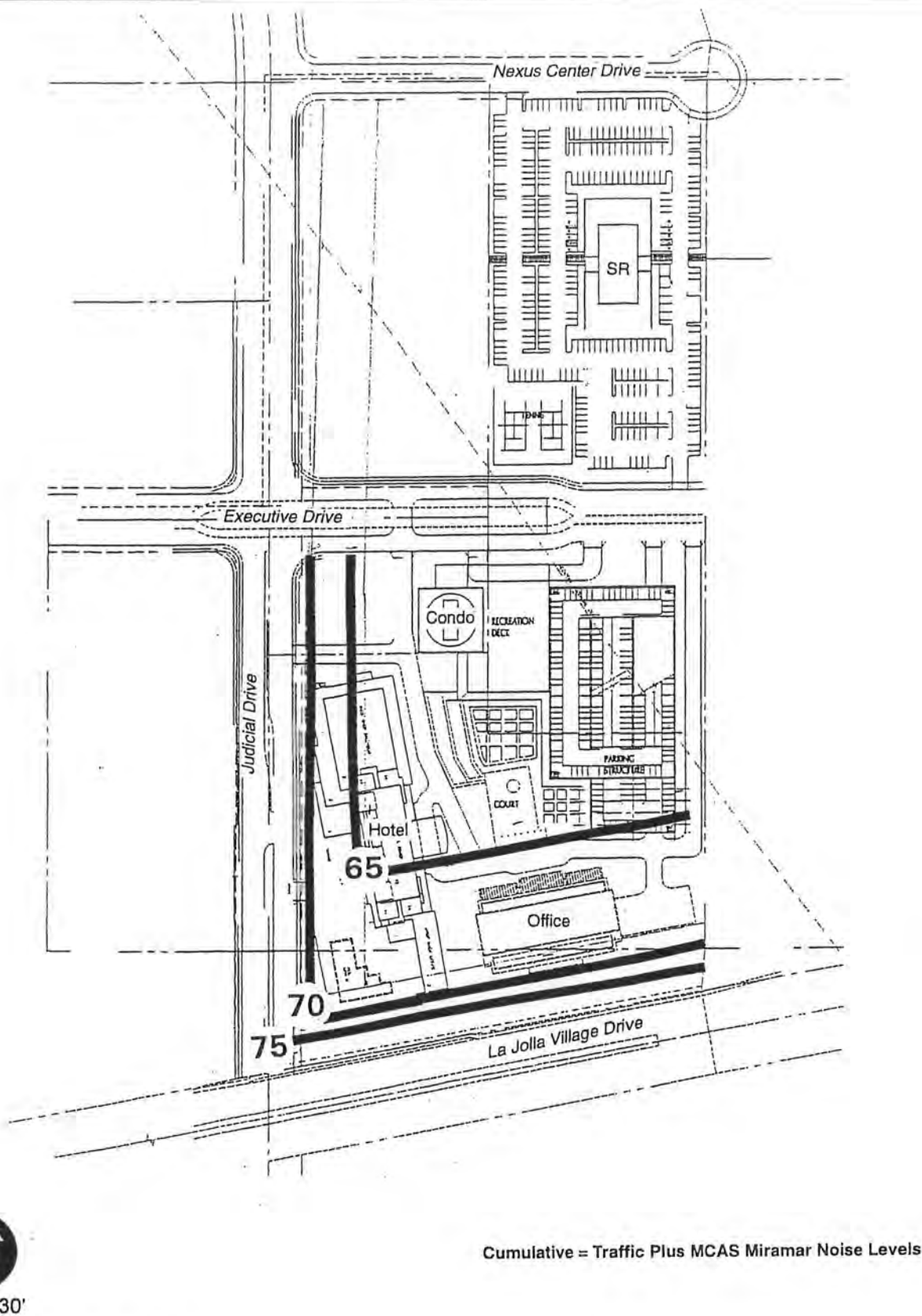
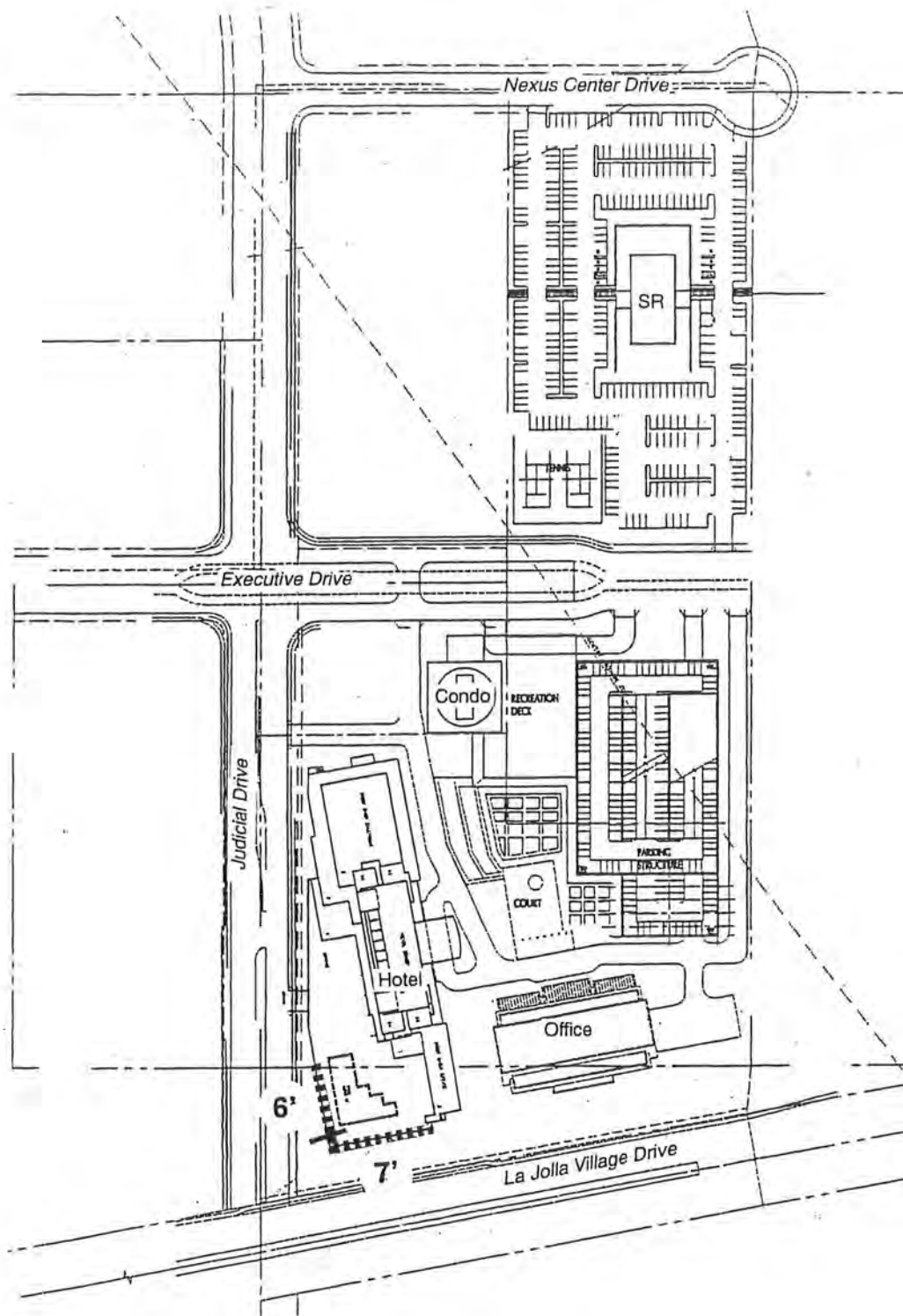


Figure 4.5-5
FUTURE CUMULATIVE CNEL NOISE CONTOURS



1" = 230'

Source: Pacific Noise Control, 2000

Figure 4.5-6
NOISE BARRIER HEIGHT AND LOCATION

4.6 Air Quality

This section presents the results of an assessment of potential air quality impacts associated with the La Jolla Commons Project. The evaluation addresses the potential for air emissions during construction and operation of the development project, and for emissions associated with project-generated traffic. This analysis is based upon data provided by Scientific Resources Associated (SRA), contained in Appendix E.

4.6.1 Existing Conditions

☐ Geography and Topography

The Proposed Project site is undeveloped and naturally vegetated, with some disturbance from previous utility projects. The project site is located in the northern portion of the City of San Diego, approximately 13 miles north of downtown San Diego and approximately five miles east of the Pacific Ocean. Topography varies significantly on site due to the presence of a steeply sloping canyon and a level plateau. Elevations range between 278 feet amsl in the canyon bottom to approximately 382 feet amsl on the plateau.

☐ Meteorology/Climate

The climate of the Proposed Project site and all of San Diego is dominated by a semi-permanent high pressure cell located over the Pacific Ocean. This cell influences the direction of prevailing winds (westerly to northwesterly) and maintains clear skies for much of the year. Refer to Attachment B in Appendix E for a graphic representation of the prevailing winds in the project vicinity. The high pressure cell also creates two types of temperature inversions that may act to degrade local air quality.

Subsidence inversions occur during the warmer months as descending air associated with the Pacific high pressure cell comes into contact with cool marine air. The boundary between the two layers of air creates a temperature inversion that traps pollutants. The other type of inversion, a radiation inversion, develops on winter nights when air near the ground cools by heat radiation and air aloft remains warm. The shallow inversion layer formed between these two air masses can also trap pollutants. As the pollutants become more concentrated in the atmosphere, photochemical reactions occur that produce ozone, commonly known as smog.

☐ Regulatory Setting

Air quality is defined by ambient air concentrations of specific pollutants determined by the United States Environmental Protection Agency (USEPA) to be of concern with respect to the health and welfare of the general public. The USEPA is responsible for enforcing the Federal Clean Air Act (CAA) of 1970 and its 1977 and 1990 Amendments. The CAA required the USEPA to establish the National Ambient Air Quality Standards (NAAQS), which are concentrations of pollutants in the ambient air below which no adverse effects on the public health and welfare are anticipated. In response, the USEPA established both primary and secondary standards for several pollutants (called "criteria" pollutants). The primary standards are designed to protect human health with an adequate margin of safety. The secondary standards are designed to protect property and the public welfare from air pollutants in the atmosphere. The USEPA established NAAQS for the protection of human health and the public welfare for six criteria pollutants: carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), ozone (O₃), particulates with an aerodynamic diameter less than 10 microns (PM₁₀), and lead (Pb). New federal standards for particulate matter less than 2.5 microns in diameter and O₃ were proposed in 1997 but implementation has been postponed due to legal arguments against implementation of the new standards. O₃ is not emitted directly, but is formed from a

complex set of reactions involving O₃ precursors such as nitrogen oxides (NO_x) and reactive organic compounds (ROC). Regulations relating to O₃ therefore address emissions of NO_x and ROC.

The CAA allows states to adopt ambient air quality standards and other regulations provided they are at least as stringent as federal standards. The California Air Resources Board (ARB) subsequently established the more stringent California Ambient Air Quality Standards (CAAQS) for the six criteria pollutants through the California Clean Air Act of 1988, and also established CAAQS for additional pollutants, including sulfates, hydrogen sulfide, vinyl chloride, and visibility reducing particles. Areas that do not meet the NAAQS or the CAAQS for a particular pollutant are considered to be “nonattainment areas” for that pollutant. The San Diego Air Basin is currently classified as a nonattainment area for the NAAQS and CAAQS for O₃, and the CAAQS for PM₁₀.

The ARB is the state regulatory agency with authority to enforce regulations to achieve and maintain the NAAQS and CAAQS. The ARB is responsible for the development, adoption, and enforcement of the state’s motor vehicle emissions program, as well as the adoption of the CAAQS. The ARB also reviews operations and programs of the local air districts, and requires each air district that is considered a nonattainment area to develop its own strategy for achieving the NAAQS and CAAQS. The local air district has the primary responsibility for the development and implementation of rules and regulations that reflect the strategy to attain the NAAQS and CAAQS, as well as the permitting of new or modified sources, development of air quality management plans, and adoption and enforcement of air pollution regulations. The San Diego County Air Pollution Control District (APCD) is the local agency responsible for the administration and enforcement of air quality regulations for San Diego County.

Table 4.6-1 presents a summary of the ambient air quality standards adopted by the federal and California CAAs.

Table 4.6-1 AMBIENT AIR QUALITY STANDARDS (µg/m ³)				
POLLUTANT	AVERAGING TIME	CAAQS	NAAQS	
			Primary	Secondary
O ₃	1 Hour	180	235	235
CO	8 Hour	10,000	10,000	N/A
	1 Hour	23,000	40,000	N/A
NO ₂	Annual Average		100	100
	1 Hour	470	N/A	N/A
SO ₂	Annual Average	N/A	80	N/A
	24 Hour	105	365	N/A
	3 Hour	N/A	N/A	1,300
	1 Hour	655	N/A	N/A
PM ₁₀	Annual Geometric Mean	30	N/A	N/A
	24 Hour	50	150	150
Sulfates	Annual Arithmetic Mean	N/A	50	50
	24 Hour	25	N/A	N/A
Pb	30-Day Average	1.5	N/A	N/A
	Calendar Quarter	N/A	1.5	1.5

Table 4.6-1 (cont.)

POLLUTANT	AVERAGING TIME	CAAQS	NAAQS	
			Primary	Secondary
Vinyl Chloride	24 Hour	26	N/A	N/A
Visibility-Reducing Particles	8 Hour	Extinction Coefficient > 0.23 per kilometer	N/A	N/A

$\mu\text{g}/\text{m}^3$ = micrograms per cubic meter.

Source: SRA 2000.

☐ Background Air Quality

The APCD operates a network of ambient air monitoring stations throughout San Diego County. The purpose of the monitoring stations is to measure ambient concentrations of the pollutants and determine whether the ambient air quality meets the CAAQS and the NAAQS. The nearest ambient monitoring stations to the Proposed Project site are the Del Mar-MiraCosta College station (O_3 only), the Kearny Mesa station (PM_{10} , NO_2 , and CO), and the Downtown San Diego station (the closest monitoring station that measures SO_2). Ambient concentrations of pollutants from these stations over the last three years are presented in Table 4.6-2.

As shown in Table 4.6-2, air quality in the project vicinity is generally good. Air quality has shown improvement in the past three years, with the number of exceedances of the CAAQS for O_3 decreasing from four in 1997 to zero in 1999. Because ambient monitoring stations only measure PM_{10} every sixth day, estimates of daily PM_{10} concentrations for all days are calculated to evaluate the potential for exceedances of the standards. Exceedances of the CAAQS for PM_{10} were calculated for two days for 1999; actual measurements indicated that the CAAQS was exceeded on one day during 1999.

Table 4.6-2
BACKGROUND AMBIENT AIR QUALITY
HIGHEST MEASURED CONCENTRATIONS ($\mu\text{g}/\text{m}^3$)

POLLUTANT	1997	1998	1999
Ozone			
First High	217	202	180
Second High	210	176	135
Days > CAAQS	4	1	0
Days > NAAQS	0	0	0
CO (8 Hour Average)			
First High	3,383	3,154	1,829
Second High	3,200	2,549	1,577
Days > CAAQS	0	0	0
Days > NAAQS	0	0	0

Table 4.6-2 (cont.)

Table 4.6-2 (cont.)			
POLLUTANT	1997	1998	1999
NO ₂ (1 Hour Average)			
First High	197	150	165
Second High	195	139	131
Days > CAAQS	0	0	0
NO ₂ (Annual Average)	43.1	41.1	Not Available
> NAAQS?	No	No	
SO ₂ (24 Hour Average)			
First High	38.3	30.1	11.0
Second High	24.6	24.6	11.0
Days > CAAQS	0	0	0
Days > NAAQS	0	0	0
SO ₂ (Annual Average)	8.2	8.2	2.7
> NAAQS?	No	No	No
PM ₁₀ (24 Hour Average)			
First High	47.0	36.0	55.0
Second High	47.0	36.0	40.0
Days > CAAQS*	0	0	2
Days > NAAQS	0	0	0
PM ₁₀ (Annual Geometric Mean)	23	21	24
> CAAQS?	No	No	No
PM ₁₀ (Annual Arithmetic Mean)	25	22	24
> NAAQS?	No	No	No

$\mu\text{g}/\text{m}^3$ = microgram per cubic meter

*Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. Measurements are typically collected every six days.

Source: California Air Resources Board, www.arb.ca.gov, 2000.

4.6.2 Impact Analysis

Issue 1: *Would the Proposed Project result in the creation of dust?*

☐ Construction Impacts

The City of San Diego's Significance Determination Guidelines (City of San Diego 1999) do not specifically address the significance of construction emissions. However, to determine if the amount of dust generated would result in a significant impact, emissions from the construction phase were estimated and the PM₁₀ emissions were compared to San Diego County APCD's Rule 20.2. The APCD threshold for PM₁₀ is 100 pounds per day. The URBEMIS program (URB7G) was used to calculate emission estimates for construction. Emission sources associated with construction include the following: fugitive dust generation from site grading and preparation, construction worker vehicle travel, stationary equipment usage, heavy equipment use, architectural coating use, and asphalt off-gassing.

Emission factors contained in the URBEMIS program are derived from the USEPA's AP-42 emission factor database and provide an estimate of emissions of criteria pollutants associated with construction. For the purpose of estimating emissions, it was assumed that a total of 19.61 acres (16.85 acres on site plus 2.76 acres off site) of grading would be required, and that the grading would take place over a four-month period. It was assumed that construction would occur for 21 days per month. It was also assumed that heavy construction equipment would be operating at the site for a total of 8 hours per day. For the purpose of estimating emissions from heavy construction equipment, it was assumed the following equipment would be used on site:

- Site Grading: 2 diesel scrapers and 2 diesel graders
- Construction: 5 miscellaneous diesel vehicles/equipment and 10 off-highway trucks

The total construction project was assumed to require one year (excluding weekends and holidays). The construction was assumed to take place during 2001. Table 4.6-3 provides a summary of the emission estimates for the construction phase of the Proposed Project, assuming no measures are implemented to reduce emissions. Refer to Attachment A in Appendix E for printouts of the URB7G model runs.

Table 4.6-3
ESTIMATED CONSTRUCTION EMISSIONS (lbs/day)

EMISSION SOURCE	ROC	NO _x	CO	PM ₁₀
Fugitive Dust				196.10
Site Grading	4.94	62.30	†	7.54
Heavy Construction Equipment	21.20	401.60	†	26.40
Worker Travel – Vehicle Emissions	1.90	2.69	5.11	0.52
Stationary Equipment	0.34	0.27		0.02
Architectural Coatings‡	1009.78			
Asphalt Off-gassing	5.14			
TOTAL	1043.30	466.87	5.11	230.58

†Negligible emissions of CO are predicted for heavy construction equipment operating with diesel fuel.

‡Architectural coating emissions may be overestimated assuming all buildings are coated with VOC-containing materials.

Source: SRA 2000.

As shown in Table 4.6-3, construction of the Proposed Project would result in emissions of fugitive dust associated with construction. The Proposed Project would generate an estimated 196 lbs/day of fugitive dust. Because of the nature of construction activities, temporary construction emissions are often above the APCD criteria set forth previously. Dust control during grading operations would be regulated in accordance with the rules of the San Diego APCD. All project site construction is required to include the following standard measures to reduce fugitive dust impacts:

1. All unpaved construction areas shall be sprinkled with water or other acceptable San Diego APCD dust control agents during dust-generating activities to reduce dust emissions. Additional watering or acceptable APCD dust control agents shall be applied during dry or windy days until dust emissions are not visible.

2. Trucks hauling dirt and debris shall be covered to reduce windblown dust and spills.
3. On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to the construction site shall be cleaned daily of construction-related dirt in dry weather.
4. On-site stockpiles of excavated material shall be covered or watered.

Additionally, construction will be a one-time, short-term activity.

Significance of Impacts

As shown in Table 4.6-3, the La Jolla Commons Project would result in emissions of fugitive dust associated with construction. Because dust control measures during grading operations would be regulated in accordance with the rules of the San Diego APCD, and since construction would be a one-time, short-term activity, air quality impacts due to construction of the proposed project would not be significant. It is anticipated that implementation of standard construction phase mitigation measures would reduce the PM₁₀ emissions to a level below significance, as shown in Table 4.6-4.

Table 4.6-4
ESTIMATED CONSTRUCTION EMISSIONS (lbs/day) – MITIGATED

EMISSION SOURCE	ROC	NO _x	CO	PM ₁₀
Fugitive Dust				31.19
Site Grading	4.70	59.18	†	7.54
Heavy Construction Equipment	20.14	381.52	†	25.08
Worker Travel – Vehicle Emissions	1.88	2.66	5.04	0.51
Stationary Equipment	0.34	0.27		0.02
Architectural Coatings‡	959.29			
Asphalt Offgassing	4.88			
TOTAL	991.23	443.63	5.04	64.34
lbs/day Reduction With Mitigation	52.07	23.23	0.07	166.24

†Negligible emissions of CO are predicted for heavy construction equipment operating with diesel fuel.

‡Architectural coating emissions may be overestimated assuming all buildings are coated with VOC-containing materials.

Source: SRA 2000.

Mitigation Measures and Mitigation Monitoring and Reporting Requirements

No significant construction-related air quality impacts are anticipated; no mitigation is recommended.

Issue 2: *Would the Proposed Project affect the ability of the San Diego Air Basin to attain federal, state, or local air quality standards?*

☐ **Operational Impacts**

Emissions from project operation include minor emissions from area sources (i.e., natural gas combustion, landscaping, and use of consumer products), and emissions from traffic associated with the project.

The URB7G program was used to calculate emission estimates for energy use and traffic associated with the project. The URB7G program uses the EMFAC7G emission factor program to estimate emissions associated with traffic based on: (1) assumptions about trip generation, and (2) using standard assumptions based on San Diego County traffic profiles.

As described in the Traffic Study (Darnell and Associates 2000), the trip generation rates used to estimate project-generated traffic are in conformance with the City of San Diego Trip Generation Manual. The Proposed Project is projected to generate an estimated 10,319 average daily trips. Table 4.6-5 provides a summary of the emission estimates for the operational phase of the Proposed Project. Refer to Attachment A in Appendix E for the URB7G model outputs.

Table 4.6-5
ESTIMATED OPERATIONAL EMISSIONS (lbs/day)

EMISSION SOURCE	ROC	NO _x	CO	PM ₁₀
Area Sources (energy use, landscaping, consumer products)	6.66	5.33	4.84	0.02
Traffic Emissions	145.20	276.35	1099.99	99.81
TOTAL	151.86	281.68	1104.83	99.83

Source: SRA 2000.

The City of San Diego's Significance Determination Guidelines (City of San Diego 1999) states that "[a]ny multi-family, commercial or industrial development resulting in 6,500 ADT would also cause a significant air quality impact. In addition to the 550 pounds of CO, 6,500 trips would also result in 70 pounds of RHC and 130 pounds of NO_x." However, air quality impacts associated with project-generated vehicle emissions were evaluated in the EIR for the *University Community Plan Update* (May 12, 1987). The Proposed Project ADT is included in the *University Community Plan*, as described in Sections 3.2 and 4.4 of this EIR. The Proposed Project includes a Transfer of Development Rights whereby excess vehicle trips from another site in the community are proposed to be re-allocated to the project site. The Proposed Project would not result in a net increase above the ADT assumed for the build-out of the University Community and would not exceed the air quality emissions evaluated in the previous Community Plan EIR.

Project-generated traffic is included in the County of San Diego's Regional Transportation Plan (RTP), which has been reviewed to assess its conformity with the State Implementation Plan (SIP) for achieving attainment of the air quality standards in San Diego, and has been included in the County's traffic projections for future growth. By virtue of its inclusion in the RTP, it is unlikely that the project would affect the ability of the San Diego Air Basin to attain federal, state, and local air quality standards.

It is also important to note that through California ARB programs, vehicle emissions are being reduced on an annual basis. The emissions estimates in Table 4.6-5 are provided for calendar year 2002. Further reductions in emissions from mobile sources due to improved motor vehicle emissions technology are anticipated to result in fewer emissions associated with traffic.

Significance of Impacts

The Proposed Project's traffic has been included in traffic projections for the Community Plan build-out and RTP, and associated vehicle emissions were previously evaluated in the Community Plan EIR. The Proposed Project would not generate emissions beyond the levels assumed previously. The Proposed Project's emissions have been accounted for in the County's plans for attainment and maintenance of the ambient air quality standards. In addition, future emission reductions are anticipated due to more stringent vehicle emission standards. The Proposed Project's vehicle emissions impacts are not anticipated to be significant.

Mitigation Measures and Mitigation Monitoring and Reporting Requirements

No significant operational (air quality) impacts are anticipated; no mitigation is recommended.

4.7 Hydrology/Water Quality

A project-specific hydrology study has been conducted for the proposed La Jolla Commons project by Leppert Engineering, revised June 25, 2000 and attached as Appendix G to this EIR. This section is based primarily on that report.

4.7.1 Existing Conditions

☐ Surface Drainage Patterns and Surface Water

The project is located in the Rose Canyon hydrologic area, approximately three miles inland. This hydrologic area eventually drains into Mission Bay. It is anticipated that basin-wide water quality is probably stable, with possible exceptions during heavy rains when increased erosion and sedimentation can occur. Surface water quality in this hydrologic area is considered to be poor, although not seriously degraded, due to urban runoff related to automobile discharges of hydrocarbons (oil and grease) as well as antifreeze, tire rubber and heavy metals from brake linings.

Surface drainage throughout the property consists of runoff from seasonal precipitation that collects in on-site concrete swales and drainage facilities, in addition to off-site flows via existing drainage structures which discharge into the canyon basin on site. The project site is bound by Judicial Drive to the west, Nexus Centre Drive to the north, Executive Drive on the center and La Jolla Village Drive to the south. Drainage patterns carry runoff southward via existing drainage structures on Nexus Centre Drive and Executive Drive to the outlet canyon basin on site. Under existing conditions, the site drains from the on-site canyon basin southerly into the basin tributary to the Rose Canyon creek, via a 42-inch reinforced concrete pipe (RCP) which crosses beneath La Jolla Village Drive.

According to the geotechnical report prepared by Christian-Wheeler, Inc. and titled *Report of Geologic Reconnaissance Proposed La Jolla Commons Project, La Jolla Village Drive, San Diego, California* (August 1999), no springs or groundwater conditions are anticipated to affect the site. It should be expected, however, that over-irrigation or a change in drainage patterns could potentially lead to seepage problems.

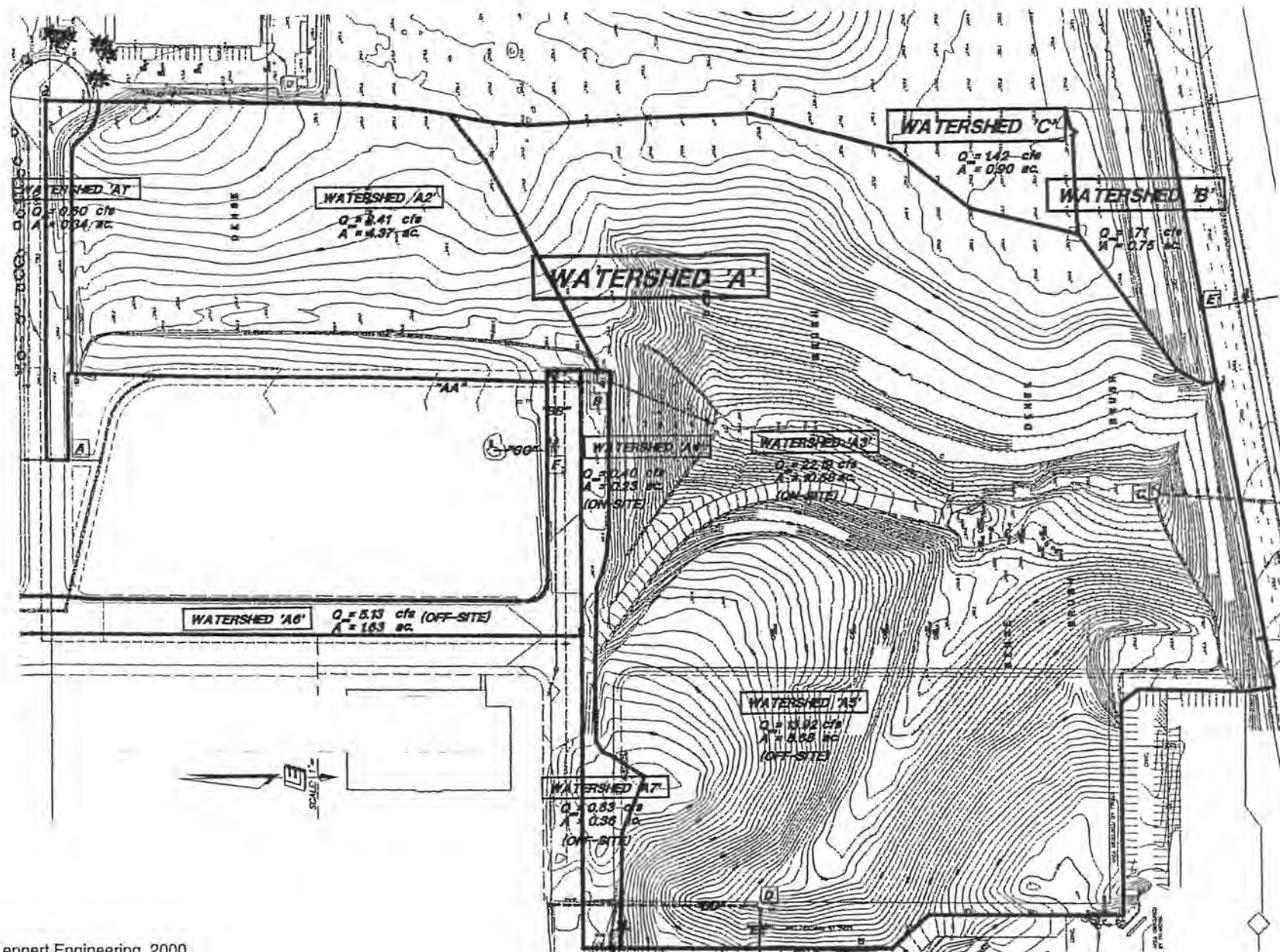
The pre-development condition consists of three watersheds on site (Figure 4.7-1). An analysis of the stormwater flows during a 100-year storm event is provided in Table 4.7-1. The main drainage basin on site, Watershed 'A,' collects most of the on-site flow in addition to a significant off-site flow collected via existing pipe systems which outfall into the project site. Watershed 'B' drains off site to the east. Watershed 'C' drains off site to the south to an existing pipe system in La Jolla Village Drive.

Under existing conditions, Watershed 'A' collects 31.61 cubic feet per second (cfs) from on-site sources of flow in addition to 207.78 cfs from off-site sources of flow. Consequently, the on-site portion of the flow accounts for only 13.2 percent of the total basin collection.

**Table 4.7-1
PRE-DEVELOPMENT PEAK DISCHARGES**

WATERSHED	AREA (acres)	Q₁₀₀ (cfs)	NOTES
Watershed 'A' – On-Site Source			Flows generated on-site that contribute to the main drainage basin on-site.
A1	0.34	0.60	
A2	4.37	8.41	
A3	10.58	22.20	
A4	0.23	0.40	
SUBTOTAL	15.29	31.61	
Watershed 'A' – Off-Site Source			Flows generated off-site that enter the site and contribute to the main drainage basin on-site.
A5	5.68	13.92	
A6	1.63	5.13	
A7	0.38	0.63	
AA	—	99.40	
BB	—	10.30	
CC	—	12.00	
DD	—	60.90	
EE	—	5.50	
SUBTOTAL	1.99	207.78	
Watershed 'B'	1.99	1.71	These small watersheds collect on site and discharge off-site, not in the main basin.
Watershed 'C'	0.90	1.42	
GRAND TOTAL	18.93	242.52	

As noted previously, flows collected on-site drain southerly into the basin tributary to the Rose Canyon creek, via a 42-inch RCP pipe which crosses beneath La Jolla Village Drive. From there, it is an overland drainage field flow until it reaches a head wall and 90-inch RCP storm drain under Golden Haven Drive. The 90-inch RCP storm drain serves Golden Haven Drive and has a rated capacity of 715 cfs. This pipeline continues a parallel course southerly along Towne Centre Drive before crossing Nobel Drive where the pipe junctions into a 126-inch CMP storm drain. The 126-inch CMP storm drain, with a rated capacity of 795 cfs, terminates on the southern side of Nobel Drive in a rip-rap field.



Source: Leppert Engineering, 2000

Figure 4.7-1
PRE-DEVELOPMENT HYDROLOGY

□ Stormwater/Water Quality Regulations

A number of local and state regulations govern hydrology and water quality factors associated with the proposed project. A brief description of these regulations is provided below.

The City of San Diego sets forth requirements for grading and land development, including specifications for grading permits, in Municipal Code Sections 62.0401 through 62.0423. In accordance with these requirements, the City must review and approve a grading plan as well as a revegetation plan. The grading plan must include procedures to control erosion and minimize sediment runoff draining from land undergoing development.

The City of San Diego also sets forth requirements for the reduction of pollutants in stormwater in Municipal Code Section 43.0308. This section outlines requirements related to business activities, such as preparation of a Stormwater Pollution Prevention Plan (SWPPP) and a Hazardous Materials Release Response and Inventory Plan as required under Chapter 6.95 of the California Health and Safety Code. Section 43.0308 of the Municipal Code also requires project compliance with National Pollutant Discharge Elimination System (NPDES) permitting for stormwater discharges and General Construction Activities, including regular cleaning or sweeping of parking lots and impervious areas and compliance with stormwater Best Management Practices (BMPs).

Hazardous material storage is regulated by the City of San Diego Fire Code (City of San Diego Municipal Code Sections 55.0101 through 55.9201). The San Diego Fire Code has adopted provisions of the Uniform Fire Code with respect to storage requirements for hazardous materials. In accordance with Section 8003 of the UFC (1994), secondary containment is required for the storage of solid and liquid hazardous materials.

Surface and groundwater quality is also regulated by the Regional Water Quality Control Board (RWQCB). All construction activities that disturb five acres or more are subject to NPDES regulations and require a permit issued by the RWQCB. Based on current regulations, a Notice of Intent (NOI) must be submitted to the RWQCB for consideration under a General Construction Activity Stormwater Permit. This permit requires applicants to develop, implement, and monitor a SWPPP consisting of BMPs to eliminate or reduce pollutants in non-point source stormwater discharges.

The City of San Diego is covered under a municipal NPDES stormwater permit for discharges of stormwater runoff (RWQCB Order 90-42 and Monitoring and Reporting Order 95-76). In accordance with the provisions of this permit, the City of San Diego participates in a Comprehensive Stormwater and Urban Runoff Management Program. The Comprehensive Program includes a number of programs which are implemented by the City. Education is an important part of the overall program. Education programs are aimed at promoting proper disposal of hazardous materials, managing pesticide application and storage, conservation of irrigation water to minimize runoff, catch-basin stenciling to discourage illegal discharge to stormwater systems, and programs to encourage public reporting of illicit connections and illegal discharges. In addition, specific construction period measures are identified, including temporary erosion control measures (e.g., drain inlet protection, sandbags, etc.) and revegetation. Long-term programs encourage on-site containment of urban runoff contaminants, hazardous materials storage procedures and street sweeping.

The Basin Plan sets forth water quality objectives for constituents which could potentially cause an adverse effect or impact on the beneficial uses of water. The Basin Plan identifies the following beneficial uses for surface waters within and downstream from the project area:

- Industrial Service Supply
- Contact Water Recreation
- Non-contact Water Recreation
- Cold and Warm Freshwater Habitat
- Wildlife Habitat
- Migration of Aquatic Systems

In addition to the beneficial uses for surface water within the project area, the ultimate destination of surface runoff from the proposed project, Mission Bay, has a number of beneficial uses, including an emphasis on recreation and wildlife resources, including marine life.

4.7.2 Impact Analysis

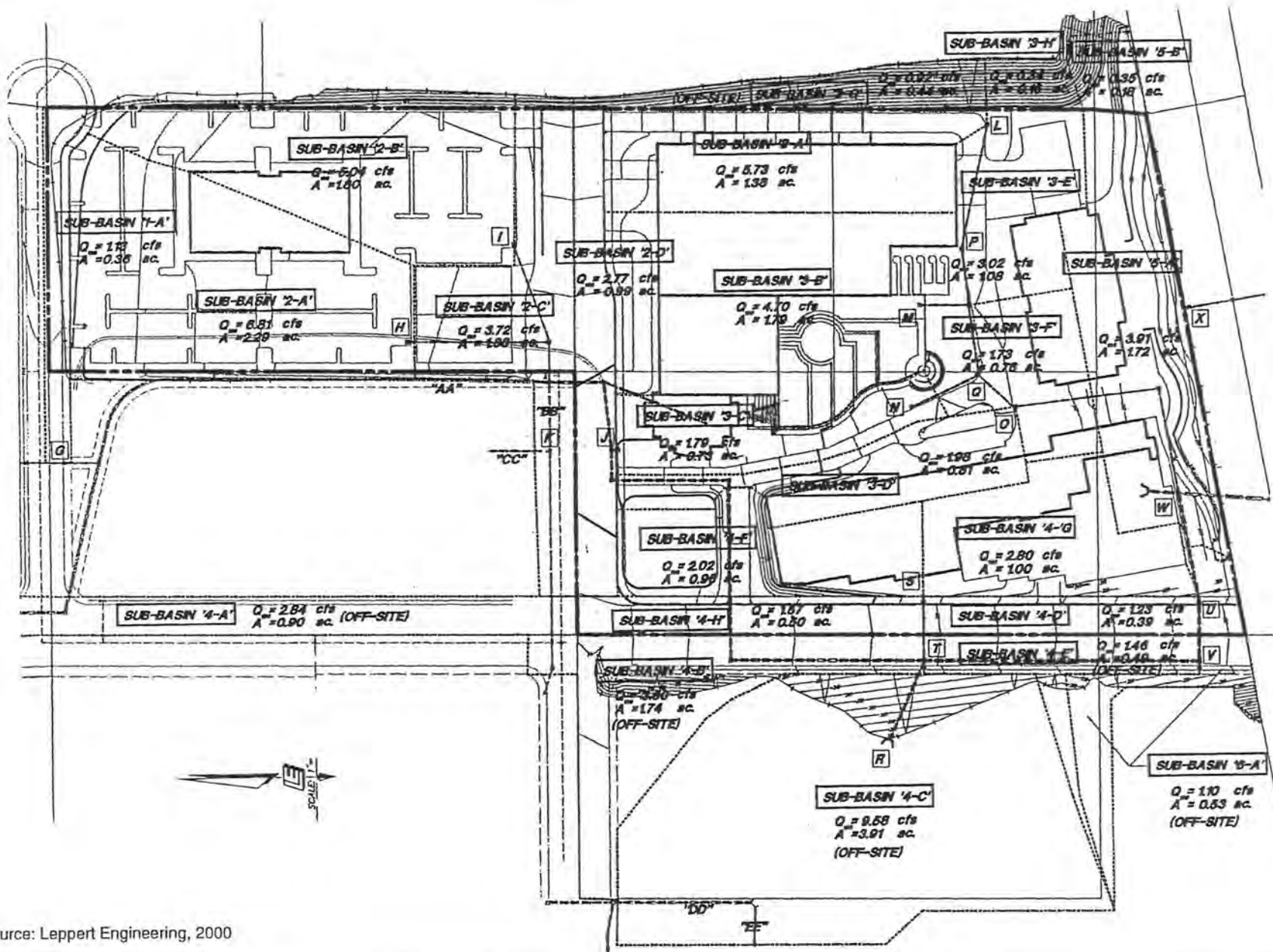
Issue 1: *Would the Proposed Project result in changes in absorption rates, drainage patterns or the rate and amount of surface runoff? Would modifications to the natural drainage system alter the course or flow of floodwaters?*

For purposes of this EIR, impacts on the natural drainage system and associated runoff would be significant if the project would:

- Substantially alter a natural watercourse or divert existing surface flows and site runoff patterns;
- Substantially increase runoff velocities at discharge points resulting in localized and downstream erosion and sedimentation; or
- Subject existing and proposed development to flooding hazards

The proposed project would consist of filling the on-site canyon basin to be approximately 15 feet higher than the adjacent street grade elevation. Existing drainage structures and concrete swales along the canyon basin would need to be removed to allow for the grading of the site. However, drainage structures along Executive Drive (west of Judicial Drive) would remain up to the southeastern terminus of Executive Drive. New drainage structures would be constructed and connected to the existing system on Executive Drive, which would carry flow to a new drainage system on Judicial Drive. Temporary grading would be performed to the west of Judicial Drive, which would ultimately create a canyon basin. A headwall structure would be constructed to divert flow into the drainage system on Judicial Drive.

The project-specific hydrology/drainage analysis (Appendix G) calculates storm flow rates for a 100-year storm frequency. These storm flows were used during the analysis to investigate the impact of the proposed project on the existing three watersheds. Table 4.7-2 provides the flows that would be contributed from both on- and off-site sources. In the analysis of the post-development condition (Figure 4.7-2), the total collection of flow into the main drainage basin on-site from on-site sources consists of 45.41 cfs. A total flow of 206.21 cfs would be contributed from off-site sources. In addition to flows entering the main drainage basin, a total of 5.36 cfs would be generated as off-site flows.



Source: Leppert Engineering, 2000

Figure 4.7-2
POST-DEVELOPMENT HYDROLOGY

**Table 4.7-2
POST-DEVELOPMENT PEAK DISCHARGES**

WATERSHED	AREA (acres)	Q ₁₀₀ (cfs)	NOTES
Watershed 'A' – On-Site Source			Flows generated on-site that contribute to the main drainage basin on-site.
1A	0.36	1.13	
2A	2.29	6.81	
2B	1.30	5.04	
2C	1.33	3.72	
2D	0.99	2.77	
3A	1.82	5.10	
3B	1.79	4.70	
3C	0.73	1.79	
3D	0.81	1.98	
3E	1.08	3.02	
3F	0.76	1.73	
4D	0.39	1.23	
4F	0.96	2.02	
4G	1.00	2.80	
4H	0.50	1.57	
SUBTOTAL	16.11	45.41	

Table 4.7-2 (cont.)

WATERSHED	AREA (acres)	Q ₁₀₀ (cfs)	NOTES
Watershed 'A' – Off-Site Source			Flows generated from off-site sub-basins or pipe systems that contribute to the main drainage basin on-site.
3G	0.44	0.92	
3H	0.16	0.34	
4A	0.90	2.84	
4B	1.74	3.50	
4C	3.91	9.58	
4E	0.49	1.46	
AA	—	98.87	
BB	—	10.30	
CC	—	12.00	
DD	—	60.90	
EE	—	5.50	
SUBTOTAL	7.04	206.21	
Additional Sub-Basins – Off-Site Flow			Flows generated on-site that discharge off-site, not in the main basin.
5A	1.72	3.91	
5B	0.18	0.35	
6A	0.53	1.10	
SUBTOTAL	2.43	5.36	
GRAND TOTAL	25.58	256.98	

The net effect of the proposed development on the central drainage basin would be a total discharge increase of approximately 13.8 cfs during a 100-year storm event (see Table 4.7-3 for a summary comparison of the pre- and post-development conditions). The increase is attributed to the increase of impervious surfaces, which include streets, patios, driveways and foundations for buildings. In addition, a portion of Watershed 'C' is being captured in the post-developed condition and accounts for an increase in the total flow. The total post-development flow from on-site sources accounts for 18.0 percent of the total basin flow. The increase in the percentage of on-site flow resulting from the project is less than 5 percent (Table 4.7-3). Relative to the capacity of the downstream storm drain that directs flows toward Rose Canyon creek, the proposed increase of 13.8 cfs represents approximately 1.73 percent of the capacity of the 126-inch downstream storm drain. Consequently, this is a nominal increase and would not result in significant direct adverse impacts to existing drainage patterns in the project vicinity and downstream.

**Table 4.7-3
PROJECT FLOW COMPARISON (cfs)***

	ON-SITE FLOW	OFF-SITE FLOW	TOTAL FLOW	PERCENTAGE OF ON-SITE FLOW
Pre-Development	31.6	207.8	239.4	13.2
Post-Development	45.4	206.2	251.6	18.0
DIFFERENCE	+13.8	-1.6	+12.2	+4.8

*Analyzes pre- and post-project flows for the large drainage basin on-site. Does not include minor off-site flows that do not discharge into the main basin.

The proposed project would collect flow from two off-site, 36-inch pipes located south of Executive Drive and west of the Judicial Drive alignment and route the flow from these pipes (via on-site 36-inch pipes) into a new 42-inch pipe. The on-site 42-inch pipe would connect with the existing 42-inch pipe below La Jolla Village Drive. The water would flow south from the 42-inch pipe outlet located south of La Jolla Village Drive into the existing drainage on the proposed La Jolla Crossroads project site immediately to the south in the interim condition. The La Jolla Crossroads project plans to construct a 48-inch storm drain (to connect with the 42-inch pipe below La Jolla Village Drive) which would run along Judicial Drive before combining with another 84-inch storm drain planned on La Jolla Crossroads. The combined flows from these two storm drains would flow into a 90-inch storm drain in Golden Haven Drive which would connect with the existing 90-inch storm drain beneath the existing development to the south. The storm drain system on La Jolla Crossroads, in both the pre- and post-development condition, would be adequate to handle the increased flow from the La Jolla Commons Project.

Significance of Impact

The proposed project would not have a significant impact on downstream drainage improvements. The proposed storm drain system is adequate to handle the surface flows generated by the proposed development as well as buildout of the upstream watershed. The course and flow of existing drainage patterns would not be significantly altered as a result of the project.

Mitigation Measures, Monitoring, and Reporting

No mitigation measures are required.

Issue 2: Would the Proposed Project affect surface or groundwater quality?

For the purposes of this EIR, impacts to water quality would be significant if the project:

- Substantially depletes groundwater resources or aquifer recharge areas or diverts existing groundwater flows;
- Substantially degrades the quantity of groundwater and surface water that could adversely affect human health and safety due to increased sediment loads during site grading and construction as well as urban runoff pollution; or
- Substantially increases erosion and subsequent sedimentation of water bodies

In the short-term, the proposed development would potentially impact water quality during the construction period. In the long-term, development of the site after construction could also impact water quality. The potential for water quality impacts would be greatest for surface waters due to the number of beneficial uses identified in the Basin Plan. Impacts to groundwater quality would not be a primary concern due to the lack of beneficial uses for groundwater in the project area.

Construction activities, including clearing, grubbing, scarification, trenching and other earthwork, would render the site susceptible to surface runoff during rainfall events. If unchecked, the potential for off-site sediment transport during grading operations would result in temporary increases in the level of turbidity and total suspended solids (TSS) downstream in Rose Canyon. Any increase in silt-laden runoff from graded areas on the site would result in significant surface water quality impacts relative to sediment accumulation. Sediment accumulation would adversely affect wildlife in Rose Canyon and the aquatic plants upon which wildlife depend.

In addition to causing erosion and sedimentation, rainfall coming in contact with construction materials could also adversely impact downstream surface water quality. Water quality concerns associated with construction materials would include hydrocarbon products related to operation and servicing of construction equipment as well as hazardous materials associated with building construction. Hydrocarbon products (e.g., fuel, oil, and grease) would reduce oxygen levels in surface waters and increase eutrophication (oxygen depletion). Hazardous materials could adversely affect the health of plants and animals in downstream areas.

Although pavement combined with landscaping would limit the risk of erosion and sedimentation after construction has been completed, the proposed project could impact surface water quality in other ways. Urban pollutants accumulating on roadways and parking areas would be transported by surface runoff. These urban pollutants would primarily consist of automobile by-products, including grease, oil, gasoline, brake linings, tire rubber and antifreeze. Other components would include litter and atmospheric deposition of airborne pollutants on the pavement. Over-application of pesticides, herbicides and fertilizers in landscaped areas would also be transported by surface runoff. The greatest concentration of urban-derived pollutants would occur during the early stages (typically the first half-inch) of a rainfall or runoff event. This “first flush” contains the highest concentrations of contaminants that are washed from roadways, roofs, curbs and parking lots. It is noted that the proposed construction of a multi-level parking structure would reduce parking lot contaminants.

Improper use and storage of hazardous materials in the scientific research development could pose a threat to surface water quality. Accidental spills or improper handling of hazardous materials could allow these materials to be added to surface runoff. Storage requirements imposed by the City’s Fire Code, as discussed earlier, would provide sufficient controls to prevent significant water quality impacts associated with hazardous materials.

As required under an NPDES Permit, dischargers are required to develop and implement BMPs to control the discharge of pollutants. These BMPs would consist of short-term and long-term methods used to minimize the pollutants from being captured in the storm drain systems. For the short-term process, the La Jolla Commons project would implement the use of sandbags, hydroseeding, silt fences, concrete swales and drainage structures to control the runoff pollutants. Long-term methods to control the discharge of pollutants would include the use of catch basin filtration devices.

The possibility of using grassy swales as a water quality filtering feature was considered. The elevation of the proposed grassy park located at the corner of Judicial and Executive Drives is too high to allow drainage from adjacent roads and parking areas to flow into the park. Proposed landscaping features in other areas of the site do not include grassy areas that would allow for this type of filtering to occur. Catch basin filtration devices (e.g. Fossil Filter™) would be utilized in all inlets within the proposed drainage system to serve as a means of controlling and minimizing the discharge of urban runoff pollutants.

Significance of Impacts

Erosion during construction could significantly impact the ability of downstream areas to accommodate silt-laden runoff or the accumulation of silt. During post-construction conditions, the additional urban pollutants entering the drainage course would diminish the water quality of downstream areas, ultimately including Mission Bay. Given the wildlife and recreational value of the downstream watershed, water quality impacts are considered significant.

Mitigation Measures, Monitoring, and Reporting

The following mitigation measures would reduce water quality impacts from the project to below a level of significance.

1. Prior to the issuance of any grading permit, comprehensive short-term Best Management Practices (BMPs) shall be incorporated into the project plans to control construction-related erosion and sedimentation, satisfactory to the City Engineer. BMPs may include, but are not limited to, graded surface scarification, soil stabilizers, temporary hydroseeding/planting, mulching, matting, blankets, geotextiles, sod stabilization, vegetative buffer strips, sediment traps/catch basins, silt fencing and gravel bags.

All temporary sediment traps/catch basins shall be maintained regularly. All areas planted with erosion-control vegetation shall be monitored daily for vegetation establishment and erosion problems, and any repairs and/or replacement of vegetation made promptly. All stabilization and structural controls shall be inspected at least monthly and after every significant storm event, and shall be repaired or maintained as needed to reduce sediment discharge from the site. Access to these facilities shall be maintained during wet weather.

2. Prior to the issuance of any grading permit, comprehensive permanent post-construction BMPs, consistent with those shown on "Exhibit A" (site or grading plan) shall be incorporated into the project plans to reduce the amount of pollutants (e.g., oil, grease, heavy metals) and sediments discharged from the site, satisfactory to the City Engineer. BMPs shall include the use of catch basin filtration devices at all storm drain inlets collecting runoff from proposed new structures, walkways, the private street, parking and landscape areas, as well as a street sweeping program for the private street and parking areas. Equivalent alternative available technologies and BMPs may be approved by the City Engineer, in lieu of, or in addition to, those shown on "Exhibit A."
3. Prior to the issuance of any grading permit, the applicant shall prepare a permanent maintenance plan, satisfactory to the City Engineer, which defines the applicant as the responsible party for the permanent maintenance of all BMPs. The maintenance plan shall include the submittal of annual reports to the City Engineer documenting the maintenance of all permanent BMPs in accordance with the applicable manufacturer specification. Spot checks may be made by the City Engineer to ensure compliance with the maintenance plan.

4. Grading will be allowed during the rainy season (November 15 through March 31) upon the approval of special erosion control measures by the City Engineer.

Significance After Mitigation

Implementation of the above mitigation measures would reduce significant project-generated water quality impacts to below a level of significance.

4.8 Paleontology

4.8.1 Existing Conditions

The subject site is located in the Coastal Plains Physiographic Province of San Diego County and is underlain by Tertiary-age and Quaternary-age sedimentary deposits, associated residual soils, and artificial fill. The Tertiary-age materials at the site are identified as part of the Scripps Formation, which is represented predominately by yellowish-brown, medium-grained sandstone with cobble-conglomerate interbeds.

The Quaternary-age materials are comprised of both marine terrace deposits and alluvial deposits. The terrace deposits are identified as part of the Lindavista Formation and consist of reddish-brown interbedded sandstone and conglomerate. The Lindavista Formation is present on the higher elevations of the site, above an approximate elevation of 360 to 370 feet. The alluvial deposits consist of brown to grayish-brown, loose-to medium dense, poorly consolidated sands and gravels and are restricted largely to the north-south trending canyon in the southwest portion of the site.

The potential for presence of fossil remains is directly associated with the types of geologic formations underlying a particular site. Geologic formations are ranked as having zero, low, moderate, or high sensitivity relative to the potential for presence of fossil remains. Table VIII Paleontological Monitoring Determination Matrix in the City of San Diego Significance Determination Guidelines (revised May 1999) was used to determine the sensitivity of formations found on site.

☐ Scripps Formation

The Scripps Formation is entirely of marine origin, and is considered to be potentially fossiliferous almost everywhere it occurs. Most of the fossils known from this formation consist of remains of marine organisms, including clams, snails, crabs, sharks, rays, and bony fishes. Marine invertebrate fossils are locally common. However, remains of fossil reptiles (e.g., crocodile and turtle) and land mammals (e.g., uinathere, brontothere, rhinoceros, and artiodactyl) have also been recovered from the formation. Well-preserved pieces of fossil wood have also been recovered from the Scripps Formation. Based on the joint occurrence of marine invertebrate fossils and terrestrial vertebrates, the Scripps Formation is assigned a high paleontological sensitivity by the City of San Diego (City of San Diego, revised May 1999).

☐ Lindavista Formation

The Lindavista Formation is a marine and/or non-marine terrace deposit, containing mostly non-marine sediments. Fossil localities are rare and have only been recorded from a few areas (e.g., Tierrasanta and Mira Mesa). Fossils collected from these sites consist of remains of nearshore marine invertebrates including clams, scallops, snails, barnacles, and sand dollars, as well as sparse remains of sharks and baleen whales. Based on the sparsity of fossils (primarily marine invertebrates) reported from this rock unit, the Lindavista Formation is assigned a high paleontological resource sensitivity in Miramar and Tierrasanta and a moderate sensitivity in all other areas in the county, according to the City of San Diego (City of San Diego, revised May 1999). The Lindavista Formation present at the project site is thus classified as having moderate sensitivity.

□ Alluvial Deposits

Alluvial deposits are comprised of unconsolidated sediments associated with active high energy stream environments. These deposits generally exhibit little or no potential for the occurrence of significant paleontological resources. Alluvium units are assigned a low sensitivity according to the City of San Diego (City of San Diego, revised May 1999).

4.8.2 Impact Analysis

Issue 1: Would the proposal result in the loss of significant paleontological resources?

According to the City of San Diego's Significance Determination Guidelines (City of San Diego, Revised May 1999), impacts to paleontological resources resulting from grading and construction are considered potentially significant if the resource potential of the geologic formation underlying the site is moderate to high and the project results in a substantial amount of grading. Impacts are considered potentially significant if project grading results in: (1) more than 1,000 cubic yards (c.y.) of excavation and cuts are 10 feet or greater in depth for high sensitivity geologic formations; or (2) more than 2,000 c.y. of excavation and cuts are 10 feet or greater in depth for moderate sensitivity geologic formations. As stated above, the project site is underlain by Scripps and Lindavista formations, which exhibit high and medium resource sensitivities, respectively. Implementation of the Proposed Project has the potential to impact important paleontological resources, particularly in the Scripps Formation.

Implementation of the Proposed Project would involve grading or disturbance on approximately 16.85 acres of the site and disturbance to an additional 2.76 acres off-site. However, approximately 3.74 acres on site and approximately 1.52 acres off site have been previously disturbed by City of San Diego infrastructure projects (i.e., pipelines, roads); these areas are not anticipated to contain fossil resources. A substantial amount of excavation is proposed, including excavation for parking structures. Potential impacts to paleontological resources would occur in the previously undisturbed geologic formational material. A total of 310,000 c.y. of excavation is anticipated during the grading phase of the project, with cuts proposed at greater than 10 feet.

Significance of Impacts

Due to the presence of fossiliferous formations at the project site, implementation of the project would have the potential for significant impacts to paleontological resources for portions of the Proposed Project site. The proposed grading would exceed the thresholds for significance for both the Scripps and Lindavista formations. Mitigation measures described below would reduce potential direct impacts associated with paleontological resources to below a level of significance.

Mitigation Measures, Mitigation Monitoring and Reporting Requirements

The following measures would be implemented to mitigate impacts to paleontological resources. These measures are required for all areas in which grading is proposed and would reduce direct impacts associated with paleontological resources to below a level of significance.

1. Prior to recordation of the final map and/or issuance of the first grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor (as defined in the City of San Diego Paleontological Guidelines) have been retained to implement the monitoring program.

The requirement for paleontological monitoring shall be noted on the grading plans. All persons involved in the paleontological monitoring of the project shall be approved by LDR prior to the start of monitoring. The applicant shall notify LDR of the start and end of construction.

- a. The qualified paleontologist shall attend any preconstruction meetings to discuss the paleontological monitoring program with the construction manager.
- b. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
- c. When requested by the paleontologist, the City Resident Engineer shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The paleontologist shall immediately notify LDR staff of such finding at the time of discovery. LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.
- d. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.
- e. Prior to the release of the grading bond, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR.

Significance After Mitigation

Implementation of the above-listed mitigation measures would reduce impacts to below a level of significance.

4.9 Historical Resources

A historical resources study for the Woodmont Corporation property, consisting of two parcels on either side of La Jolla Village Drive, was conducted by Affinis in 1995. The La Jolla Commons site is the northern of the two parcels. The Affinis report, and a letter detailing the methods and results of the records search and field survey are attached in Appendix H. Confidential records search information and site locations are on file at the City of San Diego Planning and Development Review Department. The study consisted of a review of all site records and reports on file with the Museum of Man and the South Coastal Information Center (SCIC) at San Diego State University for the project area and immediately surrounding area. Subsequently, on August 18, 1995, Affinis archaeologists surveyed the property for cultural resources per City of San Diego guidelines. This survey excluded areas that had been or were in the process of being graded for the City of San Diego North City Tunnel Connector. Per the scoping letter from City of San Diego staff, dated December 13, 1999, Affinis obtained new records searches for the property and reviewed the previous survey report. An additional field check of the site on January 28, 2000 did not reveal the presence of any historic or archaeological resources within the area of potential effect, and clarified the status of two archaeological sites mapped as immediately adjacent to the project site.

4.9.1 Existing Conditions

In addition to the 16.85-acre project site, the La Jolla Commons project would impact 2.76 acres off-site associated with grading and construction of Judicial Drive. Previous grading for the North City Tunnel Connector Project and for adjacent road construction has already disturbed 3.74 acres on-site and 1.52 acres off-site, respectively. These areas were previously surveyed for cultural resources, and the surficial soils have since been graded/removed.

☐ 1995 Study

The 1995 record searches from the Museum of Man and the SCIC indicated that 61 sites and 20 isolates have been recorded within a one-mile radius of the project site. The vast majority of the sites were recorded outside the project boundaries, but within the vicinity of the project area, and consisted of relatively small lithic scatters, most of them fairly light density. Sparse lithic scatters are categorized as non-significant resources by the City of San Diego. A few sites were recorded as scatters of cultural material, including ground stone artifacts or faunal material in addition to flaked stone artifacts. One site included a sparse lithic scatter and historic trash. Another site was an adobe structure built on top of a prehistoric archaeological site. Only four of the recorded archaeological sites were mapped as immediately adjacent to the project area.

The property was walked using parallel transects spaced 10 meters apart (per City of San Diego guidelines). The portions of the project area that had been, or were, in the process of being graded for the North City Tunnel Connector were not surveyed. These areas had been previously surveyed for cultural resources, and subsequently disturbed for that project. In some areas, ground visibility was quite good. In other portions of the project area, heavy grass cover or thick brush cover severely limited visibility. No evidence of cultural features or artifactual material was encountered during the survey, including the four archaeological sites recorded immediately adjacent to the site.

Based on their records search and site survey in 1995, Affinis found no evidence to indicate that these sites extended onto the subject property. Affinis determined that three of these sites (CA-SDI-12,428; CA-SDI-12,436; CA-SDI-12,437), mapped as immediately adjacent to the property area, were located entirely off-site. The fourth site (CA-SDI-8801 or SDM-W-2465) was mapped as off-site by SCIC and as extending onto the northeastern section of the project area by the Museum of Man. (The exact location of recorded site

boundaries is often exaggerated due to the scale of standardized field maps, USGS 1:24,000.) No evidence of this archaeological site was observed in the project area, although Affinis noted that the portion of the project area on which this site had been mapped has been subject to impacts from previous grading and similar disturbances.

□ **2000 Study**

Based upon a year 2000 records search, only two sites are recorded as being located adjacent to the project site. These two sites, also noted in the 1995 study, are CA-SDI-8801 and CA-SDI-12,437. Although these two sites were field checked in 1995, due to their proximity to the project site and their recordation on a USGS map, these two sites were again field checked by the Director of Cultural Resources of Affinis in January 2000. Similarly, negative results were obtained. No archaeological material was found within the area of potential effect.

4.9.2 Impact Analysis

Issue 1: Would the Proposed Project result in the alteration or destruction of a prehistoric or historic archaeological site?

This project is not expected to result in damage or removal of any prehistoric or historic archaeological sites. No archaeological material was found on site during the 1995 and 2000 surveys of the Proposed Project site. Although four archaeological sites have been recorded adjacent to the project area, no evidence was found to indicate that these sites extend onto the subject property, although they were specifically checked for this possibility. Therefore, the project is expected to have no impacts to cultural resources.

Significance of Impacts

No impacts to historical resources are expected to result from this project.

Mitigation Measures, Mitigation Monitoring and Reporting Requirements

Because no archaeological material was found during the recent survey and field check of the project area and there are no impacts expected to result from this project, no mitigation is required.

Issue 2: Would the Proposed Project result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, object or site?

No prehistoric or historic resources were found during the past or recent records searches and field checks of the La Jolla Commons project area. Although four archaeological sites have been recorded adjacent to the project area, no evidence was found to indicate that these sites extend onto the subject property. This project is expected to have no impacts to historical resources, and would not result in any adverse physical or aesthetic effects to prehistoric or historic resources.

Significance of Impacts

No impacts to historical resources are expected to result from this project.

Mitigation Measures, Mitigation Monitoring and Reporting Requirements

Because no evidence of prehistoric or historic material was found during the past or recent records searches and field checks of the project area and there are no impacts expected to result from this project, no mitigation is required.

4.10 Human Health & Public Safety

4.10.1 Existing Conditions

The project site is mostly undeveloped and undisturbed, with the exception of the canyon in western portion of the property which has been affected by the North City Waste Water Diversion Tunnel Project. No previous development or land uses are known for the site and hazards from previous uses are not expected to be present.

Marine Corps Air Station (MCAS) Miramar presents potential health and safety hazards to surrounding residents and businesses in the form of aircraft operations accident potential, electromagnetic radiation and explosives safety. The NAS Miramar Comprehensive Land Use Plan (CLUP), described in Section 4.1 Land Use, identifies the Airport Influence Area for the military installation; the Proposed Project is located within this Area. The CLUP addresses land use compatibility between surrounding land uses and the daily operations of the air installation. The CLUP also addresses issues related to noise which are evaluated in Sections 4.1 Land Use and 4.5 Noise. This section addresses the potential for public health and safety impacts associated with CLUP-defined Accident Potential Zones (APZs), as well as an existing Department of Defense (DOD) (NAS Miramar) Restrictive Use Easement (RUE) that is recorded over a portion of the project site. Public health and safety impacts from electromagnetic radiation and explosives were evaluated in the NAS Miramar Realignment Final EIS (Department of Navy, 1996). The 1996 Final EIS and the 1992 NAS Miramar CLUP were utilized in the preparation of this analysis.

In addition to impacts to proposed on-site land uses from aircraft operations, this section also evaluates the potential for project-generated impacts to military operations.

☐ Aircraft Operations Accident Potential

There are three main mechanisms by which potential hazards from aircraft operations are reduced: the Accident Potential Zone (APZ) designations, the RUE and the CLUP height restrictions for proposed buildings.

Accident Potential Zones (APZs)

The Air Installations Compatible Use Zones (AICUZ) program, established by the DOD in 1973, analyzed potential hazards from aircraft accidents. This result was the establishment of APZs for areas around air installations based upon the analysis of areas where accidents are more likely to occur. The purpose of the AICUZ program is to minimize public exposure to potential safety hazards associated with aircraft operations and to protect the operational capability of the air installation. APZs determine what land uses are compatible in the surrounding area so that people and property on the ground are reasonably protected.

Per the AICUZ, three APZs were defined: Clear Zone, APZ-1 and APZ-2. The Clear zone begins at the end of a runway and has the highest probability of being impacted by accidents. APZ-1 and APZ-2 are increasingly further from the end of a runway, and the degree of restrictions on land uses varies with each type of APZ. Residential (single- and multi-family dwellings, hotels, and motels), public assembly uses (schools, churches, libraries, auditoriums, sports arenas, restaurants etc.), and healthcare facilities (hospitals, sanitariums, nursing homes) are incompatible uses in both APZs. Offices, retail stores, wholesale stores and manufacturing facilities are compatible in APZ-2 and

conditionally compatible in APZ-1. These conditions are that 50 or fewer people per acre are present and that lot coverage is less than 25 percent. If use of hazardous materials is proposed, the CLUP requires that siting of facilities be in accordance with the most stringent federal, state and local ordinances and regulations, and that a Risk Management Prevention Program (RMPP) for the facilities be prepared pursuant to Article 2 of Chapter 6.95 of the California Health and Safety Code. The implementation methodology for the APZ conditions describes how to determine if a project will meet the 50 or fewer people per acre condition.

The Proposed Project site partially lies within the NAS (MCAS) Miramar APZ-1 boundary. The boundary bisects the project site in a southeast to northwest direction (Figure 4.10-1). The effect of this zone will be to restrict uses within the affected portion to non-residential office, retail, wholesale, manufacturing or outdoor uses that meet the requirements of the applicable conditions.

Restrictive Use Easement (RUE)

The DOD obtained a RUE over 9.21 acres of the property in 1983 that includes all but a small fragment of the area within the APZ-1 zone (Figure 4.10-1). Appendix I contains the RUE in its entirety. This easement is compatible with but further restricts the type of uses that are allowed within APZ-1. The RUE includes the following restrictions:

- No construction of dwellings for human habitation;
- Land uses will be compatible with Attachment 1 to the Easement, Land Use Criteria. The Attachment prohibits all types of dwelling units and lodging and permits specific types of industrial, manufacturing, commercial and retail trade land uses. (Refer to Appendix I for the complete list of permitted land uses.) Automobile parking is a permitted use;
- Structures will not extend above 630 feet amsl;
- Specific types of manufacturing, such as plastics and allied products, as well as production or storage of petrochemicals or nuclear materials is prohibited;
- Lot coverage is limited to 25 percent of gross land area

Building Height Limitations

The CLUP stipulates that any development proposal that includes an object over 200 feet above ground level or penetrates the 100:1 slope extending from the nearest point of the nearest runway must be submitted to the Federal Aviation Administration (FAA) for an obstruction evaluation.

☐ Electromagnetic Radiation

Electromagnetic hazards may be generated by radar and other high-energy equipment. The 1996 Final EIS reported the results of an analysis of the potential hazards that could occur as a result of the realignment of the airbase from the Navy to the Marine Corps. Electromagnetic signals can interfere with stored ordnance and fuel, cause harmful effects on humans and wildlife, could initiate electro-explosive devices in ordnance, and could create sparks that might ignite flammable materials. As part of the 1996 EIS analysis, hazards of electromagnetic radiation to personnel, ordnance and fuel were evaluated.

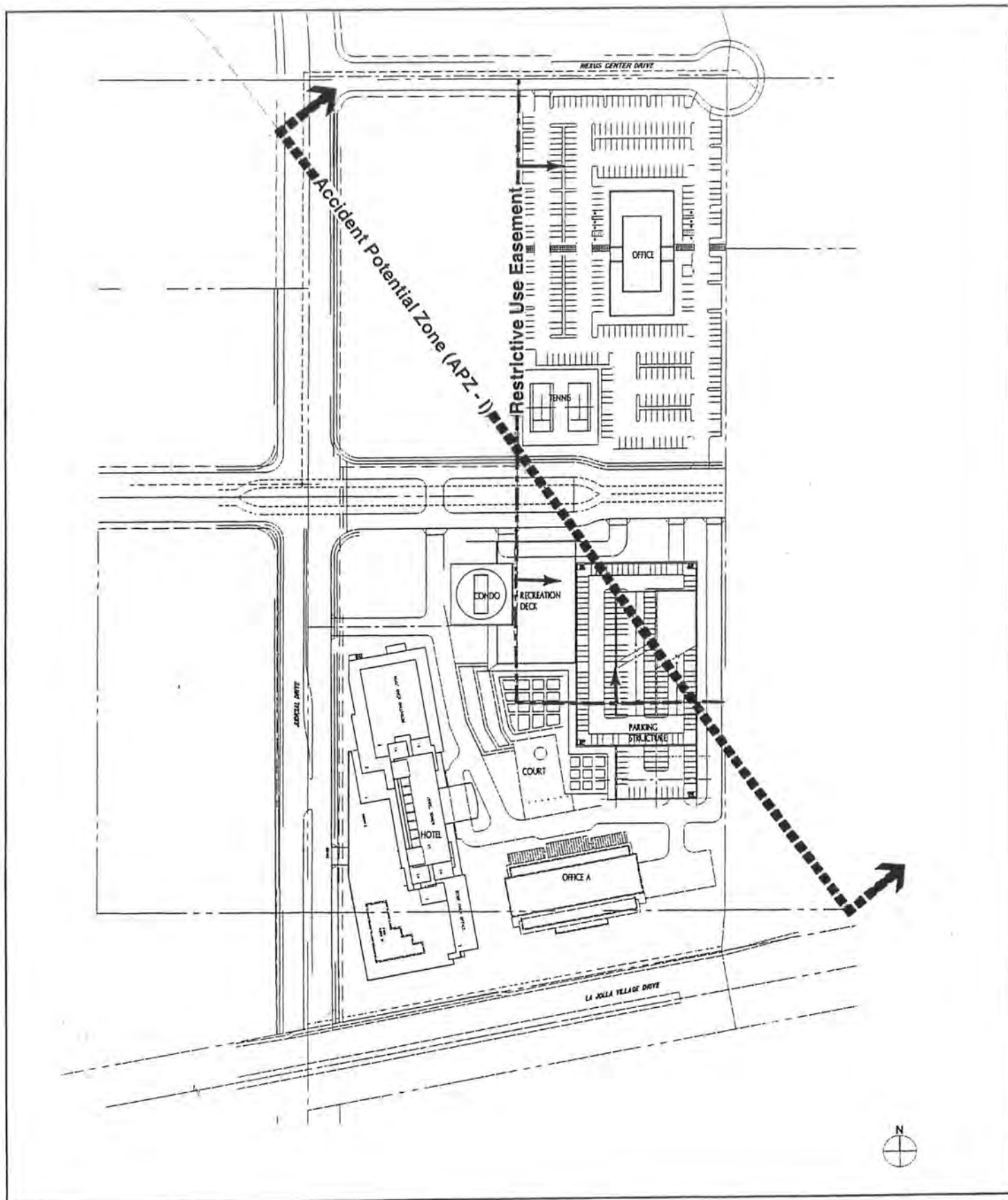


Figure 4.10-1
MCAS MIRAMAR A.P.Z. - I BOUNDARY AND
RESTRICTIVE USE EASEMENT

Five antennae north of the Miramar Memorial Golf Course along Miramar Road have “hazards from electromagnetic radiation to ordnance” (HERO) safety zones ranging from 68 to 3,617 linear feet from the antennae which remained unchanged after the base realignment. These antennae are more than three miles away and the safety zones do not cross this project site. Certain installations have electromagnetic interference clearance zones associated with them, including the Tactical Air Navigation System (TACAN) and a VHF/UHF Transmitter. The zones were not changed with the realignment as no impacts were identified (Department of Navy 1996).

☐ **Explosives**

Hazards from the potential detonation of stored explosives are reduced by Explosive Safety Quantity Distance (ESQD) arcs which determine the distance between ordnance storage and inhabitable areas. The proposed ESQD arcs for MCAS Miramar did not include any areas off base, and would not impact any inhabitable areas or public roadways (Department of Navy 1996).

4.10.2 Impact Analysis

Issue 1: Would the Proposed Project result in the exposure of people to potential human health or public safety hazards?

☐ **Potential Impacts to Surrounding Public**

The proposed condominium, hotel and high-rise office building are outside the APZ-1 and RUE areas. These land uses are compatible with the NAS Miramar CLUP. The proposed stand-alone parking structure is bisected by the APZ-1 boundary and the proposed scientific research building lies wholly within the APZ-1 and RUE areas. The RUE covers approximately 60 percent of the parking structure (Figure 4.10-1). The proposed scientific research building is 30,000 square feet in size. Using the CLUP methodology to calculate the number of persons expected in this building (Table 33-A of the 1985 UBC), the expected number of persons occupying this facility would be a maximum of 300; however, this is utilizing the UBC office rate, which is significantly higher than what would be expected. There is no rate for scientific research uses in the UBC. (Considering the City parking ratio rate of 2.5 spaces per 1,000 s.f., a total of 75 parking spaces are projected for the scientific research building; thus, the projected population is closer to 75 persons than 300.) The acreage of the project within APZ-1 is 6.23 acres. Thus, utilizing the UBC office rate (worst-case) and the calculation methodology in the NAS Miramar CLUP, the number of persons expected in the scientific research building would result in 8 persons per acre, fewer than the 50 persons per acre threshold stipulated in the CLUP. The actual number of people per acre would be less than 8, since scientific research uses are less dense than office uses. While any facility within an APZ is going to be at risk from aircraft accidents, the use proposed is an allowable use according to the CLUP, and the density of persons within the building is expected to be less than that which is deemed compatible with the APZ designation. The proposed scientific research building and that portion of the stand-alone parking structure within APZ-1 result in a lot coverage of 14.2 percent, less than the 25 percent requirement in the CLUP. No significant impact is anticipated since the project is compatible with the CLUP APZ restrictions.

More restrictive than the Land Use Compatibility requirements for the APZs of the CLUP is the RUE. This easement dictates allowable uses. The proposed land uses within the RUE are compatible. The RUE has similar population density and lot coverage requirements as the NAS Miramar CLUP. The acreage of the project within the RUE is 9.21 acres. The proposed scientific research building (300 employees per the UBC office rate) would result in approximately 5 persons per acre, less than the 50 persons per acre requirement.

As with the APZ calculation, the number of persons per acre within the RUE would be less than 5, since the proposed scientific research uses are less dense than the office rate applied from the UBC. The lot coverage for the scientific research building and that portion of the parking structure within the RUE area would be 23.63 percent, less than the 25 percent lot coverage requirement.

SANDAG and MCAS Miramar have been notified of the proposal by the applicant per the CLUP. The site's location suggests that a building approximately 125 feet tall would meet the criterion for requiring an obstruction evaluation by the FAA (Map in pocket of CLUP, 1992). The proposed condominium would be 369 feet high, the proposed office building would be 321 feet high, and the proposed hotel would be 185 feet high. All three buildings would need to be reviewed by the FAA in an Obstruction Evaluation. SANDAG and MCAS Miramar have also been notified per the requirement of the CLUP and as part of the Notice of Preparation process under CEQA. An FAA ~~A~~ determination will be made as to the compatibility of the proposed development with aircraft operations prior to project approval. The proposed scientific research building would be approximately 40 feet high and therefore would be significantly below the threshold for notification.

□ **Potential Impacts to MCAS Miramar Operations**

Impaired visibility from smoke, steam, dust, light or glare from the project could affect aircraft operations at MCAS Miramar. The site is approximately 13,000 feet from the nearest runway. The types of land uses proposed are not expected to produce significant levels of smoke, steam or dust that would impair visibility. Dust control during construction is regulated under the City's Land Development Ordinance and San Diego APCD's Rules and Regulations. Light used to illuminate building interiors would not pose any risk to aircraft operations and would not be significantly increased from current conditions in the University Towne Centre area. The same would apply to exterior lighting; proper illumination would be in an easterly direction focused on buildings and landscaping and would not stray beyond the project boundaries.

Glare occurs when sunlight reflects off buildings with highly reflective surfaces. Glass is the main contributor to glare but polished stone, ceramic or plastic materials can also contribute to glare. The location of these proposed buildings, approximately 13,000 feet east of the end of the nearest runway, and the building heights, potentially pose a hazard to aircraft if the building design presents highly reflective surfaces in the easterly direction. The project is proposed to be constructed in a contemporary, state-of-the-art design using reflective glass and solid spadrels. While the proposed materials would be similar in nature to the design materials of surrounding office towers within the Airport Influence Area, there is a potential for glare impacts to pilots. However, the Proposed Project is not anticipated to result in significant light and glare impacts to the public, including pilots at MCAS Miramar. Proposed accent and security lighting would be focused on the project pedestrian and vehicle circulation system and design features (e.g., specimen trees and uplighting on building façades) with no illumination off site proposed.

Electromagnetic emissions that are of concern include radio, microwave, and radar installations. These emissions have the potential to interfere with aircraft instrumentation and operations at MCAS Miramar. While the proposed uses are not expected to include activities that might produce such emissions, the project should be conditioned to preclude such uses if they pose a potential risk to the safety of Miramar aircraft operations.

Significance of Impacts

The Proposed Project is compatible with requirements of the 1992 NAS Miramar CLUP. While the potential exists for aircraft accidents throughout the vicinity of MCAS Miramar, the proposed uses are compatible with the requirements of APZ-1 and the RUE covering the Scientific Research building and parking structure. No significant electromagnetic radiation or explosive impacts are anticipated.

Impacts to MCAS Miramar aircraft operations from the project would not be significant. Substantial emissions interfering with pilot visibility and electromagnetic emissions are not anticipated with the types of land uses proposed. The Proposed Project design is consistent with the contemporary design of other high-rise structures in the Airport Influence Area. There is a potential for glare impacts to pilots; however, this impact is not considered significant or measurably different from existing structures within the Airport Influence Area.

Mitigation Measures, Monitoring and Reporting

No mitigation is proposed, as there are no identified significant impacts.

5.0 Cumulative Effects

The CEQA Guidelines (Section 15355) state that a cumulative impact consists of an impact, which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. Section 15130 of the CEQA Guidelines requires that an EIR address cumulative impacts of a project when the project's incremental effects would be cumulatively considerable, wherein "cumulatively considerable" refers to the individual project's effects with respect to past, current, and probable projects.

5.1 Projects Evaluated for Cumulative Effects

Projects in the vicinity of the proposed La Jolla Commons project considered for the analysis of localized issues (i.e., traffic) are mapped in Figure 5-1 and briefly described below:

Eastgate Technology Park:	400,000 s.f. of scientific research use
La Jolla Crossroads:	up to 162,000 s.f. of scientific research use and 1,500 residential units
Congregation Beth Israel:	6,500 s.f. of church use
Nobel Research Park:	766,800 s.f. of corporate headquarters/single tenant office use

The analysis of cumulative impacts associated with regional issues (i.e., air quality and biology) was based on regional plans and policies, such as the Circulation Element of the Community and General plans, the County of San Diego's RTIP, and the MSCP.

5.2 Cumulative Effects Analysis

The environmental impacts of the Proposed Project with respect to transportation/traffic circulation and air quality (addressed in Section 4.0) are considered potentially significant and, therefore, may contribute to cumulative impacts.

5.2.1 Transportation/Traffic Circulation

The buildout of the University Community is based upon the land use designations and the Circulation Element improvements identified within the *University Community Plan*. Buildout for this community is estimated for year 2020. In addition to the anticipated growth within the University Community, regional traffic is projected based upon SANDAG's growth projections which were obtained from their Series 9 Transportation Forecasting Model. Circulation Element improvements assumed for the buildout conditions include the following: (1) La Jolla Village Drive/Miramar Road is widened from six to eight lanes on both sides of I-805; (2) Reconfiguration of the I-805 interchange; (3) Regents Road is extended to Governor Drive; (4) Eastgate Mall is widened to a four-lane Collector road; (5) Judicial Drive is extended south to Nobel Drive; and (6) I-805 is widened to include two HOV lanes (one northbound and one southbound).

In addition to the arterial improvements listed above, buildout conditions assume the following interchange configuration for the I-805/La Jolla Village Drive/Miramar Road interchange: (1) The existing interchange would be converted from a full-cloverleaf configuration to a partial-cloverleaf configuration requiring the widening of the La Jolla Village Drive overcrossing structure; (2) The I-805 northbound and southbound off-ramp connections to La Jolla Village Drive/Miramar Road would be signalized; and (3) All freeway on ramps from La Jolla Village Drive and Miramar Road would be metered.

Cumulative, build-out traffic conditions on road segments in the vicinity of the Proposed Project are projected to operate at LOS D or better as shown in Section 4.4, Table 4.4-12. The Circulation Element and I-805 interchange improvements planned in the project study area will improve traffic conditions over the near-term scenario discussed in Section 4.4. The level of service and anticipated delay at nearby intersections under future buildout conditions is shown in Table 4.4-14 in Section 4.4. It is projected that under buildout conditions, intersections would also operate at LOS D or better.

Under future buildout conditions, the I-805 interchange will be significantly congested, with or without the Proposed Project. The demands at the interchange will far exceed the flow rate deemed acceptable by the City or Caltrans. Projected freeway volumes under Community Plan build-out conditions are also anticipated to remain congested for those segments in the project vicinity. Table 4.4-13 in Section 4.4 shows that all segments remain at LOS F, even under buildout conditions with the addition of two HOV lanes. The congestion at the interchange and on segments of I-805 will be a function of regional growth and lack of capacity available on I-805; congestion under buildout conditions is considered a cumulative, region-wide growth impact to which the project would contribute.

5.2.2 Air Quality

Short-term construction emissions would not be significant or cumulatively significant as a result of standard dust control measures imposed by the San Diego APCD during construction activities. Emissions from project operation, including minor emissions from area sources and traffic emissions, would interfere with the regional efforts to achieve ambient air quality standards, especially since the San Diego Air Basin is currently classified as a non-attainment area for O₃ and PM₁₀. However, Proposed Project emissions were evaluated in the EIR for the *University Community Plan Update* (May 12, 1987, Revised) and the County of San Diego's RTP. The Community Plan EIR identified air quality as a significant and unmitigated impact. The Proposed Project would contribute to this impact but would not exceed the emissions assumed in the previous EIR analysis.

5.3 Cumulative Effects Found Not to Be Significant

5.3.1 Land Use

In conjunction with the listed cumulative projects in Section 5.1, the Proposed Project would not result in significant land use plans and policy impacts since each project is consistent with the University Community Plan land use designations and would be fulfilling the intentions of the plan for community buildout. The proposed cumulative projects are compatible with surrounding uses of similar types and densities. The Proposed Project would result in encroachment into steep slopes and wetlands regulated under RPO; resulting in non-compliance with the intent of the ordinance. However, this project is not located within a community plan designated open space area or a MSCP Multi-Habitat Planning Area. Therefore, this project would not significantly contribute to cumulative impacts resulting from encroachment into RPO resources for other projects in the community.

5.3.2 Landform Alteration/Visual Quality

The Proposed Project would not significantly impact any community identification symbol or landmark, and is in keeping with the local community character of uses as designated in General and Community plans. This project, in combination with other proposed and approved projects, would not result in significantly cumulative visual impacts as all of the projects are consistent with the land use types, densities and urban design element guidelines of the *University Community Plan*. Since the Proposed Project would not result

in a significant visual quality or aesthetic impact, the proposed landform alteration is not considered to be a significant impact.

5.3.3 Biological Resources

Individual project losses to sensitive resources are planned for at a regional level by the City's MSCP. Habitat types that are historically reduced by development and/or are an integral habitat for sensitive species are protected. The loss of these habitat types is balanced by the requirement for the acquisition and permanent preservation of an appropriate quantity and quality of biological resources, similar to those resources being impacted, in an off-site location. Although the Proposed Project would result in direct and significant impacts to approximately 1.58 acres of Diegan coastal sage scrub, 1.39 acres of disturbed Diegan coastal sage scrub, 9.63 acres of southern mixed chaparral, and 0.14 acre of wetlands including southern willow scrub (Table 4.3-6) within an area covered by the MSCP, cumulative impacts are not considered to be significant after compensatory mitigation.

5.3.4 Hydrology/Water Quality

The Proposed Project would fill an existing canyon and finger canyon, channelizing a remnant section of an historic natural drainage channel. Proposed infrastructure for downstream projects and existing land uses would be adequate to convey increased flows resulting from the project. The Proposed Project, as well as the cumulative projects listed, would be required to incorporate measures into project design to mitigate short- and long-term impacts to downstream water quality. The incorporation of appropriate BMPs would mitigate cumulative water quality impacts to below a level of significance.

5.3.5 Geology

The Project site does not have any unique geologic features and would not result in significant direct impacts to geologic resources; thus, the project would not contribute to cumulative impacts to geologic resources. Potential impacts from geologic hazards to this project, or any of the listed cumulative projects, would be mitigated by standard remedial grading measures and seismic safety building design measures.

5.3.6 Noise

The Proposed Project would not generate significant noise as a result of the mixed-use development. The proposed uses would, however, be exposed to potentially significant ambient noise impacts from nearby roadways and MCAS Miramar. These impacts were considered potentially significant but mitigable for the project alone. The cumulative projects listed in Section 5.1 may also experience noise impacts to proposed land uses but are not expected to be the sources of significant noise generation. The types of uses proposed consist of residential, office, commercial and light industrial, which are not typically noise-generating types of uses. Although the cumulative projects may contribute to the ambient noise level as a result of an increase in traffic, the proposed uses fall within the traffic projections and consequential noise levels addressed in the Community Plan EIR. No significant cumulative noise impacts are anticipated.

5.3.7 Public Services and Utilities

The Proposed Project, and the cumulative projects listed in Section 5.1, are considered in-fill projects and are consistent with the types of uses and development intensity planned for in the University Community Plan. These uses and their individual service and utility demands (sewer, water, gas, electricity, schools, police and fire) were evaluated in the Community Plan EIR based upon Community Plan build-out land use

designations and associated service and infrastructure needs. Impacts and service needs of individual projects are determined on a case-by-case basis, and public services and facilities consequently require upgrades, expansion or new construction of facilities, the cost of which is borne by a combination of developer impact fees, and enterprise and general fund revenues. With the exception of solid waste, no direct impacts to utilities and services would result from the project.

The Proposed Project would contribute to the regional demand for landfill space which is considered to be in relatively short supply. The City of San Diego Environmental Services Department has indicated that the Miramar Landfill has a remaining capacity of approximately 28.29 million cubic yards of solid waste. The landfill life is expected to expire around 2012 and the landfill is anticipated to close sometime between 2007 and 2017. An aggressive recycling program has been initiated by the City of San Diego which the Proposed Project would comply with. This mitigation of solid waste impacts would preclude significant cumulative impacts.

5.3.8 Paleontological and Historical Resources

No significant cumulative impacts to historical resources (i.e., archaeology) or paleontological resources are anticipated since each project is required to mitigate for their individual impacts to a level that is less than significant. The Proposed Project would not result in any historical resource impacts and the potential for impacts to paleontological resources would be mitigated by provision of an on-site monitor during excavation activities. Other cumulative projects would be required to implement the same type of measure, reducing the potential for cumulative impacts to paleontological resources.

6.0 Effects Found Not to Be Significant

6.1 Agriculture and Aggregate Resources

Impacts to agriculture and aggregate resources are not anticipated. Geologic formations and soil conditions underlying the Proposed Project site are not suitable for the extraction of sand and gravel resources. The site is designated as mineral resource zone three (MRZ-3) by Kohler and Miller (1982). Although this category indicates that insufficient information is available to determine mineral resource value, it also implies that a high resource value is unlikely. In addition, the project site is a relatively small parcel in an urbanized area. Although it might be feasible to extract some sand and gravel out of materials on site, it is unlikely that any such operation would be cost effective or feasible. Also, this parcel has a Community Plan designation of Scientific Research and Visitor Commercial land uses.

This project site is similarly poor for agricultural use. The majority of soils on site are Terrace escarpments (USDA 1973), having no agricultural value per U.S. Natural Resource Conservation Service (NRCS) or California Department of Conservation (CDC) standards. Small amounts of Chesterton fine sandy loam and Redding gravelly loam may be present on site. These soils are not designated as (1) prime farmland; (2) soils having statewide importance; nor (3) unique soil types, which are the three main designations used by either agency for agriculturally favorable soils. In addition, the project site is relatively small (approximately 17 acres) and surrounded by urban development and infrastructure, making it less likely to be economically viable for agricultural purposes.

6.2 Recreational Resources

The project site has a Community Plan designation of Scientific Research and Visitor Commercial and is not planned for regional or local community recreational uses; however, the development of the 115 condominium units on-site will have a minor effect on the need for population-based parks. A 0.72-acre park land shortage has been estimated by the Park and Recreation Department. No public recreational activities are proposed as part of this project. The applicant's proposal incorporates public and semi-public amenities including a privately-maintained transit park, sculpture garden, floral garden, and linear park. Even though the added amenities on site do not satisfy population-based park requirements, they do provide a means of meeting park needs of the residents of this development. These amenities would provide over and above the useable open space acreage required by approximately 50,000 square feet. The contribution of FBA fees in addition to the public and semi-public open space proposed would alleviate the anticipated 0.72 acre park land shortage. The additional recreational needs for the residents at the 327-325-room hotel and 115 +10-120 condominium units would be met by planned facilities on-site including a lap pool for condominium residents, a swimming pool, spa, and weight room for hotel visitors, two tennis courts, an approximate one-acre open space park at the main entry on Executive Drive and a courtyard area proposed in the center of the site. The open space park will be available for use by residents, hotel guests, and employees.

6.3 Geology and Soils

No soil or geologic conditions were encountered or identified on the project site which would result in significant impacts, provided that recommendations in the Report of Geologic Reconnaissance (Christian Wheeler Engineering 1999) are implemented (Appendix G). The Proposed Project would not increase the risk of exposure to people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards.

The City of San Diego Seismic Safety Study categorizes the project site within Geologic Hazards Category 54. Category 54 is assigned to steeply sloping terrain with an unfavorable or fault-controlled geologic structure where the risks are classified as moderate. According to the City of San Diego Seismic Safety Study (1995), no active or potentially active faults cross the site or are in the near vicinity of the site. The nearest active fault is the Rose Canyon Fault Zone that is located approximately three miles to the west. The property is subject to ground shaking and seismic forces from regional active faults, however, no special setbacks or design parameters are necessary other than those required by the Uniform Building Code (Uniform Building Code 1997).

The site is in Relative Landslide Susceptibility Area 3-1 according to the California Division of Mines and Geology (Tan 1995). Area 3 is considered to be a "generally susceptible" area; subarea 3-1 contains slopes considered to be at or near their stability limits due to a combination of weak materials and steep slopes. Review of aerial photographs did not indicate the presence of any topographic feature at the site that has the topographic expression of an ancient landslide. Steep slopes on the project site are proposed to be graded and filled to accommodate development. The 1999 Report of Geologic Reconnaissance noted that native soils on-site provide good fill material, although alluvial fan deposits in the canyon bottom are loose and saturated and would require complete removal until competent formational soils are reached in order to prepare the site to receive the anticipated fills. Underlying materials (Tertiary-age and Quaternary-age sedimentary deposits, associated residual soils, and artificial fill) are described in more detail in Section 4.8.

The surficial soils developed on the formational materials are identified largely as part of the Chesterton Soils Series or soils associated with Terrace Escarpments. The Chesterton Soils Series typically consists of approximately one to two feet of brown silty sand topsoil over approximately one to two feet of reddish-brown to grayish-brown, moderately expansive to highly expansive clayey subsoil. The soils associated with the Terrace Escarpments usually consist of only a few inches of sandy or gravelly soil. Since surficial soils on-site range from nonexpansive to highly expansive in quality, there should be adequate footing depth and reinforcement to mitigate potential hazards from expansive soils on site. Seepage problems can be avoided by preventing over-irrigation and watching for changes in drainage patterns.

The presence of and impacts to steep slopes is discussed in Section 4.1.

6.4 Population and Housing

No adverse impacts to population and housing are anticipated. The net increase in office and commercial uses on the project site would increase employment opportunities and would draw from the local and regional employment base. In addition, housing provided by this development is proposed as part of a mixed-use development and Community Plan Amendment and Rezone. Residential uses were not anticipated under the current Community Plan; however, this proposal would contribute additional housing to the limited regional housing supply. As of January 1, 1999, the residential vacancy rate was 5.89 percent in the City of San Diego and 6.21 percent in the County of San Diego (SANDAG website). This project would generate approximately 110-120 condominium units without displacing any existing housing. The types of housing and the multi-use nature of this project both conform with themes described in the Community Plan for this area. Although the proposed condominiums would not be adding to the affordable housing stock in the City, building permit fees require a monetary contribution to regional affordable housing; this project would result in a contribution of approximately \$700,000 to the City's Housing Trust Fund.

6.5 Public Services and Utilities

6.5.1 Police and Fire

The Proposed Project is located within the service area of the City of San Diego Police Department and City of San Diego Fire Department. Due to the proximity of the project site to public service locations and presence of on-site security personnel, development would not substantially impact fire services, although developer impact fees would be provided to partially relieve already over-burdened police services.

The emergency response times for fire personnel to arrive on-site (at La Jolla Village Drive and Judicial Drive) are acceptable, at under 6 minutes. Response times are as follows: Engine 35, Truck 35, Battalion 35 – 0.9 minute, Engine 41 – 4.7 minutes, Engine 27 – 6.8 minutes (Medan, pers. comm.). The nearest fire station (Station 35) is located less than one mile west at 4285 Eastgate Mall, San Diego. Station 35 has 2 rigs, each staffed by 4 EMT trained personnel, available 24 hours a day, 7 days a week. The engine company also has a paramedic on staff. No impacts are anticipated from the Proposed Project on the Department's service capabilities, and no mitigation measures are required (Medan, pers. comm.).

Police responses are based on the category of the call for service. Priority E (emergency) calls include situations where officers or other persons have been injured. Priority One calls include crimes in progress such as burglary. The City average emergency response times for police personnel are 7.0 minutes for Priority E and 11.9 minutes for Priority One calls (City of San Diego Police Department Crime Analysis Unit 1999). Although no response time threshold was available, the project emergency response times are estimated to be slightly above these averages at 8.1 minutes for Priority E and 14.6 minutes for Priority 1 calls (Stiasny 2000). The nearest police substation (Northern Division) is located less than one mile to the west at 4275 Eastgate Mall, San Diego. The full impact of the proposed development could not be determined until the exact population increase (regional) resulting from the development could be evaluated for police consideration (Stiasny 2000). Police services are based upon the ratio of police officers to population. An increase in the City-wide population may impact the ratio and require additional police officers. Most of the population associated with the Proposed Project, however, are employees within the office tower, scientific research building and hotel employees; these individuals are at present likely to reside in the community and may be included in the existing City-wide population figures. Residents of the condominium may also be relocated from other communities in the City but may still result in a net increase in the City population. Developer impact fees required for the Proposed Project would help offset the increased demand for police services caused by this project.

6.5.2 Schools

The Proposed Project would result in an increase in 110-120 condominium units to the University City area. Based upon the higher value, this project is estimated to generate 8 to 11 students of grades K-5, 2 students of grades 6-8, and 2 to 3 students of grades 9-12 (MacPhail 2000). The lower endpoint of the range reflects actual, observed rates from condominium developments in Mission Valley, and the higher value is an estimate of generated students for the University City area. The nearest school facilities to the project site are: Doyle Elementary School (1.8 miles), Standley Middle School (2.2 miles), and University City High School (1.7 miles). Middle and high school students generated by the project could be accommodated by local schools. However, Doyle Elementary School is already at capacity, with a projected enrollment of 776 for Fall 2000, and is impacted by other new developments in the area. This project would contribute to an existing capacity problem for Doyle Elementary School. Since the proposed development would generate 8 – 11 students, or 1.03 – 1.42 percent of the fall enrollment, the impact would not be considered significant.

However, the Proposed Project would contribute to an existing school capacity problem. The payment of statutory school facility fees would help to resolve the long-term elementary school capacity shortfall.

6.5.3 Library

The City of San Diego library system is comprised of a central library located in downtown San Diego and a series of branch libraries throughout the City. The nearest branch library to the Proposed Project, the University Community Branch Library located at 4155 Governor Drive between Genessee and Agee, should be adequate for the amount of new housing proposed for this project. The University Community Branch Library is approximately 10,000 square feet with a staff of 5 full time employees and contains approximately 70,000 items including books, compact discs, and other media. Hours of operation are Monday and Wednesday from 12:00 p.m. to 8:00 p.m., Tuesday, Thursday, Friday, and Saturday from 9:30 a.m. to 5:30 p.m. A new library is proposed to be built within Nobel Park in the University City area, at the east end of Nobel Drive. Although plans have not yet been finalized for this facility, it is estimated that this facility would consist of 15,000 square feet and would be constructed by the year 2000-2001 (Mike Williams, Bill Sandwalt, March 2000). No significant impacts to the City's library resources are anticipated.

6.5.4 Solid Waste

Solid waste services would be provided by the City of San Diego Environmental Services Department (ESD). The ESD collects and disposes of 1.3 million tons of waste annually in the City of San Diego. The West Miramar Landfill, at 5180 Convoy Street, is located on U.S. government property leased and operated by the City of San Diego. Although the landfill only accepts non-hazardous solid wastes generated in the City of San Diego and surrounding areas, a Household Hazardous Waste Transfer Facility is also located on site. West Miramar landfill encompasses 54.6 million cubic yards. As of January 1, 2000, the total remaining capacity is estimated at 26.3 million cubic yards and is estimated to be reached in 12.3 years (Calendar Year 2012). These estimates reflect the assumption that the City would meet certain recycling and diversion goals. A 50 percent reduction in waste disposal by the year 2000 is mandated by the State of California (AB 939 1989).

The Proposed Project is estimated to contribute from 2301.5 to 2313.5 tons of solid waste to the Miramar Landfill each year. However, these calculations were derived from generic waste generation rates and do not reflect the various waste reduction means that would be incorporated into the Proposed Project. As part of final building design, recyclable material collection areas should be present in buildings on site. Consideration should be given towards using recycled materials in the daily operations of proposed office, hotel and residential uses. Excess construction materials comprised of recycled materials should be collected and recycled as well. The Proposed Project will include a recycling program as required by Municipal Code Section 101.2001.

6.5.5 Sewer

Sewer service would be provided by the City of San Diego Metropolitan Wastewater Department (MWWD). Proposed 8-inch sewer lines will connect to an existing 10-inch sewer line which follows the Judicial Drive alignment. The 10-inch line will convey wastewater to an existing 72-inch pipeline that connects with the existing MWWD Junction Structure located on site.

6.5.6 Other Public Services

The project would not affect other governmental services such as roadway maintenance. The proposed roadway construction associated with the project is compatible with the University Community Plan Circulation Element. Construction and improvements to Judicial Drive, Executive Drive, and La Jolla Village Drive would result in a long-term increase in public road maintenance services by the City of San Diego. Since these public roads are included in the Community Plan Circulation Element and the adopted MTDB LRT plans, the project would not generate maintenance demands for unplanned facilities.

6.5.7 Water

Water service would be provided by the City of San Diego Water Utilities Department (WUD). WUD has indicated that there would be no significant impacts to their supplies of potable water or their distribution system from the Proposed Project. An existing 12-inch diameter pipeline is located within Judicial Drive and would connect to a proposed 12-inch diameter pipeline in Executive Drive, serving the various site buildings, proposed vegetation and fire flow requirements. Existing supplies and infrastructure are adequate for the Proposed Project.

6.5.8 Electricity, Gas, and Telecommunications

New systems or substantial alterations to existing utilities such as electricity, natural gas, and communication facilities would not be required for the project. Impacts associated with these utilities would not be significant.

6.6 Energy

No adverse effects of non-renewable resources are anticipated with project development, and the Proposed Project would not result in an excessive use of energy. The project would incorporate a variety of energy saving measures and would not conflict with any adopted energy conservation plans. This proposed development would not require the development of new sources of energy.

Natural gas and electricity would be used for the operation of the proposed facility. Such uses of energy resources would not be excessive, and energy use would be minimized by various energy saving measures. The Proposed Project would utilize building materials and insulation in accordance with Uniform Building Code requirements, reducing the unnecessary loss of energy. Exterior security and accent lighting would be controlled by timers to reduce unnecessary use of electricity.

Fossil fuels would be used during construction and by automobiles of staff, visitors, and residents on site. However, in addition to implementation of energy-efficient design and construction measures, the proposed mixed-use project would contribute to the reduction in vehicle use and associated fuel consumption. The project would offer land uses compatible with and supportive to the nearby residential and office uses and would contribute to the long-term mass transit program by reservation of land for an MTDB light rail station. The multi-use nature of the project, including residential and commercial development, is supportive of live-work communities and reflects the areal theme proposed by the Community Plan.

Development of the project site would not preclude recovery of mineral or fossil fuel resources. No known economic mineral or fossil fuel resources are present on the project site.

7.0 Growth-Inducing Impacts

In accordance with Section 15126(f) of the CEQA Guidelines, the growth-inducing analysis must address two key issues. The first is the potential for the project to “foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” The second issue is the potential for the project to “encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.” Typically, this issue involves the potential for the project to induce further growth by the expansion or extension of existing services, utilities, or infrastructure. By definition, the CEQA Guidelines state that “[i]t must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment” (Section 15126(f)).

As described in detail in Section 3.2, the Proposed Project involves the development of a hotel, condominiums, office and scientific research buildings. Most of the land uses proposed for the project site are consistent with the General and Community Plan Land Use Elements, with the exception of the condominiums, which would require a Community Plan Amendment and Rezone. While additional residential uses are being proposed as part of the Proposed Project, a limited number of condominiums are proposed (approximately 110-120 new units). As stated in Section 6.4, the proposed residential uses would contribute additional housing opportunities to the existing shortage of all types of housing within San Diego. The Proposed Project will be accommodating an existing population and housing demand rather than providing a surplus and inviting more growth. While this project has the potential to foster economic growth for the City, it should have a limited effect on the regional population or development growth in general given the relatively small size of the project (17 acres). The Proposed Project is the development of approximately 17 acres of land designated for urban uses and surrounded by existing and planned urban development and infrastructure. The project would be fulfilling the intent of the *University Community Plan* to develop the site with a mix of uses compatible with surrounding development. With regard to the first criterion addressed above, this project would be assessed as minimally growth-inducing.

With respect to the second criteria for growth inducement, the Proposed Project would not extend or expand services, utilities, or infrastructure beyond those already planned for by the General and Community Plan Land Use and Circulation Elements. The Proposed Project would be considered an infill development and would include construction of or improvement to public/Community Plan roadways (Judicial, Executive, and La Jolla Village drives) and would be compatible with long-range plans for mass transit by accommodating the adopted plan for an MTDB LRT station proposed within the Executive Drive right-of-way. With regard to the second criterion, the Proposed Project is not considered growth-inducing but rather growth-accommodating.

8.0 Significant Irreversible Environmental Changes

8.1 Significant Irreversible Environmental Changes Which Would Be Involved in the Proposed Action Should It Be Implemented

The Proposed Project would result in significant, irreversible impacts to biologically sensitive lands, wetlands, and steep slopes greater than 25 percent. Under the Proposed Project, the entire property and additional off-site areas would be impacted by grading. As described in Section 4.3, on-site grading would directly impact approximately 1.58 acres of Diegan coastal sage scrub, 1.39 acres of disturbed Diegan coastal sage scrub, 9.63 acres of southern mixed chaparral, 0.11 acre of wetlands, and 3.74 acres of disturbed habitat (Table 4.3-5). Off-site grading would impact 0.27 acre of disturbed Diegan coastal sage scrub, 0.94 acre of southern mixed chaparral, 0.03 acre of wetlands, and 1.52 acres of disturbed habitat. Direct impacts to Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, southern mixed chaparral, and wetlands are all considered significant and would require mitigation (Table 4.3-6). While impacts to these resources would be mitigated, the Proposed Project would effectively change the character of the site by removing these resources and replacing them with urban development and non-native ornamental landscaping.

There are no unmitigated significant impacts to sensitive animal or plant species as a result of the Proposed Project. Project grading would result in significant direct impacts to sensitive animal species: coastal California gnatcatcher, Southern California rufous-crowned sparrow, and San Diego horned lizard. Mitigation for impacts to these species would be provided by implementation of MSCP habitat mitigation requirements. Although mitigation would be provided to reduce impacts to sensitive animal species, these species would be effectively replaced with an urban mixed-use development. This replacement is considered irreversible.

Steep slopes, slopes 25 percent or greater, exist on the project site and are protected by the City of San Diego Resource Protection Ordinance (RPO) (revised January 1998). Hillside encroachment due to project grading would exceed the maximum encroachment allowance under RPO. Despite the presence of 25 percent or greater slopes, the Community Plan has designated the site for visitor commercial and scientific research land uses with the completion of surrounding road improvements to Judicial, Executive and La Jolla Village drives. As proposed, the steep slopes present on-site would be removed as a result of filling the canyon during the grading phase of the project. Removal of the steep slopes is considered irreversible. Likewise, the existing landform in general would be altered by the Proposed Project as the plateau on the east side of the site would be graded and used to fill the canyon. The topographic changes proposed would be irreversible once the site is developed with the proposed mix of land uses.

8.2 Irretrievable Commitments of Non-Renewable Resources

This section summarizes the non-renewable resources, such as natural resources and energy supplies, that would be committed to uses that future generations would probably be unable to reverse. As described in Section 8.1, the Proposed Project would result in significant environmental changes to some natural resources (biological resources, 25 percent or greater slopes and landform) on the project site. Additional natural resources (i.e., lumber and forest products, sand and gravel, asphalt, petrochemicals, and other construction materials) would be utilized in the construction of the project. Fossil fuels would be used in the construction phase of the project, and would also be required to serve the project over the long-term. These incremental commitments of non-renewable resources are neither unusual nor unexpected and must be weighed against the benefits of the Proposed Project. The primary benefits of the Proposed Project would be to provide visitor commercial, residential and employment opportunities to serve the University Community. The

proposed mixed-use development including living, working and recreational land uses is consistent with the development theme of the University community, and would contribute to the reduction in vehicle miles traveled and associated fuel demands. Energy-saving measures to be incorporated into the Proposed Project are described in Section 6.6. The Proposed Project's use of non-renewable resources is not considered excessive.

9.0 Alternatives

Section ~~15126.6(c)~~ ~~15126(d)~~ of the State CEQA Guidelines requires the discussion of “a reasonable range of 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.” The Proposed Project was determined to result in significant impacts related to compliance with land use plans and policies (RPO) and near-term traffic impacts. Section ~~15126.6~~ ~~15126(d)~~ ~~(5)~~ also 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.” The State CEQA Guidelines provide several factors that should be considered in regard to the feasibility of an alternative; those factors include: (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 project applicant can reasonably acquire, control or otherwise have access to the alternative site (if an off-site alternative is evaluated). The alternatives analyzed in this section include:

- No Project Alternative
- Development Under the Existing Community Plan
- Resource Protection Ordinance Consistent Alternative

The alternatives evaluated in this section of the EIR are compared to the impacts of the Proposed Project and are assessed relative to their ability to meet the basic objectives of the Proposed Project. As described in Section 3.1, the Proposed Project objectives include the following:

- Develop a project that is compatible with the primary goals and objectives of the University Community Plan, applicable City ordinances such as the Resource Protection Ordinance and existing and planned surrounding land uses
- Provide living, working and recreational land uses, including a destination resort hotel, upscale residential housing and Class A offices that compliment one another and neighboring land uses and encourage walking, use of public transit, and energy conservation
- Integrate the Circulation Element plans and adopted MTDB mass transit plans into the project design relative to the future MTDB LRT station, pedestrian and bicycle circulation and completion of Element roadways
- Provide FBA fees commensurate with the level anticipated to be generated by the development of the subject property
- Comply with the intent of the Planned Commercial Development Permit which is *“to promote and facilitate imaginative, innovative and comprehensively planned commercial developments integrating compatible activities which are harmoniously designed to compliment the surrounding community”*

9.1 Alternatives Considered But Rejected

Off-Site Alternative

Off-site alternatives should be considered if development of another site is feasible and if development of another site would reduce or avoid significant impacts of the Proposed Project. Factors that need to be considered when identifying an off-site alternative include the size of the site, its location, the General Plan (or Community Plan) land use designation, and availability of infrastructure. The Proposed Project is located in Subarea 2 of the University Community. This subarea is virtually built-out, with only a few remaining parcels designated for Visitor Commercial land uses. Most of the remaining parcels in the Subarea are designated for scientific research uses only, or are currently owned and being considered for development by other applicants. There are no other available parcels of similar size and with a similar land use designation within the University Community planning area. The site selected for the Proposed Project was purchased by the project applicant in 1998. The site selection process for the applicant included identifying available parcels that met the acreage needs of a large mixed-use project, was highly visible from the main arterial of La Jolla Village Drive, had an acceptable land use designation, was in proximity to similar mixed-use development and was in the vicinity of the MTDB's future light rail transit alignment which would service the multiple users of the site (residents, employees and visitors). The selected project site is considered ideal for the mix of land uses proposed. An off-site alternative was rejected since no other similar site was identified by the project applicant that would meet the project objectives, the selection criteria, or was available on the market at the time of purchase.

9.2 No Project Alternative

In accordance with Section 15126.6(e) of the CEQA Guidelines, the No Project Alternative includes a discussion of: (1) the existing conditions at the time the Notice of Preparation is published; and (2) circumstance under which the project does not proceed, taking into account what would be reasonably expected to occur in the foreseeable future by others (e.g., in accordance with the General Plan and Community Plan). Scenario 2 is addressed under Section 9.3 Development Under the Existing Community Plan. This Section evaluates Scenario 1, which is a No Project scenario.

Under the No Project Alternative, the project site would remain in its current condition as an undeveloped and partially disturbed vacant site, and in the near-term, the only man-made improvements would consist of the existing City utility infrastructure found within the main canyon. The proposed mix of land uses would not be constructed and the project-sponsored Circulation Element improvements along two of the site boundaries (i.e., dedication of one-half width and construction of the full width of the Judicial Drive extension, and the dedication and construction of a westbound lane on La Jolla Village Drive) would not be implemented in the near-term by the project applicant.

In the long-term, the above mentioned roadway improvements would likely be implemented with or without the Proposed Project and the site might be developed by others with a project that is consistent with the University Community Plan land use designations of VC and SR and other City policies and ordinances (e.g., Environmentally Sensitive Lands Regulations [ESL]). (Note: In January 2000, the City adopted ESL which replaces RPO. Thus, any project submitted to the City after January 2000 is subject to the ESL regulations.) Future applications for site development would be constrained by the presence of the NAS Miramar CLUP APZs, Noise Contours and the RUE that effect site development. In addition, the presence of City-defined wetlands and steep slopes would also constrain future development due to the requirements of the ESL. For the purposes of this analysis, it is assumed that a future development by others would consist of an alternative similar to the alternatives presented in Sections 9.3 and 9.4, Development Under the Existing Community

Plan Alternative and Resource Protection Ordinance Consistent Alternative, respectively. Refer to Sections 9.3 and 9.5 for the analysis of potential environmental impacts associated with these alternatives and a comparison with the Proposed Project.

The following No Project analysis focuses on the impacts anticipated with Circulation Element roadway improvements and the adopted future MDTB LRT Station located within the Executive Drive right-of-way. This analysis addresses only those impacts that would noticeably reduce or worsen significant impacts identified for the Proposed Project.

9.2.1 Environmental Analysis of No Project Alternative

☐ Land Use

Under the No Project Alternative, a CPA for the site would not be necessary. This discretionary action needed for the Proposed Project was not considered a significant land use impact due to the Proposed Project's consistency with the intent of the Visitor Commercial and Scientific Research land uses and the ability of the Project to use a CPA TDR to keep the projected number of ADTs within the limits of the overall Community Plan traffic projections.

The No Project Alternative would be consistent with RPO, as deviation findings for wetlands impacts due to public roadways and infrastructure, would likely be adopted. However, as noted below under Biological Resources, this alternative would result in impacts to 0.10 acre of RPO-regulated wetlands out of the 0.14 acre anticipated to be impacted by the Proposed Project. Extensive grading is anticipated in order to provide for the construction of Judicial Drive between Executive Drive and La Jolla Village Drive, the widening of La Jolla Village Drive for an additional westbound lane, and the widening of Executive Drive to accommodate the future LRT Station which has been identified in an adopted plan by MTDB. No steep slopes regulated under RPO would be impacted.

The No Project Alternative would not meet one of the primary land use goals for this subarea of the University Community Plan. Specifically, the Community Plan states that *"because of its location immediately west of the intersection of I-805 and La Jolla Village Drive, new development at this location will frame an important entrance into the University Community and thus provide an opportunity to achieve the urban design goals of this community plan."*

☐ Biological Resources

The No Project Alternative would reduce identified significant, but mitigable Project impacts to Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, southern mixed chaparral, southern willow scrub habitat, and unvegetated streambed. While the No Project Alternative would reduce impacts to biological resources, the No Project Alternative would not preclude the potential for future impacts to site resources as a result of Circulation Element roadway improvements planned along the southern, western and northern site boundaries. Community Plan Circulation Element improvements and the MTDB LRT Station are expected to impact native site habitat, as well as 0.10 of the total 0.14 acre of wetlands within the main and finger canyons in the southern half of the site. While the No Project Alternative may reduce some impacts to biological resources, this alternative would still result in significant impacts that require mitigation (as under the Proposed Project).

☐ Transportation/Traffic Circulation

The No Project Alternative roadway and transit infrastructure would improve circulation within the University Community by meeting goals of the Circulation Element and MTDB mass transit program, as does the Proposed Project. Long-term traffic impacts associated with a feasible development on the project site are addressed in Sections 9.3 and 9.4.

☐ Noise

The No Project Alternative would result in an increase in vehicular noise levels by extension and widening of roads, thereby increasing the ambient noise level near adjacent and future on-site land uses. As with the Proposed Project, the No Project Alternative would not result in the addition of significant long-term vehicular noise. This alternative would not generate stationary noise and would not result in land uses (and sensitive receptors) subject to ambient noise impacts from nearby roadways or MCAS Miramar. Potential impacts to future development on this site by others are addressed in Sections 9.3 and 9.4.

☐ Hydrology/Water Quality

The No Project Alternative would reduce the potential for urban pollutants to enter into the regional stormwater system as this alternative would not generate pollutants from such sources as paved parking areas or landscape-related contaminants (e.g., pesticides, fertilizers, etc.). This alternative would reduce the potential for urban pollutant impacts in the near-term to a level considered less than significant. The No Project Alternative would not result in significant erosion and sedimentation impacts as all steep slopes support existing or revegetated native habitats. The site currently receives urban run-off from surrounding properties by means of controlled run-off in brow-ditches, as well as sheet flow. The sheet flow onto the project site may contribute to an increase in the amount of sedimentation downstream, potentially requiring long-term mitigation.

9.2.2 Conclusion of No Project Alternative

The No Project Alternative would meet only two of the five objectives of the Proposed Project, listed at the start of this section. Specifically, this alternative would meet the objectives pertaining to compliance with RPO, as well as integration of Circulation Element and mass transit plans. This alternative would reduce project impacts associated with ~~land use policy conformance (i.e., RPO)~~ and biological resources over the near-term; however, future development of the site with a reasonably expected project would result in some environmental impacts commensurate with the Proposed Project, as discussed in Sections 9.3 and 9.4. In addition, the No Project Alternative would impact 0.10 acre of the 0.14 acre of wetlands regulated by RPO; however, deviation findings for wetland impacts associated with roadway/Circulation Element improvements would likely be adopted. This alternative would only meet the goals of the Resource Management Element and Circulation Element of the Community Plan.

9.3 Development Under the Existing Community Plan

The project site has a Community Plan land use designation of Visitor Commercial (VC) and Scientific Research (SR) and a Development Intensity Element allowance of 3,811 ADTs. Utilizing the existing Community Plan land use designations and the number of ADTs permitted for this site, the project site could be developed with various land uses compatible with VC and SR, such as a 100-room extended stay hotel and 100,000-square foot SR, or a 295,000-square foot office building. A Community Plan Amendment would not be necessary with this alternative as no ADT density transfer would be proposed and the uses would be

consistent with the current land use designation of the site. Refer to Figures 9-1 and 9-2 for a conceptual diagrams of these alternatives. Community Plan Consistent Alternative A would include a single office tower located in proximity to the intersection of Judicial Drive and Executive Drive, with surface parking located immediately to the east. This alternative would include the dedication and construction of one-half width Judicial Drive, as well as reservation of land for the future MTDB LRT station within the Executive Drive right-of-way. This alternative would not include the dedication of additional right-of-way along La Jolla Village Drive. An office tower located immediately south of Executive Drive would require a substantial amount of site grading and would partially encroach into the existing main and finger canyons to accommodate the building pad, parking and infrastructure improvements. Community Plan Consistent Alternative B would consist of a 100-room extended stay hotel located immediately south of Executive Drive and east of Judicial Drive, and a 100,000-square foot scientific research building in the northeast corner in a similar location as the Proposed Project. Parking for the hotel would be located immediately east of the hotel, south of Executive Drive. Parking for the scientific research building would be adjacent to the structure, as shown also for the Proposed Project.

This analysis addresses only those impacts that would noticeably reduce or worsen significant impacts identified for the Proposed Project.

9.3.1 Environmental Analysis of Existing Community Plan Alternative

☐ Land Use

Under either scenario for the Existing Community Plan Alternative, a CPA for the site would not be necessary. This discretionary action needed for the Proposed Project was not considered a significant land use impact due to the Proposed Project's consistency with the intent of the Visitor Commercial and Scientific Research land uses and the ability of the Project to use a CPA TDR to keep the projected number of ADTs within the limits of the overall Community Plan traffic projections.

The Proposed Project would result in a significant and unmitigated land use impact relative to non-compliance with RPO. The Proposed Project land use analysis in Section 4.1 identifies impacts to 0.04 acre of RPO-regulated wetlands and encroachment into steep slopes that exceeds the RPO allowance necessitating adoption of alternative compliance findings for steep slope impacts and deviation findings for wetland impacts. This alternative (scenario A or B) would reduce encroachment into wetlands and steep slopes; however, it would impact approximately 0.02 acre of wetlands and 0.06 acre of steep slopes (excluding impacts from Circulation Element roadways). This alternative would necessitate adoption of deviation findings result in a significant land use policy impact relative to RPO regulations for wetlands impacts. The impacts to steep slopes would not be considered significant because the amount of encroachment would comply with the intent of RPO.

☐ Biological Resources

Like the Proposed Project, the Existing Community Plan Alternative (either scenario A or B) would result in direct impacts to biological resources, including impacts to Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, southern mixed chaparral, and wetlands. While the Existing Community Plan Alternative would reduce the density of development on site, approximately 3.9 to 8.4 acres (A and B, respectively) of the site would be disturbed due to grading and infrastructure improvements, as well as surface parking areas. This alternative would impact a total of 0.12 acre of wetlands (including impacts from Circulation Element roadways). The Existing Community Plan Alternative would not preclude the direct impacts to site resources from Circulation Element roadway improvements planned along the western and southern site boundaries,

which are expected to contribute to the impacts to on-site native habitats, as well as wetlands within the main and finger canyons in the southern half of the site. This alternative would avoid impacts to 0.02 acre of wetlands anticipated from the Proposed Project.

☐ **Transportation/Traffic Circulation**

The Existing Community Plan Alternative would reduce traffic impacts to La Jolla Village Drive and to the intersection of Miramar Road/Executive Drive since this alternative would generate approximately 6,508 ADT less than the Proposed Project (for either scenario A or B). The Existing Community Plan Alternative would also reduce the cumulative contribution to traffic volumes on I-805 which is expected to continue to operate at LOS F for segments in proximity to the project site under Community Plan build-out conditions.

☐ **Noise**

Like the Proposed Project, the Existing Community Plan Alternative would not generate significant levels of noise. The office, hotel and scientific resource uses associated with this alternative may be subject to similar interior noise impacts as a result of the ambient noise from nearby roadways and MCAS Miramar. This alternative would not expose any sensitive receptors to significant exterior noise levels since no hotel recreational uses are proposed within the 65 to 70 dB CNEL noise contour. The Proposed Project's exterior and interior noise impacts were deemed significant but mitigable. No long-term significant noise impacts to surrounding uses or sensitive receptors were identified for the Proposed Project and would not be expected from this alternative (for either scenario A or B).

☐ **Hydrology/Water Quality**

This alternative would reduce the amount of impervious surfaces on site, thereby reducing the volume of runoff; however, the Proposed Project flows were determined to be adequately handled by existing infrastructure. The Existing Community Plan Alternative may reduce the potential for urban pollutants to enter into the regional stormwater system since this alternative consists of a less dense development. The paved surface parking areas may produce similar, or minimally less, amounts of urban pollutants since a surface lot would be exposed to the elements. (Parking structures typically generate less pollution since they are mostly covered/enclosed and surficial pollutants would not be transported into the stormwater drains by rainfall). This alternative may reduce the potential for urban pollutants; however, it is anticipated that the mitigation measures identified in Section 4.7 would still need to be implemented to reduce potential water quality impacts.

9.3.2 Conclusion of Existing Community Plan Alternative

The Existing Community Plan Alternative would not achieve a majority of the objectives of the Proposed Project, listed previously at the start of this section. Specifically, either alternative scenario A or B would not provide living, working, and recreational land uses that compliment one another; would not include a destination resort hotel and residential housing; would not provide FBA fees commensurate with the level anticipated to be generated from this site; and would not promote or facilitate a comprehensively planned commercial development that integrates compatible activities.

This alternative would comply with the existing Community Plan relative to the Development Intensity Element, thereby reducing the volume of traffic generated from this site. Consequently, this alternative would reduce the anticipated Project traffic impacts. The Existing Community Plan Alternative would result

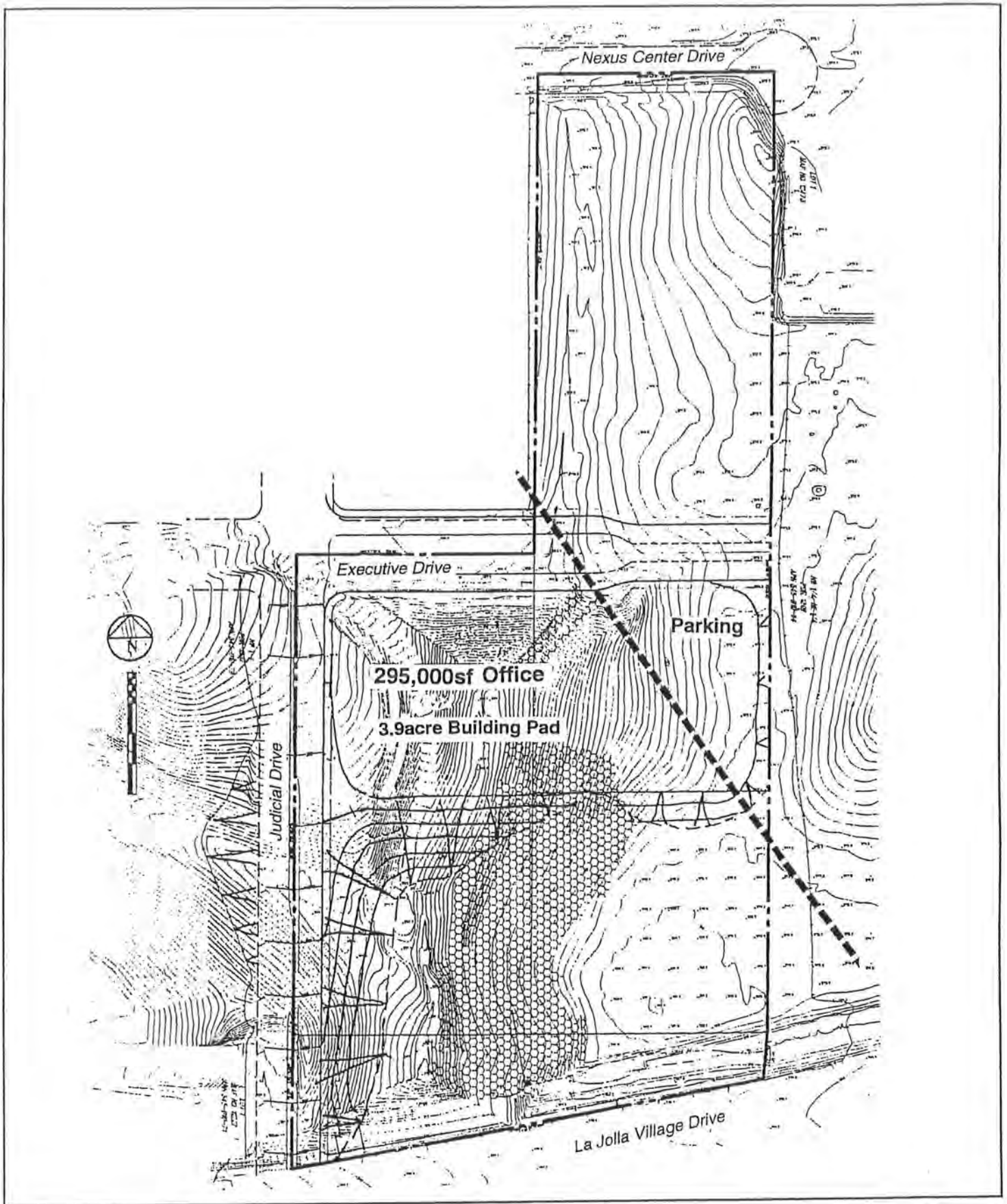


Figure 9-1
COMMUNITY PLAN CONSISTENT ALTERNATIVE A

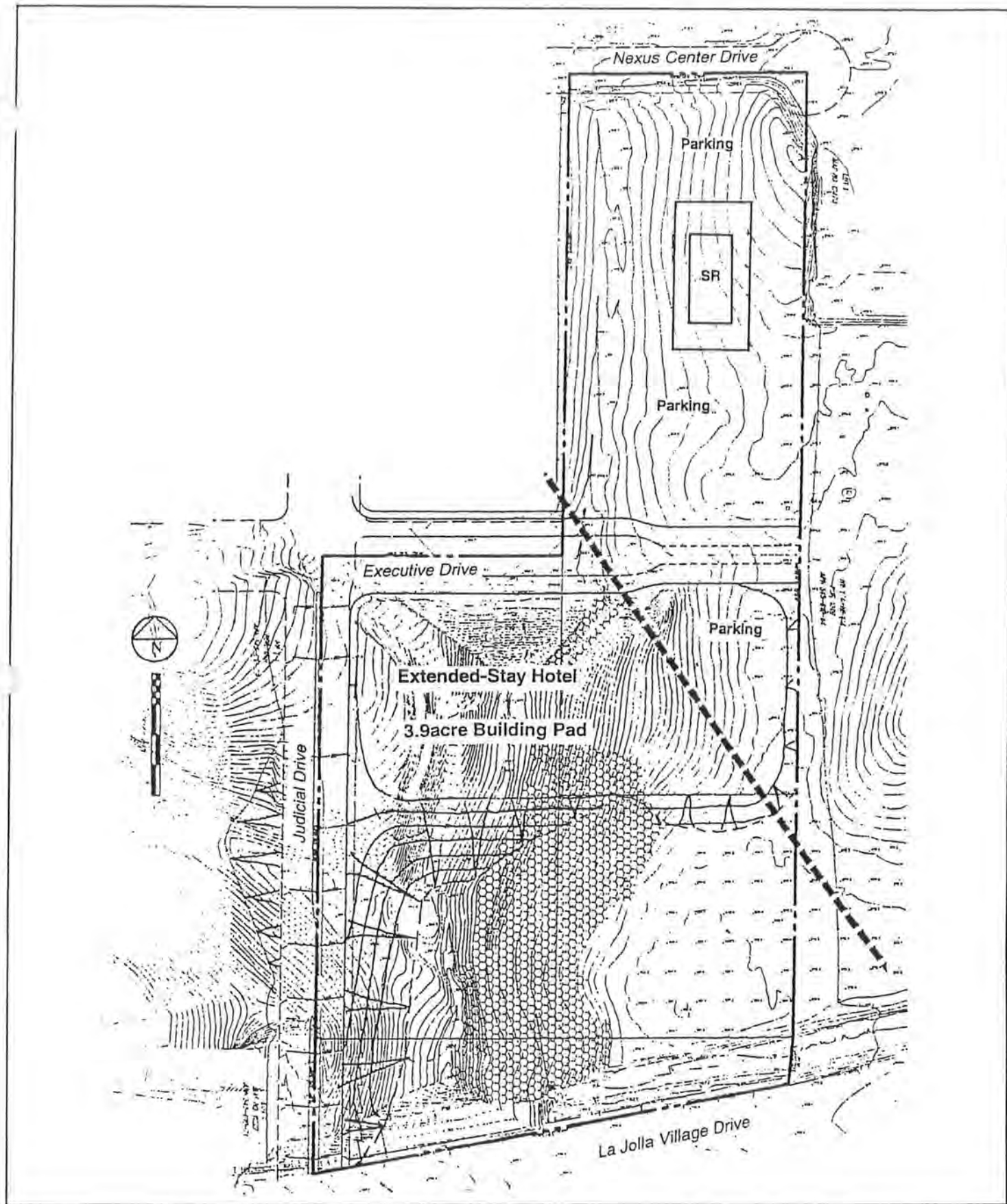


Figure 9-2
COMMUNITY PLAN CONSISTENT ALTERNATIVE B

~~in a significant land use policy impact relative to non-compliance with RPO with the adoption of alternative compliance findings for steep slope impacts and deviation findings for wetland impacts.~~ necessitate adoption of deviation findings for impacts to RPO-regulated wetlands. The wetlands impacts would be reduced by 0.02 acre, resulting in a total impact to 0.12 acre of wetlands (0.10 acre from circulation improvements and 0.02 acre from the office tower pad and parking). Impacts to steep slopes would be consistent with RPO.

9.4 RPO Consistent Alternative

The RPO Consistent Alternative evaluates the environmental impacts associated with an alternative that avoids wetlands and steep slope impacts of the Proposed Project. As discussed in Sections 4.1 and 4.3, the Proposed Project results in impacts to 0.13 acre of wetlands and 0.01 acre of unvegetated streambed located on the project site and off-site where the extension of Judicial Drive is proposed. The Proposed Project is also anticipated to impact 2.1 acres of steep hillsides (natural slopes exceeding 25 percent gradient and 50 feet in height) which is approximately 12 percent of the total site acreage; an encroachment not permitted under RPO without the adoption of alternative compliance findings.

In an effort to avoid the approximate 0.04 acre of wetland (remaining after public infrastructure projects) and the 2.1 acres of steep hillsides that would be impacted by the Proposed Project, an alternative is identified that restricts development to the southeast corner of the site. Approximately 2.5 acres of developable land would be available for pad grading and a building footprint outside the top of slope that protects the wetlands and wetland buffers. This location also places the development outside the Miramar APZ and RUE. For the purposes of this analysis, the RPO Consistent Alternative would include a 295,000 square foot office tower located in the southeast corner of the project site, with a multi-level parking structure located north of the office building and east of the setback for the canyon slopes. No SR would be included in order to meet the objectives of the Community Plan Development Intensity Element. This alternative would ~~not~~ include the construction of Judicial Drive ~~and, however, it would include~~ the widening of Executive Drive to accommodate the MTDB adopted LRT Station within the road right-of-way. Refer to Figure 9-3 for a conceptual diagram of this alternative.

9.4.1 Environmental Analysis of RPO Consistent Alternative

☐ Land Use

As noted above under Section 9.4, the Proposed Project does not ~~results in a significant land use policy impact relative to non-compliance with RPO with the adoption of alternative compliance findings for steep slope impacts and deviation findings for wetland impacts.~~ This alternative, as described above and presented in Figure 9-2, avoids impacts to resources regulated by RPO including wetlands and steep slopes; however, this alternative would still result in a total impact of 0.10 acre of wetlands and 0.06 acre of steep slopes due to public improvements. Deviation findings for wetlands impacts and alternative compliance findings for hillside impacts associated with roadway/Circulation Element improvements would likely be adopted. ~~This alternative would reduce the significant land use impact (non-compliance with RPO for wetlands) to below a level of significance.~~

Development of the project site with one type of land use would not be compatible with the overall development pattern proposed within the Central Subarea 2 of the Community Plan. Subarea 2 is planned for diverse, mixed-uses and intense development and encourages a mix of land uses that compliment each other, such as residential, office and recreational uses. This alternative would not be compatible with the Community Plan goals and objectives; however, it would be compatible with RPO.

☐ Biological Resources

The RPO Consistent Alternative would result in direct impacts to some biological resources, including impacts to Diegan coastal sage scrub, disturbed Diegan coastal sage scrub and southern mixed chaparral found outside the canyon and mostly on the eastern one-half of the project site. This alternative would avoid direct impacts to southern willow scrub habitat and unvegetated streambed (City-defined wetland) since it would be consistent with RPO relative to wetlands avoidance. This alternative would not preclude wetlands impacts as a result of planned Circulation Element road improvements, however, which are calculated to be approximately 0.10 out of the 0.14 acre anticipated to be impacted from both the road improvements and the Proposed Project. This alternative would avoid impacts to 0.04 acre of wetlands and most of the native sage scrub and chaparral habitat. This alternative would reduce or avoid impacts to biological resources anticipated from the Proposed Project. However, the Proposed Project's impacts to sensitive upland habitat were mitigated to below a level of significance (Section 4.3.2).

☐ Transportation/Traffic Circulation

The RPO Consistent Alternative would generate 3,811 ADTs, substantially less than the Proposed Project. This alternative would reduce traffic impacts to La Jolla Village Drive and to the intersection of Miramar Road/Eastgate Mall. These impacts were considered significant but mitigated in the near-term for the Proposed Project. Although I-805 is expected to continue to operate at LOS F for segments in proximity to the project site under Community Plan build-out conditions, the traffic generated by the RPO Consistent Alternative would not be considered a significant impact as it would not exceed the one percent contribution threshold for determining significance.

☐ Noise

Like the Proposed Project, the RPO Consistent Alternative would not generate significant levels of noise; however, the office tenants may be subject to similar exterior and interior noise impacts as the Proposed Project's office uses as a result of the ambient noise from nearby roadways and MCAS Miramar. The Proposed Project's exterior and interior noise impacts were deemed potentially significant but mitigable; the interior noise impacts to tenants associated with this alternative would also be mitigable. This alternative would not reduce or avoid significant, unmitigated impacts as none were identified for the Project. No long-term significant noise impacts to surrounding uses or sensitive receptors were identified for the Proposed Project and none would not be expected from this alternative.

☐ Hydrology/Water Quality

This alternative would substantially reduce the amount of impervious surfaces on site since development would be limited to the southeast corner of the site. The volume of runoff would be substantially less; however, the flows from the Proposed Project were determined to be adequately handled by existing infrastructure. The RPO Consistent Alternative would most likely result in fewer urban pollutant sources since large surface parking areas (associated with office and hotel uses) would not be constructed and landscaping-related pollutants (e.g., pesticides and fertilizers) would be concentrated in a much smaller area on each individual lot. Sheet flow from off-site sources may continue to erode the canyon drainage and generate downstream sedimentation impacts, potentially requiring long-term mitigation.

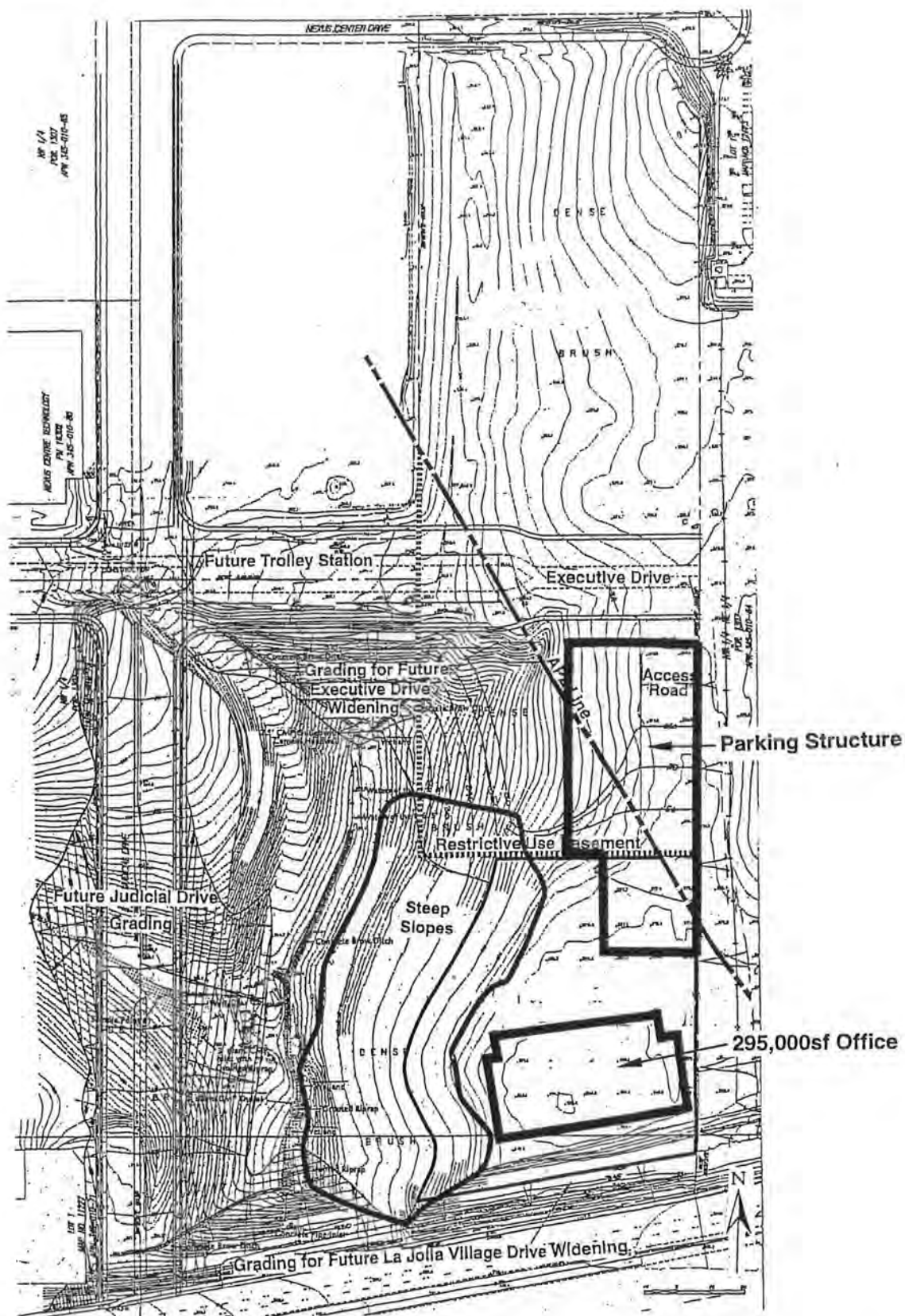


Figure 9-3
RPO CONSISTENT ALTERNATIVE

9.4.2 Conclusion of RPO Consistent Alternative

The RPO Consistent Alternative is considered the Environmentally Preferred Alternative; however, this alternative does not meet four of the five basic project objectives. Specifically, this alternative: would not provide living, working, and recreational land uses that compliment one another; would not include a destination resort hotel and residential housing; would not provide FBA fees commensurate with the level anticipated to be generated from this site; and would not promote or facilitate a comprehensively planned commercial development that integrates compatible activities. This alternative would comply with the existing Community Plan relative to the Development Intensity Element, thereby reducing the volume of traffic generated from this site. In addition, this alternative would comply with RPO and reduce impacts to wetlands and steep slopes.

This alternative would reduce the developable area on site by about 6 acres; however it does not avoid all impacts to biological resources since Circulation Element road improvements would still impact native habitat on-site and approximately 0.10 acre of wetlands. Similar to the Community Plan Consistent Alternative, this alternative would reduce significant traffic impacts to below a level of significance.

9.5 Environmentally Superior Alternative

Table 9.6-1 summarizes the significance of the potential impacts for each of the alternatives addressed above. Each of the alternatives reduces one or more significant environmental impacts anticipated with the Proposed Project. Although the No Project Alternative results in the least environmental impacts, State CEQA Guidelines requires identification of an alternative other than the No Project Alternative as environmentally superior. As such, the Resource Protection Ordinance Consistent Alternative is considered to be the Environmentally Superior Alternative since it reduces significant ~~land use policy impacts associated with RPO~~, biological resource impacts and overall traffic impacts. The remaining alternative, the Community Plan Consistent Alternative, reduces only traffic impacts.

<p align="center">Table 9-1 PROJECT ALTERNATIVES SUMMARY OF IMPACTS</p>				
ENVIRONMENTAL EFFECT*	PROPOSED PROJECT	ALTERNATIVE		
		NO PROJECT	EXISTING COMMUNITY PLAN (A & B)	RPO CONSISTENT
Land Use	S	LS	S	LS
Biological Resources	SM	SM	SM	SM
Transportation/Traffic Circulation	SM/S†	N	LS	LS
Noise	SM	N	LS	SM
Hydrology/Water Quality	SM	LS	SM	SM

*Only the environmental effects found to be significant for the Proposed Project are included in this comparison matrix.

†Significant impacts to I-805 segments.

S = Significant; SM = Significant but mitigable; LS = Less than Significant; N = No impact.

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12.0 Certification Page

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**MITIGATION, MONITORING AND
REPORTING PROGRAM**

for the proposed

LA JOLLA COMMONS PROJECT

**LDR NO. 99-0762
SCH NO. 2000031097**

October 5, 2000

MITIGATION, MONITORING AND REPORTING PROGRAM FOR THE LA JOLLA COMMONS PROJECT (LDR NO. 99-0762)

This Mitigation, Monitoring and Reporting Program (MMRP) was prepared for the La Jolla Commons Project to comply with the mitigation monitoring statute (Public Resources Code Section 21081.6). This statute, entitled "*Public agency shall adopt monitoring program of mitigation measures and insure their enforceability*," requires public agencies to "adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." This program shall be made a requirement of project approval. Certain changes or alterations (mitigation measures) are required for the La Jolla Commons Project, as identified in the Environmental Impact Report (EIR)(LDR No. 99-0762, SCH # 2000031097), to reduce significant environmental effects. For each required mitigation measure, a monitoring and/or reporting element is identified below.

As Lead Agency for the project under CEQA, the City of San Diego will administer the MMRP for the La Jolla Commons Project. Information contained within the following MMRP provides a summary of significant project impacts, and identifies the mitigation measures, the entity responsible for ensuring compliance, conditions required to verify compliance, and the monitoring schedule. Tables and figures referred to in this MMRP are found in the EIR.

A. LAND USE

Impact A1: The project would significantly impact sensitive upland and wetland habitats regulated through the Resource Protection Ordinance (RPO) and the Multiple Species Conservation Program (MSCP).

Mitigation A1: Impacts to upland habitat and wetland habitat would be mitigated to below a level of significance consistent with RPO and MSCP (see "Biological Resources" below).

B. BIOLOGICAL RESOURCES

Impact B1: Grading associated with site development would result in the loss of sensitive upland habitat, namely 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral.

Mitigation B1: Prior to issuance of any grading permit and/or the recordation of the final map, the applicant shall mitigate for impacts to 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral in accordance with the City of San Diego *Land Development Code Biology Guidelines* (adopted on 9/28/99), satisfactory to the City Manager. The City Manager shall ensure that the applicant has

preserved 8.53 acres off-site of Tier I-III habitat within the MHPA or as appropriate outside the MHPA in accordance with the Biology Guidelines.

Impact B2: Grading associated with site development would result in the loss of wetlands, namely 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed.

Mitigation B2: Prior to the issuance of any grading permit which affects on-site wetlands and/or the recordation of the final map, the applicant shall assure mitigation for the loss of 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed at a ratio of 3:1, satisfactory to the City Manager. The applicant proposes to restore 0.42 acre of wetland habitat within Los Peñasquitos Lagoon watershed on land owned and managed by the California State Department of Parks (State Parks). The proposed wetland restoration site is currently occupied by giant reed (*Arundo donax*) and is located downstream from the intersection of Flintkote and Estuary Way in Sorrento Valley (refer to figure 4.3-3 of the EIR). The mitigation program involves removal of giant reed from 0.42 acre of land followed by replanting of the cleared area with southern willow scrub species. The mitigation program will be carried out by a contractor paid by the applicant, with oversight by the State Parks preserve manager.

- a. Prior to issuance of any grading permit which affects on-site wetlands, the City Manager shall verify that a bonded mitigation agreement in sufficient amount to ensure the mitigation of 0.42 acre of wetlands within Los Peñasquitos Lagoon or other mitigation site acceptable to the City and resource agencies has been executed.
- b. Prior to issuance of any grading permit which affects on-site wetlands and prior to initiating off-site wetland restoration, a final wetlands mitigation plan shall be prepared by the applicant and approved by the City Manager. The mitigation plan shall describe the proposed mitigation area location and methodology, buffer requirements (if needed), maintenance program, monitoring and reporting plan, success criteria, remedial measures to correct any problems, and any other information deemed necessary by the City.
- c. Prior to the issuance of any grading permit which affects on-site wetlands, the applicant shall submit verification that a qualified project biologist has been retained to oversee the implementation of the wetlands mitigation plan. The project biologist shall have experience preparing and monitoring wetland and riparian mitigation plans in San Diego County and shall be acceptable to

the City Manager and the resource agencies. The project biologist shall oversee other specialists and contractors involved in the implementation of the mitigation plan.

- d. The applicant shall submit the following items to the City prior to issuance of any grading permit which affects on-site wetlands:

Evidence of compliance with Sections 401 and 404 of the federal Clean Water Act.

Evidence of compliance with Section 1603 of the State of California Fish & Game Code.

Evidence shall include either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager.

C. TRANSPORTATION/TRAFFIC CIRCULATION

Impact C1: The project would significantly impact traffic on adjacent roadway segments including La Jolla Village Drive, Towne Center Drive, Nobel Drive, Interstate-805 (I-805), and the intersection of Miramar Road/Eastgate Mall.

Mitigation C1: Either of the following two transportation mitigation options would reduce the significant traffic impacts to roadway segments and intersections, other than I-805, to below a level of significance. Option 1 consists of development in three phases (transportation phasing plan) and is recommended by City staff. Option 2 consists of a non-phased development which is preferred by the applicant.

Option 1 - Transportation Phasing Plan

Phase I

The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of up to 3,333 ADT:

- a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;
- b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;

- c. The construction of Nexus Center Drive as a two-lane industrial local street;
- d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive.

Phase II

The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 3,333 ADT up to 5,455 ADT:

- a. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
- b. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (North University City Project [NUC] 33);
- c. The construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel.

Phase III

The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 5,455 ADT up to 10,319 ADT:

- a. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C);
- b. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
- c. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

Option 2 - Non-Phased Development (preferred by the applicant)

The following transportation mitigation measures are identical to those of Option 1 with one exception; Option 2 does not include the construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel.

The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of any building permits which would result in the generation of up to 10,455 ADT:

- a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;
- b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;
- c. The construction of Nexus Center Drive as a two-lane industrial local street;
- d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive.
- e. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
- f. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (NUC-33);
- g. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C);
- h. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
- i. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

D. NOISE

Impact D1: Future ambient noise levels associated with automobile traffic and MCAS Miramar aircraft operations are anticipated to exceed City standards and impact sensitive receptors on-site. Exterior ambient noise levels at the project site would exceed an exterior CNEL of 65 dB at the proposed hotel outdoor swimming pool area. Exterior noise levels greater than 60 dB could result in interior noise levels in excess of 45 dB for hotel and condominium uses, and exterior noise levels

greater than 65 dB could result in interior noise levels in excess of 50 dB for office uses.

Mitigation D1: The following design measures shall be requirements of the proposed project to ensure that all potential noise impacts are mitigated to below a level of significance.

- a. Prior to the issuance of any building permit, the applicant shall incorporate sound attenuation measures as described in the *Acoustical Assessment Report for La Jolla Commons Project* (Pacific Noise Control, March 2000) to the satisfaction of the City Manager. Specifically, a minimum six- and seven-foot high permanent noise barrier shall be constructed along the western and southern edges of the hotel swimming pool area (refer to figure 4.5-6 of the EIR). The noise barrier may be constructed as a wall, berm, or combination of both. The materials used in the construction of the barrier are required to have a minimum surface density of 3.5 pounds per square foot, and may consist of masonry material, plexiglas, tempered glass, or a combination thereof. The barrier must be designed so that there are no openings or gaps. The required noise barriers shall be included on the construction plans, satisfactory to the City Manager.
- b. Prior to the issuance of any building permit, the applicant shall submit a final acoustical report to the satisfaction of the City Manager. The City Manager shall verify that all measures identified in the approved report which are necessary to achieve an interior noise level of 45 dB at the condominium and hotel and 50 dB CNEL at the office building have been incorporated into the design of the proposed structures.

E. HYDROLOGY/WATER QUALITY

Impact E1: Potential erosion during construction could significantly impact the ability of downstream areas to accommodate silt-laden runoff or the accumulation of silt. During post-construction conditions, contaminants transported off-site by stormwater runoff (e.g., grease, oils, and synthetic organic chemicals) would impact the water quality of downstream waters.

Mitigation E1: The following design measures shall be requirements of the proposed project to ensure that all potential noise impacts are mitigated to below a level of significance.

- a. Prior to the issuance of any grading permit, comprehensive short-term Best Management Practices (BMPs) shall be incorporated into the project plans to control construction-related erosion and

sedimentation, satisfactory to the City Engineer. BMPs may include, but are not limited to, graded surface scarification, soil stabilizers, temporary hydroseeding/planting, mulching, matting, blankets, geotextiles, sod stabilization, vegetative buffer strips, sediment traps/catch basins, silt fencing and gravel bags.

All temporary sediment traps/catch basins shall be maintained regularly. All areas planted with erosion-control vegetation shall be monitored daily for vegetation establishment and erosion problems, and any repairs and/or replacement of vegetation made promptly. All stabilization and structural controls shall be inspected at least monthly and after every significant storm event, and shall be repaired or maintained as needed to reduce sediment discharge from the site. Access to these facilities shall be maintained during wet weather.

- b. Prior to the issuance of any grading permit, comprehensive permanent post-construction BMPs, consistent with those shown on Exhibit "A" (site or grading plan), shall be incorporated into the project plans to reduce the amount of pollutants (e.g., oil, grease, heavy metals) and sediments discharged from the site, satisfactory to the City Engineer. BMPs shall include the use of catch basin filtration devices at all storm drain inlets collecting runoff from proposed new structures, walkways, the private street, parking and landscape areas, as well as a street sweeping program for the private street and parking areas. Equivalent alternative available technologies and BMPs may be approved by the City Engineer in lieu of, or in addition to, those shown on Exhibit "A."
- c. Prior to the issuance of any grading permit, the applicant shall prepare a permanent maintenance plan, satisfactory to the City Engineer, which defines the applicant as the responsible party for the permanent maintenance of all BMPs. The maintenance plan shall include the submittal of annual reports to the City Engineer documenting the maintenance of all permanent BMPs in accordance with the applicable manufacturer specifications. Spot checks may be made by the City Engineer to ensure compliance with the maintenance plan.
- d. Grading will be allowed during the rainy season (November 15 through March 31) upon the approval of special erosion control measures by the City Engineer.

F. PALEONTOLOGY

Impact F1: The project would involve substantial grading within potentially fossil-bearing geologic formations to prepare the site for development. Therefore, potential impacts to paleontological (fossil) resources are considered significant.

Mitigation F1: Prior to recordation of the final map and/or issuance of the first grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor (as defined in the City of San Diego Paleontological Guidelines) have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans.

ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.

- a. The qualified paleontologist shall attend any preconstruction meetings to discuss the paleontological monitoring program with the construction manager.
- b. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
- c. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.
- d. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.

- e. Prior to the release of the grading bond, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR.

MMRP DEPOSIT ACCOUNT

This MMRP shall require a deposit of \$5,000 to be collected prior to the issuance of any grading permits and/or recordation of the final map to cover the City's costs associated with implementation of the MMRP.

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: October 5, 2000

TO: Chairman Steele and Planning Commission

FROM: Lawrence C. Monserrate, Environmental Review Manager
Planning and Development Review Department

SUBJECT: Candidate Findings and Statement of Overriding Considerations for the La Jolla Commons Project EIR (LDR No. 99-0762)

The attached Candidate Findings and Statement of Overriding Considerations (Findings/SOC) have been prepared by the applicant (Polygon Development) for the La Jolla Commons Project (LDR No. 99-0762) as required pursuant to State CEQA Guidelines Sections 15091 and 15093. It is the exclusive discretion of the decision maker certifying the EIR to determine the adequacy of the proposed candidate findings. It is the role of staff to independently evaluate the proposed candidate findings and to make a recommendation to the decision maker regarding their legal adequacy.

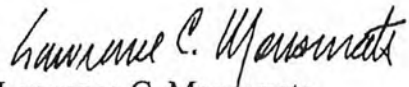
Staff has reviewed the applicant's candidate findings. Based on this review, staff believes that as proposed the candidate findings are not supported by sufficient documentation for the following reasons:

1. Due to a lack of substantial evidence in the record, staff cannot support the candidate findings that all of the alternatives to the project analyzed in the EIR are infeasible. The candidate findings of infeasibility relative to the project alternatives consist primarily of justifications for approving the proposed project rather than the alternatives, similar to the candidate statement of overriding considerations, rather than specific economic, legal, social, technological, or other considerations which render the alternatives infeasible, as required under CEQA. Therefore, it is staff's opinion that the candidate findings do not identify specific considerations which render the alternatives infeasible.
2. Due to a lack of substantial evidence in the record, staff cannot support the candidate finding that the Resource Protection Ordinance Consistent Alternative analyzed in the EIR is infeasible because it would reduce the developable area of the 17-acre site by approximately 6 acres. No specific economic, legal, social, technological, or other considerations are provided, as required under CEQA, which support this candidate finding. Therefore, it is staff's opinion that this candidate finding does not identify specific considerations which render this alternative infeasible.

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Chairman Steele and Planning Commission
October 5, 2000

It is staff's recommendation that in order to have legally adequate and defensible findings the applicant should provide additional oral information or written documentation responsive to the points outlined above to support the proposed candidate findings.

A handwritten signature in cursive script, reading "Lawrence C. Monserrate".

Lawrence C. Monserrate
Environmental Review Manager

Attachment

**CANDIDATE CEQA FINDINGS
FOR THE
LA JOLLA COMMONS PROJECT
(LDR No. 99-0762/SCH No. 2000031097)**

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 certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect, accompanied by a brief explanation of the rationale for each finding (Section 21081 of CEQA and Section 15091 of the State CEQA Guidelines):
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment as identified in the EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can and should be, adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

CEQA also requires that the findings made pursuant to Section 15091 shall be supported by substantial evidence in the record (Section 15091[b] of the State CEQA Guidelines). Under CEQA, substantial evidence means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence shall include facts, reasonable assumptions predicated 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 action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record, and does not substitute for, and shall be in addition to, findings required pursuant to Section 15091 (Sections 15093 [b] and [c] of the State CEQA Guidelines).

The following Candidate Findings are made relative to the conclusions of the Environmental Impact Report (EIR) for the La Jolla Commons Project and associated actions ("project") (LDR No. 99-0762/SCH No. 2000031097). The EIR is herein incorporated by reference. These findings have been prepared pursuant to Section 21081 of the California Public Resources Code, the California Environmental Quality Act (CEQA), and pursuant to Sections 15091 and 15093 of Title 14 of the California Code of Regulations (State CEQA Guidelines) which implement CEQA.

The La Jolla Commons Project would consist of a mix of land uses including a 327-room luxury hotel, 115 condominium units, 450,000 square feet of office space, a 30,000 square-foot science research building, and an eight-level stand-alone parking structure on approximately 17 acres. Approximately 2.76 off-site acres would be disturbed for grading and construction of Judicial Drive, which would front the west side of the property. The project also includes extensive interior and exterior landscaping (including an approximately one-half acre privately owned and maintained park available to the public at the corner of Executive Drive and Judicial Drive and an interior courtyard of more than one acre) and landscaping along pedestrian access routes to off-site links.

The EIR for the project evaluates the following environmental issues: land use, landform alteration/visual quality, biological resources, transportation/traffic circulation, noise, air quality, hydrology/water quality, paleontology, historical resources, and human health and public safety. The EIR also addresses cumulative impacts; other required considerations, which include unavoidable and irreversible significant environmental effects, growth inducing impacts, and effects found not to be significant; and alternatives that would reduce or avoid significant impacts of the proposed project. The City of San Diego, Planning and Development Review Department, located at 1222 First Avenue, Fifth Floor, San Diego, CA 92101, is the custodian of the documents and other material which constitute the entire record and the proceedings upon which the decision is based.

Having reviewed and considered the information contained in the EIR for the La Jolla Commons Project (LDR No. 99-0762/SCH No. 2000031097), related documents, public comments and the entire environmental record, the Council of the City of San Diego finds that the EIR was completed

in compliance with CEQA and reflects the Council's independent judgment, and that recirculation is not required, and makes the following findings pursuant to Section 15091 of the California Code of Regulations (State CEQA Guidelines):

- I. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the proposed project as identified in the EIR (LDR No. 99-0762/SCH No. 2000031097) and as described below relative to: land use; biological resources; transportation/traffic circulation; noise; hydrology/water quality; and paleontological resources.**

A. LAND USE

Impact A1: The project would significantly impact sensitive upland and wetland habitats regulated through the Resource Protection Ordinance (RPO) and the Multiple Species Conservation Program (MSCP).

Finding A1: The project has been revised to fully mitigate for upland habitat and wetland habitat consistent with RPO and MSCP as described below under "Biological Resources."

B. BIOLOGICAL RESOURCES

Impact B1: Grading associated with site development would result in the loss of sensitive upland habitat, namely 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral.

Finding B1: The project has been revised to fully mitigate for impacts to sensitive upland habitat in accordance with RPO and the City's Biology Guidelines. The project has been revised to include the following measures, which would fully mitigate impacts to sensitive upland habitat associated with the proposed project to below a level of significance:

1. Prior to issuance of any grading permit and/or the recordation of the final map, the applicant shall mitigate for impacts to 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral in accordance with the City of San Diego *Land Development Code Biology Guidelines* (adopted on 9/28/99), satisfactory to the City Manager. The City Manager shall ensure that the applicant has preserved 8.53 acres off-site of Tier I-III habitat within the MHPA or as appropriate outside the MHPA in accordance with the Biology Guidelines.

Impact B2: Grading associated with site development would result in the loss of wetlands, namely 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed.

Finding B2: The project has been revised to fully mitigate for impacts to wetland habitat in accordance with RPO and the City's Biology Guidelines. The project has been revised to include the following measures, which would fully mitigate impacts to wetlands associated with the proposed project to below a level of significance:

1. Prior to the issuance of any grading permit which affects on-site wetlands and/or the recordation of the final map, the applicant shall assure mitigation for the loss of 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed at a ratio of 3:1, satisfactory to the City Manager. The applicant proposes to restore 0.42 acre of wetland habitat within Los Peñasquitos Lagoon watershed on land owned and managed by the California State Department of Parks (State Parks). The proposed wetland restoration site is currently occupied by giant reed (*Arundo donax*) and is located downstream from the intersection of Flintkote and Estuary Way in Sorrento Valley (refer to figure 4.3-3 of the EIR). The mitigation program involves removal of giant reed from 0.42 acre of land followed by replanting of the cleared area with southern willow scrub species. The mitigation program will be carried out by a contractor paid by the applicant, with oversight by the State Parks preserve manager.

- a. Prior to issuance of any grading permit which affects on-site wetlands, the City Manager shall verify that a bonded mitigation agreement in sufficient amount to ensure the mitigation of 0.42 acre of wetlands within Los Peñasquitos Lagoon or other mitigation site acceptable to the City and resource agencies has been executed.
- b. Prior to issuance of any grading permit which affects on-site wetlands and prior to initiating off-site wetland restoration, a final wetlands mitigation plan shall be prepared by the applicant and approved by the City Manager. The mitigation plan shall describe the proposed mitigation area location and methodology, buffer requirements (if needed), maintenance program, monitoring and reporting plan, success criteria, remedial measures to correct any problems, and any other information deemed necessary by the City.
- c. Prior to the issuance of any grading permit which affects on-site wetlands, the applicant shall submit verification that a qualified project biologist has been retained to oversee the implementation of the wetlands mitigation plan. The project biologist shall have experience preparing and monitoring wetland and riparian mitigation plans in San Diego County and shall be acceptable to the City Manager and the resource agencies. The project biologist shall oversee other specialists and contractors involved in the implementation of the mitigation plan.

- d. The applicant shall submit the following items to the City prior to issuance of any grading permit which affects on-site wetlands:

Evidence of compliance with Sections 401 and 404 of the federal Clean Water Act.

Evidence of compliance with Section 1603 of the State of California Fish & Game Code.

Evidence shall include either copies of permits issued, letters of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager.

C. TRANSPORTATION/TRAFFIC CIRCULATION

Impact C1: The project would significantly impact traffic on adjacent roadway segments including La Jolla Village Drive, Towne Center Drive, Nobel Drive, Interstate 805 (I-805), and the intersection of Miramar Road/Eastgate Mall.

Finding C1: The project has been revised to include the following measures, which would fully mitigate for direct (near-term) impacts to intersections and street segments to below a level of significance:

Either of the following two transportation mitigation options would reduce the significant traffic impacts to roadway segments and intersections, other than I-805, to below a level of significance. Option 1 consists of development in three phases (transportation phasing plan) and is recommended by City staff. Option 2 consists of a non-phased development which is preferred by the applicant.

Option 1 - Transportation Phasing Plan

Phase I

The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of up to 3,333 ADT:

- a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;

- b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;
- c. The construction of Nexus Center Drive as a two-lane industrial local street;
- d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive.

Phase II

The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 3,333 ADT up to 5,455 ADT:

- a. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
- b. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (North University City Project [NUC] 33);
- c. The construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel.

Phase III

The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 5,455 ADT up to 10,319 ADT:

- a. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C);
- b. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
- c. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

Option 2 - Non-Phased Development (preferred by the applicant)

The following transportation mitigation measures are identical to those of Option 1 with one exception; Option 2 does not include the construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel.

The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of any building permits which would result in the generation of up to 10,455 ADT:

- a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;
- b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;
- c. The construction of Nexus Center Drive as a two-lane industrial local street;
- d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive.
- e. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
- f. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (NUC-33);
- g. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C);
- h. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
- i. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

D. NOISE

Impact D1: Future ambient noise levels associated with automobile traffic and MCAS Miramar aircraft operations are anticipated to exceed City standards and impact sensitive

receptors on-site. Exterior ambient noise levels at the project site would exceed an exterior CNEL of 65 dB at the proposed hotel outdoor swimming pool area. Exterior noise levels greater than 60 dB could result in interior noise levels in excess of 45 dB for hotel and condominium uses, and exterior noise levels greater than 65 dB could result in interior noise levels in excess of 50 dB for office uses.

Finding D1: The project has been revised to include the following measures, which would fully mitigate noise impacts associated with the proposed project to below a level of significance:

1. Prior to the issuance of any building permit, the applicant shall incorporate sound attenuation measures as described in the *Acoustical Assessment Report for La Jolla Commons Project* (Pacific Noise Control, March 2000) to the satisfaction of the City Manager. Specifically, a minimum six- and seven-foot high permanent noise barrier shall be constructed along the western and southern edges of the hotel swimming pool area (refer to figure 4.5-6 of the EIR). The noise barrier may be constructed as a wall, berm, or combination of both. The materials used in the construction of the barrier are required to have a minimum surface density of 3.5 pounds per square foot, and may consist of masonry material, plexiglas, tempered glass, or a combination thereof. The barrier must be designed so that there are no openings or gaps. The required noise barriers shall be included on the construction plans, satisfactory to the City Manager.
2. Prior to the issuance of any building permit, the applicant shall submit a final acoustical report to the satisfaction of the City Manager. The City Manager shall verify that all measures identified in the approved report which are necessary to achieve an interior noise level of 45 dB at the condominium and hotel and 50 dB CNEL at the office building have been incorporated into the design of the proposed structures.

E. HYDROLOGY/WATER QUALITY

Impact E1: Potential erosion during construction could significantly impact the ability of downstream areas to accommodate silt-laden runoff or the accumulation of silt. During post-construction conditions, contaminants transported off-site by stormwater runoff (e.g., grease, oils, and synthetic organic chemicals) would impact the quality of downstream waters.

Finding E1: The project has been revised to include the following measures, which would fully mitigate hydrology/water quality impacts associated with the proposed project to below a level of significance:

1. Prior to the issuance of any grading permit, comprehensive short-term Best Management Practices (BMPs) shall be incorporated into the project plans to control construction-related erosion and sedimentation, satisfactory to the City Engineer. BMPs may include, but are not limited to, graded surface scarification, soil stabilizers, temporary hydroseeding/planting, mulching, matting, blankets, geotextiles, sod stabilization, vegetative buffer strips, sediment traps/catch basins, silt fencing and gravel bags.

All temporary sediment traps/catch basins shall be maintained regularly. All areas planted with erosion-control vegetation shall be monitored daily for vegetation establishment and erosion problems, and any repairs and/or replacement of vegetation made promptly. All stabilization and structural controls shall be inspected at least monthly and after every significant storm event, and shall be repaired or maintained as needed to reduce sediment discharge from the site. Access to these facilities shall be maintained during wet weather.

2. Prior to the issuance of any grading permit, comprehensive permanent post-construction BMPs, consistent with those shown on Exhibit "A" (site or grading plan), shall be incorporated into the project plans to reduce the amount of pollutants (e.g., oil, grease, heavy metals) and sediments discharged from the site, satisfactory to the City Engineer. BMPs shall include the use of catch basin filtration devices at all storm drain inlets collecting runoff from proposed new structures, walkways, the private street, parking and landscape areas, as well as a street sweeping program for the private street and parking areas. Equivalent alternative available technologies and BMPs may be approved by the City Engineer in lieu of, or in addition to, those shown on Exhibit "A."
3. Prior to the issuance of any grading permit, the applicant shall prepare a permanent maintenance plan, satisfactory to the City Engineer, which defines the applicant as the responsible party for the permanent maintenance of all BMPs. The maintenance plan shall include the submittal of annual reports to the City Engineer documenting the maintenance of all permanent BMPs in accordance with the applicable manufacturer specifications. Spot checks may be made by the City Engineer to ensure compliance with the maintenance plan.
4. Grading will be allowed during the rainy season (November 15 through March 31) upon the approval of special erosion control measures by the City Engineer.

F. PALEONTOLOGY

Impact F1: The project would involve substantial grading within potentially fossil-bearing geologic formations to prepare the site for development. Therefore, potential impacts to paleontological (fossil) resources are considered significant.

Finding F1: The project has been revised to include the following measures, which would fully mitigate paleontological resource impacts associated with the proposed project to below a level of significance:

1. Prior to recordation of the final map and/or issuance of the first grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor (as defined in the City of San Diego Paleontological Guidelines) have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING. THE APPLICANT SHALL NOTIFY LDR OF THE START AND END OF CONSTRUCTION.**
2. The qualified paleontologist shall attend any preconstruction meetings to discuss the paleontological monitoring program with the construction manager.
3. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
4. **WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.
5. The paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and

submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.

6. Prior to the release of the grading bond, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to and approved by the Environmental Review Manager of LDR.

II. There are no changes or alterations within the responsibility and jurisdiction of a public agency other than the City of San Diego which are necessary to avoid or mitigate any significant environmental effects of the proposed project.

III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR (LDR No. 99-0762) to reduce the following significant impacts:

1. INFEASIBILITY OF MITIGATION FOR SIGNIFICANT UNMITIGATED IMPACTS

At build-out (year 2020), based on the land use designations and the Circulation Element improvements identified in the *University Community Plan*, the contribution to traffic from the Project is anticipated to exceed the City's one percent threshold and thus significantly impacted two segments of I-805. Also, the Project has significant impacts on three I-805 access ramps: Eastbound La Jolla Village Drive to Southbound I-805, Eastbound La Jolla Village Drive to Northbound I-805, and Eastbound Nobel Drive to Southbound I-805.

Under future build-out conditions, the I-805/La Jolla Village Drive interchange will be significantly congested, with or without the Project. The demands at the interchange will far exceed the flow rate deemed acceptable by the City or Caltrans. Projected freeway volumes under Community Plan build-out conditions are also anticipated to remain congested for those segments in the project vicinity. All segments remain at LOS F, even under build-out conditions with the addition of two high occupancy vehicle (HOV) lanes. The congestion at the interchange and on segments of I-805 will be a function of regional growth and lack of available capacity on I-805; congestion under build-out conditions is considered a cumulative, region-wide growth impact to which the Project would contribute.

Finding: Pursuant to CEQA Section 21081(a)(3), and State Guidelines Section 15091(a)(3), the Council hereby finds that there are no feasible mitigation measures that would mitigate the direct and cumulative impacts described above to below a level of significance and that

specific economic, legal, social, technological or other considerations make infeasible the alternatives identified in the EIR that would avoid or reduce these impacts, as discussed in Section III.2 of these Findings. As described in the Statement of Overriding Considerations, the Council has determined that these impacts are acceptable because of specific overriding considerations.

Facts in Support of Finding: The addition of traffic generated by the Project is projected to contribute to long delays and lengthy queues at three Interstate 805 access ramps. Although two segments of I-805 would operate at LOS F with or without the Project, impacts to segments of I-805 and the interchange of I-805 and La Jolla Village Drive projected to result from the addition of Project-generated traffic would constitute significant, unmitigated transportation impacts. There are no feasible mitigation measures available to mitigate these impacts to below a level of significance; the only method by which the impact could be mitigated would be from construction of additional freeway lanes both northbound and southbound on I-805 from the I-805 and I-5 merge to at least SR-52. At present, beyond the addition of two high occupancy vehicle (HOV) lanes, as described above, the San Diego Association of Governments' *2020 Regional Transportation Plan* (April 2000) does not identify the addition of freeway lanes to the affected segments of I-805. The City cannot require an applicant for a development project to contribute towards the cost of implementing unplanned, loosely defined improvements since an appropriate fair share contribution cannot be determined and because the City cannot be assured that such improvements will ever be implemented, let alone within the timeframe necessary to mitigate the impacts of the project. As project impacts to the I-805/La Jolla Village Drive interchange are directly related to the lack of available capacity on I-805, unless the capacity of I-805 is increased to a point where the capacity demands at this interchange can be met, it will not be possible to mitigate the impacts of the project to this interchange. For these reasons, no feasible mitigation measures are available which would mitigate to below a level of significance project impacts to the affected segments of I-805 and to the I-805/La Jolla Village Drive interchange.

2. INFEASIBILITY OF PROJECT ALTERNATIVES TO REDUCE OR AVOID SIGNIFICANT IMPACTS

Where a project will result in some unavoidable significant environmental impacts, even after application of all feasible mitigation measures identified in the EIR, the lead agency must evaluate the project alternatives identified in the EIR. Under these circumstances, the lead agency must consider the feasibility of alternatives to the project which could avoid or substantially lessen the unavoidable significant environmental impacts. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors (Section 15364 of the State CEQA Guidelines).

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to Section 15093 of the State CEQA Guidelines. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the proposed project.

No Project Alternative

This alternative maintains the status quo, with the Project site remaining in its current condition as an undeveloped and partially disturbed vacant site, and in the near-term, the only man-made improvements would consist of the existing City utility infrastructure found within the main canyon. The proposed mix of land uses would not be constructed and the Project-sponsored Circulation Element improvements along two of the site boundaries (i.e., dedication of one-half width and construction of the full width of the Judicial Drive extension, and the dedication and construction of a westbound lane on La Jolla Village Drive) would not be implemented in the near-term by the Project applicant.

In the long-term, the above-mentioned roadway improvements would likely be implemented with or without the Project and the site might be developed by others with a project that is consistent with the University Community Plan land use designations of VC and SR and other City policies and ordinances (e.g., Environmentally Sensitive Lands Regulations [ESL]). Future applications for site development would be constrained by the presence of the NAS Miramar CLUP APZs, Noise Contours and the RUE that effect site development. In addition, the presence of City-defined wetlands and steep slopes would also constrain future development due to the requirements of the ESL. The EIR assumed that a future development by others would be similar to one of the alternatives presented in the EIR, most likely the Development Under the Existing Community Plan Alternative or the Resource Protection Ordinance Consistent Alternative.

Finding: The Council finds, pursuant to Public Resources Code 21081(a)(3), that specific economic, legal, social, technological or other considerations, including considerations identified in the Statement of Overriding Considerations, make infeasible the No Project Alternative identified in the EIR.

Facts in Support of Finding: This alternative is infeasible in that it is undesirable from a policy standpoint because it conflicts with one of the City's primary land use goals for this subarea of the University Community Plan. Specifically, the Community Plan goal states that "*because of its location immediately west of the intersection of I-805 and La Jolla Village Drive, new development at this location will frame an important entrance into the University Community and thus provide an opportunity to achieve the urban design goals of this community plan.*" Under the No Project Alternative, the project site would remain

undeveloped and a partially developed vacant site, which would not serve as an important entrance or achieve the City's urban design goals. Moreover, because the No Project Alternative would allow construction of Circulation Element roadway improvements planned along the southern, western and northern site boundaries, it still would result in significant biological resources impacts requiring mitigation. In addition, the costs of building those Circulation Element roadway improvements would be borne by the City or some party other than the applicant, as would the costs of the biological mitigation required because of the roadway improvement impacts. The No Project Alternative also would result in an increase in vehicular noise levels by extension and widening of roads and thus increased ambient noise levels.

Moreover, the No Project Alternative is infeasible because it would not provide housing that the City needs, nor would it provide the approximately \$1,787,000 in annual transient occupancy tax ("TOT") revenues expected to be generated by the Project's hotel, which TOT also is needed by the City. The No Project Alternative also would mean that the 3,480 temporary construction jobs and 3,450 new permanent jobs to be created by the Project would not be available. This alternative also would cost the City the approximately \$870,000 in construction period sales tax revenue, \$500,000 in annual sales tax revenue, and approximately \$630,000 in annual property tax revenues to the City that the Project would generate. Moreover, Project residents, tenants, and guests would frequent the restaurant and retail businesses located in University City and other businesses in the City, bringing in additional monies through increased sales revenues. The No Project Alternative would also mean that the City would not obtain the approximately \$700,000 which the Project would provide to the City's low-income housing fund, which could be used to increase the supply of low-income housing within University City and other areas in the City, thus potentially costing the City a significant number of affordable housing units that could otherwise have been provided. The No Project Alternative also would not provide the Project's contribution of approximately \$5,722,000 to the North University City Facilities Benefit Assessment Fund, which could be used to construct street and freeway improvements, public parks, a library, and other community facilities.

Development Under the Existing Community Plan Alternative

There are two versions of this alternative, which would develop the property under the existing Community Plan land use designation of Visitor Commercial (VC) and Scientific Research (SR) and its existing Development Intensity Element allowance of 3,811 average daily trips (ADTs). Community Plan Consistent Alternative A would develop a 295,000-square foot office tower near the intersection of Judicial Drive and Executive Drive, with surface parking located immediately to the east. It would include the dedication and construction of one-half width Judicial Drive, as well as reservation of land for the future

MTDB LRT station within the Executive Drive right-of-way, but would not include the dedication of additional right-of-way along La Jolla Village Drive. An office tower located immediately south of Executive Drive would require a substantial amount of site grading and would partially encroach into the existing main and finger canyons to accommodate the building pad, parking and infrastructure improvements. Community Plan Consistent Alternative B would consist of a 100-room extended stay hotel located immediately south of Executive Drive and east of Judicial Drive, and a 100,000-square foot scientific research building in the northeast corner in a similar location as the Project. Parking for the hotel would be located immediately east of the hotel, south of Executive Drive. Parking for the scientific research building would be adjacent to the structure, as shown also for the Project.

Finding: The Council finds, pursuant to Public Resources Code 21081(a)(3), that specific economic, legal, social, technological or other considerations, including considerations identified in the Statement of Overriding Considerations, make infeasible the Existing Community Plan Alternative identified in the EIR.

Facts in Support of Finding: The Development Under the Existing Community Plan Alternative is rejected as infeasible because it would not provide the housing that is needed within the City. Moreover, the Project's hotel would not be provided, thus this alternative is rejected because it would not provide the amount of TOT desired by the City. In addition, it would be infeasible because it would not meet the City's goals of encouraging transit-oriented development with housing near employment and transit centers. Moreover, the Existing Community Plan Alternative is infeasible because it would not provide housing that the City needs, nor would it provide the approximately \$1,787,000 in annual transient occupancy tax ("TOT") revenues expected to be generated by the Project's hotel, which TOT also is needed by the City. The Existing Community Plan Alternative also would mean that the 3,480 temporary construction jobs and 3,450 new permanent jobs to be created by the Project would not be available. This alternative also would cost the City the approximately \$870,000 in construction period sales tax revenue, \$500,000 in annual sales tax revenue, and approximately \$630,000 in annual property tax revenues to the City that the Project would generate. Moreover, Project residents, tenants, and guests would frequent the restaurant and retail businesses located in University City and other businesses in the City, bringing in additional monies through increased sales revenues. The Existing Community Plan Alternative would also mean that the City would not obtain the approximately \$700,000 which the Project would provide to the City's low-income housing fund, which could be used to increase the supply of low-income housing within University City and other areas in the City, thus potentially costing the City a significant number of affordable housing units that could otherwise have been provided. The Existing Community Plan Alternative also would not provide the Project's contribution of approximately \$5,722,000 to the North University City Facilities Benefit Assessment Fund, which could be used to construct street

and freeway improvements, public parks, a library, and other community facilities

Resource Protection Ordinance (RPO) Consistent Alternative

The RPO Consistent Alternative evaluates the environmental impacts associated with an alternative that avoids wetlands and steep slope impacts of the Project. The Project impacts 0.13 acre of wetlands and 0.01 acre of unvegetated streambed located on the Project site and off-site where the extension of Judicial Drive is proposed. The Project also is anticipated to impact 2.1 acres of steep hillsides (natural slopes exceeding 25% gradient and 50 feet in height) which are approximately 12% of the total site acreage; an encroachment not permitted under RPO without alternative compliance findings. In an effort to avoid the approximate 0.04 acre of wetland (remaining after public infrastructure projects) and the 2.1 acres of steep hillsides that would be impacted by the Project, this alternative restricts development to the southeast corner of the site. Approximately 2.5 acres of developable land would be available for pad grading and a building footprint outside the top of slope that protects the wetlands and wetland buffers. This location also places the development outside the Miramar APZ and RUE. For the purposes of this analysis, the RPO Consistent Alternative would include a 295,000 square foot office tower located in the southeast corner of the Project site, with a multi-level parking structure located north of the office building and east of the setback for the canyon slopes. No Scientific Research (SR) would be included, to allow the alternative to meet the objectives of the Community Plan Development Intensity Element. This alternative would include the dedication and construction of one-half width Judicial Drive, as well as reservation of land for the future MTDB LRT station within the Executive Drive right-of-way, but would not include the dedication of additional right-of-way along La Jolla Village Drive.

Finding: The Council finds, pursuant to Public Resources Code 21081(a)(3), that specific economic, legal, social, technological or other considerations, including considerations identified in the Statement of Overriding Considerations, make infeasible the RPO Consistent Alternative identified in the EIR.

Facts in Support of Finding: This alternative is infeasible because it would reduce the developable area on-site by about 6 acres. Moreover, the RPO Consistent Alternative is rejected as infeasible because it would not provide the housing needed by the City. Moreover, this alternative is rejected as infeasible because it would not provide a hotel and therefore would deny the City the TOT that otherwise would be generated by the Project and which is needed by the City. This alternative also is rejected as infeasible because it would not be compatible with the applicable Community Plan goals and objectives, as it would not provide the City with the desired mix of diverse, mixed-uses and intense development nor would it encourage the mix of land uses which the Community Plan envisions. Moreover,

the RPO Consistent Alternative is infeasible because it would mean that the 3,480 temporary construction jobs and 3,450 new permanent jobs to be created by the Project would not be available. This alternative also would cost the City the approximately \$870,000 in construction period sales tax revenue, \$500,000 in annual sales tax revenue, and approximately \$630,000 in annual property tax revenues to the City that the Project would generate. Moreover, Project residents, tenants, and guests would frequent the restaurant and retail businesses located in University City and other businesses in the City, bringing in additional monies through increased sales revenues. The RPO Consistent Alternative would also mean that the City would not obtain the approximately \$700,000 which the Project would provide to the City's low-income housing fund, which could be used to increase the supply of low-income housing within University City and other areas in the City, thus potentially costing the City a significant number of affordable housing units that could otherwise have been provided. The RPO Consistent Alternative also would not provide the Project's contribution of approximately \$5,722,000 to the North University City Facilities Benefit Assessment Fund, which could be used to construct street and freeway improvements, public parks, a library, and other community facilities.

**STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE LA JOLLA COMMONS PROJECT (LDR NO. 99-0762)**

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 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]). 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 final EIR but are not avoided or substantially lessened, 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. The statement of overriding considerations shall be supported by substantial evidence in the record (Section 15093 [b] of the State CEQA Guidelines). This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091 (Section 15093 [c] of the State CEQA Guidelines).

The City Council, pursuant to Section 15093 of the State CEQA Guidelines, has balanced the benefits of the proposed La Jolla Commons Project and associated actions against the following unavoidable impacts:

- ▶ Direct impacts to transportation/traffic circulation (freeway ramps and lane impacts);
- ▶ Cumulative impacts to transportation/traffic circulation (freeway ramps and lane impacts).

The City Council has adopted all feasible mitigation measures with respect to these impacts. The City Council also has examined a range of alternatives, none of which meet most of the basic objectives of the project, is feasible and is environmentally preferable to the Project.

The City Council, after balancing the specific economic, legal, social, technological, and other benefits of the Project against its unavoidable environmental impacts, determines that the unavoidable adverse environmental effects may be considered "acceptable" due to the following specific considerations, each of which individually will be sufficient to outweigh the unavoidable, adverse environmental impacts of the Project.

A. ADDITIONAL HOTEL ROOMS

Increasing the number and type of hotel accommodations available to serve the business and tourist industry, in general, is vital to the continued economic growth in the City. The project would provide 327 high quality, new hotel rooms in the University City area.

B. ADDITIONAL HOUSING

Increasing the number of residences available in the City of San Diego is vital to meet the demands of the growth in the City. The project would provide 115 high quality condominium homes.

C. INCREASED EMPLOYMENT OPPORTUNITIES

The project would generate 3,480 temporary construction jobs and 3,450 new permanent jobs.

D. INCREASED TAX REVENUES

According to a report prepared on the project by Keyser Marston, the project would generate an average of approximately \$1,787,000 in annual transient occupancy tax revenues, \$870,000 in construction period sales tax revenue, \$500,000 in annual sales tax revenue, and approximately \$630,000 in annual property tax revenues to the City.

E. INCREASED SALES REVENUES

Project residents, tenants, and guests would frequent the restaurant and retail businesses located in University City and other businesses in the City. This increased business will translate into increased sales revenues in University City and the City in the estimated annual amount of \$47,000,000.

F. CONTRIBUTION TO CITY AFFORDABLE HOUSING FUND

The project will contribute \$703,000 to the City's low-income housing fund, which in turn can be used to increase the supply of low-income housing within University City and other areas in the City.

G. CONTRIBUTION TO UNIVERSITY CITY FBA FUND

The project will contribute approximately \$5,722,000 to the North University City Facilities Benefit Assessment Fund, which in turn can be used to construct street and freeway improvements, public parks, a library, and other community facilities.

H. PROVISION OF LIGHT RAIL STATION AND RIGHT OF WAY

The project will provide the right of way for a future trolley station and a portion of the right-of-way required for the extension of light rail service to the eastern portion of University City.

I. PROVISION OF ACCESSIBLE PUBLIC OPEN SPACE

The project will provide for public open space in the form of the Commons Green Transit Park, Central Garden, Water Garden, Palm Court, Floral Garden, and La Jolla Village Drive Linear Park,

all of which will be accessible to the public through a system of pedestrian walkways linked to public streets and sidewalks.

J. MIXED-USE AND TRANSIT ORIENTED DEVELOPMENT

The project will provide for a mixed-use development project consisting of residential, hotel, scientific research, and office uses that will result in 24-hour use of the project site, open space, and amenities. The project will, upon the extension of the light rail line to the planned light rail station immediately adjacent to the project, provide for significant transit commuter opportunities. Location of a high density use adjacent to a light rail station is beneficial to the economics of extending and operating light rail service to the University City area.

For these reasons on balance, the City Council finds there are economic, social, and other considerations resulting from the project that serve to override and outweigh the project's unavoidable significant environmental effects, and thus, the adverse unavoidable effects are considered acceptable.



Land Development
Review Division
(619) 446-5460

Addendum to an Environmental Impact Report

Project No. 79804
Addendum to EIR No. 99-0762
SCH No. 2000031097

SUBJECT: LA JOLLA COMMONS. MAP WAIVERS/PLANNED DEVELOPMENT PERMIT (PDP)/SITE DEVELOPMENT PERMIT (SDP) TO AMEND PLANNED COMMERCIAL DEVELOPMENT (PCD)/RESOURCE PROTECTION ORDINANCE (RPO) NO. 99-0762 to construct a new 581,557 square-foot, 32-story, 213-room/112-unit hotel/condominium building; a new 287,771 square-foot, 32-story, 156-unit condominium building; a new 340,405 square-foot, 15-story office building; a new 30,000 square-foot, two-story scientific research building; and a new 501,994 square-foot, eight-story parking structure on an existing 17-acre site. The project site is bound by Judicial Drive to the west, Nexus Centre Drive to the north, and La Jolla Village Drive to the south. The site is bisected by the east-west extension of Executive Drive. The site is within the University Community Planning Area. Legal Description: Lots 1-5, La Jolla Commons, Map 14466. Applicant: Makar Properties, LLC & Makallon La Jolla Properties, LLC.

I. PROJECT DESCRIPTION:

Development of the proposed project requires the approval of a Planned Development Permit (PDP) and Site Development Permit (SDP) which would amend the existing Planned Commercial Development (PCD) Permit and Resource Protection Ordinance (RPO) Permit No. 99-0762. The existing PCD/RPO proposed the construction of a 315,272 square-foot, 15-story, 327-room hotel; a 320,921 square-foot, 32-story, 115-unit condominium building; a 450,000 square-foot, 20-story, office building; a 30,000 square-foot, two-story scientific research building, and a 501,994 square-foot, eight-story parking structure.

The project has been redesigned from the original approval to increase the proposed hotel building to 581,557 square feet and 32 stories with 213 hotel rooms and 112 condominium units; reduce the proposed condominium building to 287,771 square feet with 156 units; and to reduce the proposed office building to 340,405 square feet and 15 stories. The proposed scientific research building and the proposed parking structure would remain the same as previously approved.

Also included is a map waiver to add residential uses in Lot 2 of La Jolla Commons, Map No. 14466; a map waiver to increase the number of residential units entitled in Lot 3 of La Jolla Commons, Map No. 14466; and a lot line

adjustment map to make minor adjustments to lot lines affected by building and private driveway adjustments.

An updated traffic and parking report was prepared for the revised design by Darnell & Associates, Inc., titled "Updated Traffic and Parking Analysis For La Jolla Commons in the City of San Diego", dated September 23, 2005, and revised March 14, 2006. According to the traffic analysis, the proposed project as redesigned would generate less traffic than the previously approved project. The revised project would generate approximately 941 fewer daily trips, 103 fewer morning peak hour trips, and 112 fewer evening peak hour trips. For the purposes of a comparative analysis, three key intersections were reanalyzed from the 1998 report and compared to the current proposed project. The three intersections were selected because they are in the closest proximity to the project site and any change in traffic generation would impact those intersections the most. Further it can be stated that a reduction in traffic from the project would reduce any previously identified impacts. The three intersections are Eastgate Mall and Genesee, Eastgate Mall and Towne Center, and La Jolla Village Drive and Towne Center. The results of the comparison indicates that the reduction in project traffic under the proposed redesign would lessen delay at the study intersections and would not create additional impacts. Analysis of selected roadway segments also resulted in lessened impacts and indicates that the proposed redesigned project would not create the need for additional mitigation. The parking analysis concluded that a total of 2,390 parking spaces would be required as a result of the proposed redesign. Seventy additional parking spaces would be added to the 2,320 parking spaces that were originally approved.

The project site is near the United States Marine Corps Air Station Miramar (MCAS Miramar) and has a restricted use overlay zone and accident potential zone within its boundaries. As part of the original project approval, MCAS Miramar restricted all proposed buildings on the project site to no higher than 703 feet above mean sea level (MSL). The proposed redesign would adhere to this restriction and not exceed 703 feet above MSL.

The end of the nearest runway to the nearest proposed structure is approximately 13,000 feet. This runway is positioned in an east-west alignment. The project site is located north-west of the runway and, therefore, does not have any angular or direct glare conflict with aircraft take-offs or landings. At various times, certain aircraft will take off heading west and turn north-west in a route that ultimately passes over Sorrento Valley but easterly of the project site. This route would place aircraft close to the project but, by the time the aircraft make this route, they are elevated hundreds of feet above any building within the project site and, thus not vulnerable to glare. In addition, all exterior wall systems would employ non-reflective glazing and would be constructed perpendicular to the ground plane. No angling of the glass would occur resulting in no glare conflicts to passing aircraft.

II. ENVIRONMENTAL SETTING: See EIR.

III. PROJECT BACKGROUND:

The previously approved La Jolla Commons project was evaluated in the La Jolla Commons Project EIR No. 99-0762. The EIR was certified and the project approved by City Council on November 14, 2000. The approved actions included a Progress Guide and General Plan Amendment, a Community Plan Amendment,

Rezone, and Vesting Tentative Map/Planned Commercial Development Permit/Resource Protection Ordinance Permit. A grading permit has been issued and the project site has been graded.

For additional project background, please see the attached EIR conclusions.

IV. DETERMINATION:

The City of San Diego previously prepared an Environmental Impact Report for the project described in the subject block of the attached EIR conclusions.

Based upon a review of the current project, it has been determined that:

- a. There are no new significant environmental impacts not considered in the previous EIR;
- b. No substantial changes have occurred with respect to the circumstances under which the project is undertaken; and
- c. There is no new information of substantial importance to the project.

Therefore, in accordance with Section 15164 of the State CEQA Guidelines this addendum has been prepared. No public review of this addendum is required under CEQA. However, Section 128.0306 of the City of San Diego's Land Development Code requires that all addenda for environmental documents certified more than three years before the date of application shall be distributed for public review for 14 calendar days. Therefore, this Addendum to EIR No. 99-0762 was distributed for public review.

V. MITIGATION, MONITORING AND REPORTING PROGRAM INCORPORATED INTO THE PROJECT:

Mitigation measures were incorporated into the previously certified EIR. Mitigation measures relating to Land Use, Biological Resources, Hydrology/Water Quality, and Paleontology have been met as part of the grading permit. The following mitigation measures would continue to apply to the proposed redesigned project.

Transportation/Traffic Circulation

Either of the following two transportation mitigation options would reduce the significant traffic impacts to roadway segments and intersections, other than I-805, to below a level of significance. Option 1 consists of development in three phases (transportation phasing plan) and is recommended by City staff. Option 2 consists of a non-phased development which is preferred by the applicant.

Option 1 – Transportation Phasing Plan

Phase 1

1. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of up to 3,333 ADT:

- a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;
- b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;
- c. The construction of Nexus Center Drive as a two-lane industrial local street;
- d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive.

Phase II

- 2. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 3,333 ADT up to 5,455 ADT:
 - a. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
 - b. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (North University City project [NUC] 33);
 - c. The construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel.

Phase III

- 3. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 5,455 ADT up to 10,319 ADT:
 - a. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C);
 - b. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
 - c. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

Option 2 – Non-Phased Development

The following transportation mitigation measures are identical to those of Option 1 with one exception: Option 2 does not include the construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel.

- 1. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of any building permits which would result in the generation of up to 10,455 ADT:

- a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;
- b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;
- c. The construction of Nexus Center Drive as a two-lane industrial local street;
- d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive;
- e. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
- f. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (NUC-33);
- g. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C);
- h. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
- i. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

Noise

The following design measures shall be requirements of the proposed project to ensure that all potential noise impacts are mitigated to below a level of significance.

- a. Prior to the issuance of any building permit, the applicant shall incorporate sound attenuation measures as described in the *Acoustical Assessment Report for La Jolla Commons Project* (Pacific Noise Control, March 2000) to the satisfaction of the City Manager. Specifically, a minimum six- and seven-foot high permanent noise barrier shall be constructed along the western and southern edges of the hotel swimming pool area (refer to Figure 4.50-6 of the EIR). The noise barrier may be constructed as a wall, berm, or combination of both. The materials used in the construction of the barrier are required to have a minimum surface density of 3.5 pounds per square foot and may consist of masonry material, Plexiglas, tempered glass, or a combination thereof. The barrier must be designed so that there are no openings or gaps. The required noise barriers shall be included on the construction plans, satisfactory to the City Manager.
- b. Prior to the issuance of any building permit, the applicant shall submit a final acoustical report to the satisfaction of the City Manager. The City Manager shall verify that all measures identified in the approved report which are necessary to achieve an interior noise level of 45 dB at the

condominium and hotel and 50 dB CNEL at the office building have been incorporated into the design of the proposed structures.

VI. SIGNIFICANT UNMITIGATED IMPACTS:

There are no new significant impacts identified for the current project. However, the final EIR for the original project identified significant unmitigated impacts relating to Transportation/Circulation. Because there were significant unmitigated impacts associated with the original project approval, the decision maker was required to make specific and substantiated CEQA Findings which stated that: (a) other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR, and (b) these impacts have been found acceptable because of specific overriding considerations. No new CEQA Findings are required with this project. However, this approval would also result in significant impacts; therefore, adoption of a new statement of overriding considerations is required.


Robert J. Manis
Assistant Deputy Director
Development Services Department

3/30/06
Date of Draft Report

May 1, 2006
Date of Final Report

Analyst: Clark

DISTRIBUTION:

The addendum and conclusions of the final EIR were distributed to:

U.S. Government

Department of the Interior, Fish and Wildlife Service (23)
U.S. Army Corps of Engineers (26)
Marine Corps Air Station Miramar, Commanding General (13)

State of California

Department of Transportation (Caltrans), District 11 (31)
Caltrans, Division of Aeronautics (51)
Department of Fish & Game (32)
Regional Water Quality Control Board, Region 9 (44)
Air Resources Board (49)

City of San Diego

Councilmember Peters, District 1, (MS 10A)
Development Services Department
Secretary to the Historical Resources Board (87)
Wetlands Advisory Board (91A)
University City Library (81JJ)

Other Agencies, Organizations and Individuals

University Community Planning Group (480)

Metropolitan Transit Development Board (115)
 San Diego Association of Governments (108)
 San Diego Unified School District (125)
 County of San Diego Air Pollution Control District (65)
 San Diego Gas and Electric Company (114)
 San Diego Natural History museum (166)
 EC Allison Research Center, San Diego State University (181)
 Citizens Coordinate for Century III (179)
 Deron Bear, Chairman, Marian Bear Natural Park Recreation Council (485)
 Greater San Diego Chamber of Commerce (492)
 Sierra Club, San Diego Chapter (165)
 San Diego Audubon Society (167)
 California Native Plant Society (170)
 Southwest Center for Biological Diversity (176)
 Endangered Habitats League (182)
 San Diego County Archaeological Society, Inc. (218)
 Jerry Schaefer, PhD (208)
 South Coastal Information Center, San Diego State University (210)
 Save Our Heritage Organisation (214)
 Ron Christman (215)
 Louie Guassac (215A)
 Kumeyaay Cultural Repatriation Committee (225)
 * Barona Group of Capitan Grande Band of Mission Indians (225A)
 * Campo Band of Mission Indians (225B)
 * Ewiiapaayp Band of Mission Indians (225C)
 * Inaja and Cosmit Band of Mission Indians (225D)
 * Jamul Band of Mission Indians (225E)
 * La Posta Band of Mission Indians (225F)
 * Manzanita Band of Mission Indians (225G)
 * Sycuan Band of Mission Indians (225H)
 * Viejas Group of Capitan Grande Band of Mission Indians (225I)
 * Mesa Grande Band of Mission Indians (225J)
 * San Pasqual Band of Mission Indians (225K)
 * Santa Ysabel Band of Diegueño Indians (225L)
 * La Jolla Band of Mission Indians (225M)
 * Pala Band of Mission Indians (225N)
 * Pauma Band of Mission Indians (225O)
 * Pechanga Band of Mission Indians (225P)
 * Los Coyotes Band of Mission Indians (225R)
 * Public Notice only.

VII. Results of Public Review:

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the environmental report. No response is necessary and the letters are attached at the end of the Addendum to EIR No. 99-0762.
- § Comments addressing the accuracy or completeness of the Addendum to EIR No. 99-0762 were received during the public input period. The letters and responses follow.

Copies of the Addendum, the final EIR, the Mitigation, Monitoring and Reporting Program, and any technical appendices may be reviewed in the office of the Land Development Review Division, or purchased for the cost of reproduction.

DEPARTMENT OF TRANSPORTATION

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April 17, 2006

11-SD-805
 PM 25.94

Ms. Doran Clark
 City of San Diego – Development Svcs.
 1222 First Ave. – MS-301
 San Diego, CA 92101-4153

RE: La Jolla Commons – Draft Addendum to EIR (SCH 2000031(97))

To Ms. Clark:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Addendum to an Environmental Impact Report (EIR) for the proposed La Jolla Commons project, involving construction of a new 213-room / 112-unit hotel / condominium building; a new 156-unit condominium building; a new 140,405 square foot office building; and a new 30,000 scientific research building on a 17 acre site located immediately northwest and adjacent to the Interstate 805 (I-805) La Jolla Village Drive interchange Right of Way (R/W).

As proposed, the project is estimated to generate some 10,000 average daily trips (ADT). The most recent traffic impact study reviewed is dated July 2000 and should therefore be considered outdated. A new traffic impact study (TIS) using the latest Caltrans District 11 traffic volumes is needed in order to determine the project's near and long-term effects to State facilities, both existing and proposed, and to help determine appropriate mitigation measures. The TIS should be prepared in accordance with the Caltrans *Guide for the Preparation of Traffic Impact Studies*, dated December 2002 (TIS guide). Minimum contents of a traffic impact study are listed in Appendix "A" of the TIS guide. The traffic impact study should also determine where and what type of improvements might be needed to mitigate for future traffic generated by this development.

1. Cumulative impacts of a project, together with other related or nearby projects, must be considered when determining the project's impacts. A cumulative impact is the sum of the impacts of existing conditions, other projects, and the project itself – no matter how small the contribution is from the project itself. There is no minimum size limitation on projects that may be required to mitigate for cumulative impacts if a project contributes to a traffic problem in any amount. Caltrans supports the concept of "fair share" contributions on the part of developers for future improvement projects and/or other mitigation measures due to traffic impacts created by developments. Fair share contributions from this development

1. As stated in the Addendum, an updated traffic analysis dated September 23, 2005, and revised March 14, 2006, was prepared for the amended project. The updated report showed that the amended project would generate less traffic than the original proposal.
2. Cumulative traffic impacts were analyzed in the EIR. As the amended project would generate less traffic, cumulative traffic impacts would not change.
3. Transportation improvements in the community are funded via Facility Benefit Assessment fees paid by the applicant

Ms. Donna Clark
April 17, 2006
Page 2

could, for example, be used for future interchange improvement projects at I-805 and La Jolla Village Drive.

4. This development is located between I-805 and Interstate 5 (I-5), yet the EIR only covers impacts to I-805. But there is a high likelihood that traffic generated by this development would also use I-5. Consequently, the traffic study and the EIR should also cover impacts at the I-5 and La Jolla Village Drive interchange. Analysis of signalized intersections at Caltrans on-ramps and off-ramps is required and should be done using Intersecting Lane Vehicle (ILV) calculations as per the Highway Design Manual (HDM), Section 406, page 406-21.

5. The development demonstrates a significant impact to the nearby I-805 / La Jolla Village Drive interchange. Caltrans currently has two projects at this interchange. The developer should contribute "fair share." For further information about these two projects, please contact Project Manager Ed Hajj at (619) 220-5433 for the I-805 / La Jolla Village Drive Interchange project, and Project Manager John Rieger at (619) 220-5391 for the I-805 Corridor Widening project. There is also an ongoing I-5 North Coast Improvement project; please contact Project Manager Arturo Jacobo at (619) 688-6816 for more information.

6. Any work performed within Caltrans' Right of Way (R/W) will require an encroachment permit. If work is anticipated in the R/W, the applicant's environmental document must include such work in their project description and indicate that an encroachment permit will be needed. Information regarding encroachment permits may be obtained by contacting our Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits. As part of the encroachment permit process, the developer must provide appropriate environmental (CEQA) approval for potential environmental impacts to Caltrans' right of way. The developer is responsible for quantifying environmental impacts of the improvements (project level analysis) and completing all appropriate mitigation measures for the impacts. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

Caltrans appreciates the opportunity to review this project proposal. Comments made in previous Department letters dated Sept. 29, 2000; Sept. 11, 2000; June 22, 2000; and Sept. 9, 1999 (all attached) regarding this project should also be addressed. For questions regarding the Department's comments, please contact Brent C. McDonald at (619) 688-5819.

Sincerely,


MARIO H. ORSO, Chief
Development Review Branch

4. The approved traffic used in the EIR included I-5 as it related to trip distribution. As the EIR has been finalized and certified and the project approved and permitted, the traffic review for the amended project is confined to the proposed amendment to the approved project. That review shows that traffic impacts would be reduced due to the proposed changes to the project.
5. Mitigation for traffic impacts, including the I-805/La Jolla Village Drive interchange, were included in the EIR and have not been changed.
6. Comment noted.

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, P.O. BOX 85-400, MAIL STATION 50, SAN DIEGO, 92116-5400

Telephone: (619) 590-6954
(619) 518-4259

September 29, 2000

11-SD-805
P.M. 4:17 (KP 25.9)
99-0762 *PM 25.9*

Ms. Farah Mahzari
City of San Diego
Development Services Center
1222 First Avenue - MS 3C1
San Diego, CA 92101-4153

Dear Ms. Mahzari:

We have reviewed the final review cycle of the plans for the proposed **La Jolla Commons** project, a hotel, office and scientific research complex located at the northwest quadrant of Interstate 805 (I-805) and La Jolla Village Drive. We have the following comments:

- The recommended mitigation for the project includes widening Interstate 805 from 8 to 10 lanes. Please refer to our comment letters of Sept. 9, 1999; Jan 27, 2000; June 22, 2000; and also our Draft EIR comment letter of September 11, 2000. These comments have not been addressed. The mitigation should be studied in a project study report (PSR) that must be prepared to cover improvements to Caltrans facilities.

Close coordination with Caltrans is encouraged. If you have any further questions, please contact Mr. Robert Hoglen of our Advance Planning Branch, at 619-220-5384.

Sincerely,

o/s

BILL FIGGE, Chief

Development Review and Public Transportation Branch

c: CRWest (MS 25)
VHurst (MS 50)
MKharati (MS 35)
CThomas/RHoglen (MS 38)
99-0762

DEPARTMENT OF TRANSPORTATION

DISTRICT 11

P.O. BOX 35406

SAN DIEGO, CA 92186-5406

PHONE: (619) 688-6654

FAX: (619) 688-4299



September 11, 2000

11-SD-805
P.M. 24.44
(K.P.-39.10)Mr. Scott Morgan
State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

Dear Mr. Morgan:

Draft EIR for La Jolla Commons - SCH2000031097

Caltrans District 11 comments are as follows:

Visual Quality

- The view of the project from Interstate Route 805 (I-805) is not limited, as stated on page 4.2-4, because vehicular speeds are often quite low during peak commute periods. The DEIR concedes, "The proposed height and mass of the structures could be considered an adverse impact" (page 4.2-11) and proposes landscaping along the eastern property boundary. A more effective remedy would be a landscape transition within the State highway right of way. Furthermore, the view of the unlandscaped State highway from the project is not addressed.
- Caltrans encourages planting by others within the State right of way (R/W). The City should contact Stephen Alvarez, Caltrans District 11 Landscape Architecture Branch B, Senior Landscape Architect at 619.688.6719 for further information.
- The City of San Diego is responsible for requiring its permit applicants to provide any additional highway planting called for by its community standards.
- Caltrans funds will not be used to provide highway planting along the adjacent segment of I-805 to provide a level of landscaping that is compatible with the proposed development. The Caltrans Project Development Procedures Manual, Chapter 29 prohibits the use of such funds.

Preliminary Drainage Study

- The resultant runoff discharges determined in this preliminary study differ from the estimates derived in the La Jolla Crossroads study downstream of this site. That study showed less runoff from this site, and the existing 90" RCP was found to flow at approximately full capacity with these discharges. The City of San Diego Hydraulics Department should coordinate all of these studies to determine the anticipated hydraulic load on the downstream drainage systems.
- Intensity-Duration Design Chart; show both the pre-and post-development to determination. Generally, this value changes with development.
- Table 2; the post-development to value referenced above may alter the post-development discharges.
- Nomograph for Determination of T_c ; this chart is for natural watersheds. Is it appropriate for the post-development condition? Also, show where the "H" and "L" values are determined on the watershed map.

Permit

- Some grading on the southeastern portion of the project appears to be within Caltrans R/W. Any work performed within Caltrans' right of way will require an encroachment permit. For those portions of the project within the Caltrans' right of way, the permit application must be stated in both English and Metric units (English first, with Metric in parentheses). Information regarding encroachment permits may be obtained by contacting our Permits Office at 619.688.6158. Early coordination with our agency is strongly advised for all encroachment permits.
- As part of the encroachment permit process, the developer must provide appropriate environmental approval (both NEPA and CEQA) for potential environmental impacts within the Caltrans right of way. The developer is responsible for quantifying the environmental impacts of the improvements (project level analysis) and completing appropriate mitigation measures for the impacts. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

Our contact person for I-805 is Erwin Gojuanco, Route Manager, at 619.688.6610.

Sincerely,



BILL FIGGE

Development Review and Public Transportation Branch

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, P.O. BOX 35-416, MAIL STATION 30, SAN DIEGO, 92166-5406
Telephone: (619) 491-6954
or (619) 688-4239



June 22, 2000

Ms. Farah Mahzari
City of San Diego
Development Services Center
1222 First Avenue - MS 301
San Diego, CA 92101-4153

11-SD-805
P.M. 41.7 (KP-25-9)
99-0762

PM 25.9

Dear Ms. Mahzari:

We appreciate the opportunity to review the Traffic Study for the proposed **La Jolla Commons** project, a hotel, office and scientific research complex located at the northwest quadrant of Interstate 805 (I-805) and La Jolla Village Drive. We have the following comments:

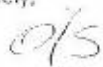
- The Traffic Study includes tables that show maximum delays of 15 minutes for ramp meters. Caltrans does not recognize a maximum delay threshold. Delays at ramp meters are directly related to congestion on the corridor. If improvements are not made to improve the congestion and traffic volumes continue to increase, the delays will increase beyond the 15 minute threshold. Therefore, Caltrans does not accept this method for calculating ramp meter delays.
- Recommended mitigation includes widening Interstate 805 from 8 to 10 lanes from Nobel Drive to south of Governor Drive and modifications to the La Jolla Village Drive Interchange. Caltrans concurs with this recommendation. These mitigations should be studied in a Project Study Report (PSR) that must be prepared to cover improvements to the Caltrans facilities.
- Since the Traffic Study shows a percentage of project traffic will access the Genesee Avenue and La Jolla Village Drive Interchanges on Interstate 5, the Traffic Study should include analyses of these interchanges.

We previously made these comments on September 9, 1999 and January 27, 2000. These previous comments were not addressed. We would appreciate a specific response to these comments.

Ms. Farah Mahrazi
June 22, 2000
Page 2

Close coordination with Caltrans is encouraged. If you have any further questions, please contact Mike Powers of Design, at 619-688-6963.

Sincerely,



BILL FIGGE
Development Review and Public Transportation Branch

BF/VH:db

cc: CRWest (MS 25)
VHurst (MS 50)
MKharrafi/MPowers (MS 35)
CThomas/RHoglen (MS 38)
99-0762

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, P.O. BOX 85406, MS-65 SAN DIEGO, CA 92186-5406

619 594-6054

FAX (619) 594-4299



September 9, 1999

11-SD-835
KP 41.7 (PM 25.9)
99-0762

Ms. Farah Mahzari
City of San Diego
Development Services Center
1222 First Avenue - MS 301
San Diego, CA 92101-4153

Dear Ms. Mahzari:

We appreciate the opportunity to review the Tentative Map and associated documents for the proposed La Jolla Commons project, a hotel, office and scientific research complex located at the northwest quadrant of Interstate 805 (I-805) and La Jolla Village Drive. We have the following comments:

- The trip generation for the Commercial Office use does follow the City of San Diego Draft *Trip Generation Manual*. However, the City's trip rate is significantly lower than SANDAG's *Traffic Generators* method. The City's method produces 5,264 trips for phase I (see table 9 on page 23) while SANDAG's method produces 9,000 trips. This is 3,736 trips or 41% more trips. In phase II the Commercial Office produces 2,851 trips using the City's method and 4,000 by SANDAG's method; again 1,150 trips or 29% more. For the overall project, all uses and both phases, the traffic generation is 12,415 using the City's method and 16,820 using SANDAG's method - a 4,405 trip (26%) discrepancy. This could be very significant to Interstates 5 and 805 and the ramp systems serving them.
- The traffic study shows two methods for calculating the delay for traffic accessing the ramp meters at the La Jolla Village Drive interchange. One method is the City's "preferred" method based on a maximum delay of 15 minutes. There is no maximum delay. The ramp meter rate will be set to maintain flow on the freeway. Queues in excess of 15 minutes are probable if continued development is allowed without improvements to the freeway and interchanges.
- The traffic study shows that traffic generated by the project will access I-5 at La Jolla Village Drive, Genesee Avenue and at Nobel Drive. Therefore the traffic study should analyze impacts to those interchanges.

- The traffic study indicates that Miramar Road, east of I-805 will operate at Level of Service "F" and will be impacted by the project traffic. The City of San Diego should consider improvements to this section of roadway. Delays on Miramar Road will affect the operation of the ramps at La Jolla Village Drive and Nobel Drive Interchanges and may create delays on I-805;
- The project plans as submitted do not adequately address the project's visual impacts. The view of the project from I-805, and the view of I-805 from the project is not addressed;
- The City of San Diego is advised that Caltrans funds will not be used to provide highway planting along the adjacent segment of I-805 to provide a level of landscaping that is compatible with the proposed development. Caltrans Project Development Procedures Manual policy prohibits the use of such funds;
- Caltrans encourages planting by others within the state right of way. For questions relating to landscaping, please contact Steve Alvarez, Caltrans Senior Landscape Architect, at 619.688.6719;
- The project plans show that grading and construction are planned within Caltrans Slope Easements and are not labeled on the plans (see attached Right of Way Record Map LO 45154). Easements to the State of California are recorded in the San Diego County Recorder's office, as Document numbers 70-66610 and 69-54959. We've sketched the approximate locations of the easements on Leppert Engineering Map of Existing Topography sheet 3 of 21, and on Langdon and Wilson Architectural Site Plan 1 of 19. Any work within these easements will require an encroachment permit;
- If the developer is interested in obtaining title to the above easements they should contact Jack Lamott of our Excess Land Department at (619) 688-6193. The developer should retain the services of a Licensed Land Surveyor to prepare the legal description of the portions of slope easements to be disposed of;
- Any work performed within Caltrans' right of way will require an encroachment permit. Additionally, Caltrans no longer maintains both the metric and imperial unit versions of the Standard Plans, Specifications, and Special Provisions. Therefore, all encroachment permit applications submitted to Caltrans must be stated in metric units. Information regarding encroachment permits may be obtained by contacting our Permits Office at (619) 688-6158. Early coordination with our agency is strongly advised for all encroachment permits;
- Caltrans supports the concept of "Fair Share Contributions" on the part of developers due to traffic impacts by the proposed development;

Ms. Farah Mahzari
September 9, 1999
Page 3

Close coordination with Caltrans is encouraged. If you have any questions or the above comments, please contact Vann Hurst, Planning Studies Branch, at (619) 688-6976.

Sincerely,

O/S

BILL FIGGE, Chief
Planning Studies Branch

BF/VH

bc:	SAvarez / LFagot	(MS 47)
	VHurst	(MS 65)
	MKharati / MPowers	(MS 35)
	PPlander	(MS 52)
	CThomas / RHoglen	(MS 38)
	CWest	(MS 25)
	99-0762	



Land Development
Review Division
(619) 446-5460

Environmental Impact Report

LDR No. 99-0762
SCH No. 2000031097

SUBJECT: La Jolla Commons Project: PROGRESS GUIDE & GENERAL PLAN AMENDMENT, COMMUNITY PLAN AMENDMENT, REZONE, VESTING TENTATIVE MAP/PLANNED COMMERCIAL DEVELOPMENT PERMIT/RESOURCE PROTECTION PERMIT NO. 99-0762 for the construction of a ~~325~~327-room, 15-story hotel, a ~~120~~115-unit, ~~30~~32-story condominium, a 450,000 square-foot, ~~30~~20-story office building, a 30,000 square-foot, 2-story scientific research building, and an eight-level stand-alone parking structure on an approximately 17-acre site. The project site is generally bound by the planned extension of Judicial Drive to the west, Nexus Centre Drive to the north, approximately nine acres of vacant land to the east, and La Jolla Village Drive to the south. The site is bisected by the partially-improved east-west extension of Executive Drive which terminates approximately mid-way through the site. The La Jolla Commons Project is within the University Community Planning Area (A portion of Pueblo Lot No. 1307, Map No. 36). Applicant: Polygon Development, Inc.

UPDATE:

Minor revisions/corrections have been made to the Environmental Impact Report (EIR) subsequent to the distribution of the draft EIR and the completion of the public review period. Some of these revisions/corrections were made in response to comments received on the draft EIR, as specified in the applicable responses to comments. Revisions are denoted by ~~strikeout~~ and underline.

CONCLUSIONS:

This Environmental Impact Report (EIR) analyzes the environmental impacts of the proposed La Jolla Commons Project. The proposed discretionary actions consist of a Progress Guide and General Plan Amendment, Community Plan Amendment, Rezone, and Vesting Tentative Map/Planned Commercial Development Permit/Resource Protection Permit No. 99-0762.

Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP), which is attached to this EIR, would reduce the environmental effects of the project to below a level of significance with the exception of significant, unmitigated ~~land use and~~ transportation/circulation impacts. Implementation of the proposed MMRP would reduce the following impacts to below a level of significance: biological resources, transportation/circulation (partially mitigated), noise, hydrology/water quality, and paleontological resources.

SIGNIFICANT UNMITIGATED IMPACTS:

Land Use

~~The proposed filling of on-site wetlands conflicts with the regulations of the City's Resource Protection Ordinance (RPO). Because staff has determined that deviation findings required under RPO to allow impacts to wetlands are not supported by the evidence in the record at the time of publication of the draft EIR, the proposed project would result in a significant and unmitigated land use impact.~~

Transportation/Circulation

The addition of traffic generated by the proposed project is projected to contribute to long delays and lengthy queues at three Interstate 805 (I-805) access ramps. Although two segments of I-805 would operate at LOS F with or without the proposed project, impacts to segments of I-805 and the interchange of I-805 and La Jolla Village Drive projected to result from the addition of project-generated traffic would constitute significant, unmitigated transportation impacts.

RECOMMENDED ALTERNATIVES FOR SIGNIFICANT UNMITIGATED IMPACTS:

No Project Alternative

Under the No Project Alternative, the project site would remain in its current condition as an undeveloped and partially disturbed vacant site, and in the near-term the only man-made improvements on-site would consist of the City utility infrastructure currently located within the main canyon. The proposed mix of land uses would not be constructed and the Circulation Element improvements along two of the site boundaries (i.e., construction of the full width of the Judicial Drive extension and the westbound lane on La Jolla Village Drive) would not be provided in the near-term by the project applicant.

Development Under the Existing Community Plan

Under the existing University Community Plan, the land use designations of the site consist of primarily Visitor Commercial (VC) south of Executive Drive and Scientific Research (SR)

north of Executive Drive and a Development Intensity Element allowance of 3,811 average daily trips (ADTs). Based upon the existing Community Plan land use designations and the ADT allocation for the site, various land uses compatible with the VC and SR designations could be developed, such as a 100-room extended stay hotel and 100,000 square-foot scientific research facility, or a 295,000 square-foot office building.

RPO Consistent Alternative

Implementation of the Resource Protection Ordinance (RPO) Consistent Alternative would restrict development to the southeast corner of the site. Approximately 2.5 acres of developable land would be available for pad grading and a building footprint outside the top of slope that protects the wetlands and wetland buffers. The RPO Consistent Alternative would include a 295,000 square-foot office building located in the southeast corner of the project site, with a multi-level parking structure located north of the office building and east of the setback from the canyon slopes.

Environmentally Superior Alternative

Implementation of the "RPO Consistent Alternative" would avoid ~~both~~ of the significant, unmitigated impacts of the proposed project (~~Land Use and Transportation/Circulation~~) and would not result in the creation of any new significant impacts. Therefore, this alternative is considered to be the Environmentally Superior Alternative to the proposed project.

Unless a project alternative is adopted which would avoid the significant, unmitigated impacts of the proposal, project approval will require the decision maker to make findings, substantiated in the record, which state that: a) individual project alternatives are infeasible, and b) the overall project is acceptable despite significant impacts because of specific overriding considerations.

MITIGATION, MONITORING AND REPORTING PROGRAM INCORPORATED INTO THE PROJECT:

Biological Resources

Grading associated with proposed site development would result in the loss of sensitive upland habitat, consisting of 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral, and wetlands, consisting of 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed. The applicant shall mitigate for impacts to 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral through the preservation of 8.53 acres off-site of Tier I-III habitat within the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program Subarea Plan or as appropriate outside the MHPA in accordance with the City of San Diego *Land Development Code Biology Guidelines* (adopted 9/28/99). The applicant shall assure wetland mitigation at a ratio of

3:1. The applicant proposes to mitigate for wetland impacts through the restoration of 0.42 acre of wetland habitat within Los Peñasquitos Lagoon watershed on land owned and managed by the California State Department of Parks and Recreation. The proposed wetland restoration site is currently occupied by giant reed (*Arundo donax*) which is proposed to be removed followed by replanting of the cleared area with southern willow scrub species.

Transportation/Circulation

The project would result in significant traffic impacts to certain roadway segments and intersections including La Jolla Village Drive, Towne Centre Drive, Nobel Drive, Interstate 805 (I-805), and the intersection of Miramar Road/Eastgate Mall. Either of two mitigation options would be satisfied by the applicant to reduce the significant traffic impacts of the project, other than the project impacts to segments of I-805 and the I-805/ La Jolla Village Drive interchange, to below a level of significance. Option 1 consists of development in three phases (transportation phasing plan), while Option 2 consists of a non-phased development. Traffic circulation improvements to be completed by the applicant under both options include a) the construction of a traffic signal at the intersection of Executive Drive and Judicial Drive; b) the construction of the full width of Judicial Drive as a four-lane major street along the project frontage; c) the construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange; and d) the construction of Executive Drive as a four-lane major street between Towne Centre Drive and Judicial Drive.

Noise

Exterior ambient noise levels at the project site would exceed an exterior Community Noise Equivalent Level (CNEL) of 65 decibels (dB) at the proposed hotel outdoor swimming pool area. Exterior noise levels greater than 60 dB CNEL associated with automobile traffic and MCAS Miramar aircraft operations could result in interior noise levels in excess of 45 dB CNEL for hotel and condominium uses, and exterior noise levels greater than 65 dB could result in interior noise levels in excess of 50 dB for office uses. The applicant shall construct a minimum six- to seven-foot high permanent noise barrier along the western and southern edges of the hotel swimming pool area. The applicant shall also submit a final acoustical report identifying all mitigation measures which are necessary in the design of the proposed structures to achieve an interior noise level of 45 dB CNEL for the condominium and hotel and 50 dB CNEL for the office building.

Hydrology/Water Quality

Potential erosion during construction could significantly impact the ability of downstream areas to accommodate silt-laden runoff or the accumulation of silt. During post-construction conditions, contaminants transported off-site by stormwater runoff (e.g.,

grease, oils, and synthetic organic chemicals) would impact the water quality of downstream waters. Comprehensive short-term Best Management Practices (BMPs) shall be incorporated into the project plans to control construction-related erosion and sedimentation. Permanent post-construction BMPs, consisting of catch basin filtration devices within all on-site storm drain inlets collecting runoff from the proposed structures, walkways, the private street, parking and landscape areas, as well as a street sweeping program for the private street and parking areas, shall be provided by the applicant. The applicant will be the responsible party for the permanent maintenance of all BMPs.

Paleontological Resources

The project would involve substantial grading within potentially fossil-bearing geologic formations to prepare the site for development which may result in significant impacts to paleontological (fossil) resources. The applicant will retain a qualified paleontologist and/or paleontological monitor to implement a paleontological monitoring program. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed formational materials. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.

The Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$5,000 to be collected prior to the issuance of any grading permit and/or recordation of the final map to cover the City's costs associated with implementation of the MMRP.

Lawrence C. Monserrate
Lawrence C. Monserrate
Environmental Review Manager
Planning and Development Review

July 27, 2000
Date of Draft Report

October 5, 2000
Date of Final Report

Analyst: Thomas

PUBLIC REVIEW:

The following individuals, organizations, and agencies received a copy or notice of the draft EIR and were invited to comment on its accuracy and sufficiency:

Federal Government

Department of the Interior, Fish and Wildlife Service (23)
Environmental Protection Agency (19)
U.S. Army Corps of Engineers (26)
Marine Corps Air Station Miramar, Commanding General (13)

State of California

State Clearinghouse (46)
Department of Transportation (Caltrans), District 11 (31)
Caltrans, Division of Aeronautics (51)
Department of Fish and Game (32A)
Regional Water Quality Control Board, Region 9 (44)
Air Resources Board (49)

City of San Diego

Councilmember Mathis, District 1 (MS 10A)
Planning & Development Review
Secretary to the Historical Resources Board (87)
Wetlands Advisory Board (91A)
University City Library (488)

Other Agencies, Organizations and Individuals

University Community Planning Group (480)
Metropolitan Transit Development Board (115)
San Diego Association of Governments (108)
San Diego Highway Development Association (117)
San Diego Unified School District (125)
County of San Diego Air Pollution Control District (65)
San Diego Gas and Electric Company (114)
San Diego Natural History Museum (166)
EC Allison Research Center, San Diego State University (181)
Citizens Coordinate for Century III (179)
Opal Trublood (485)
Greater San Diego Chamber of Commerce (492)
Sierra Club, San Diego Chapter (165)
Carolyn Chase, San Diego Earth Times (165A)
San Diego Audubon Society (167)
California Native Plant Society (170)
Southwest Center for Biological Diversity (176)
Endangered Habitats League (182)
San Diego County Archaeological Society, Inc. (218)
Dr. Florence Shipek (208)
Dr. Lynne Christenson (208A)
South Coastal Information Center, San Diego State University (210)
Save Our Heritage Organisation (214)
Ron Christman (215)
Louie Guassac (215A)
Kumeyaay Cultural Repatriation Committee (225)
Barona Group of Capitan Grande Band of Mission Indians (225A)

Campo Band of Mission Indians (225B)
Cuyapaibe Band of Mission Indians (225C)
Inaja and Cosmit Band of Mission Indians (225D)
Jamul Band of Mission Indians (225E)
La Posta Band of Mission Indians (225F)
Manzanita Band of Mission Indians (225G)
Sycuan Band of Mission Indians (225H)
Viejas Group of Capitan Grande Band of Mission Indians (225I)
Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Santa Ysabel Band of Diegueno Indians (225L)
La Jolla Band of Mission Indians (225M)
Pala Band of Mission Indians (225N)
Pauma Band of Mission Indians (225O)
Pechanga Band of Mission Indians (225P)
Rincon Band of Luiseno Mission Indians (225Q)
Los Coyotes Band of Mission Indians (225R)
Polygon Development, Inc.
Janay Kruger

Copies of the draft EIR, the Mitigation Monitoring and Reporting Program and any technical appendices may be reviewed in the office of the Land Development Review Division, or purchased for the cost of reproduction.

RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the environmental report. No response is necessary and the letters are attached at the end of the EIR.
- (X) Comments addressing the accuracy or completeness of the EIR were received during the public input period. The letters and responses follow.



ADDENDUM TO ENVIRONMENTAL IMPACT REPORT

Project No. 324553
Addendum to EIR No. 99-0762
SCH No. 2000031097

SUBJECT: LA JOLLA COMMONS III: COMMUNITY PLAN AMENDMENT to change the land use designation from Residential, Visitor Commercial, Office, and Industrial to Visitor Commercial, Office, and Industrial; a **PLANNED DEVELOPMENT PERMIT (PDP)** to amend PDP No. 252591, and **VESTING TENTATIVE MAP (VTM)** to amend VTM No. 340259 to develop the remaining unimproved parcel for La Jolla Commons (Lot 3) as a multi-story building with above-grade and subterranean parking, for the construction of either: 1) a 223,900-square foot gross floor area (173,264-square-foot gross leasable area) office building; 2) a 264 guest room, 165,780-square-foot hotel; or 3) a combination of 135,000 square feet gross floor area (104,971 square feet gross leasable area) of office space and 175 hotel-guest rooms, 150,960-square-foot hotel (285,960 square feet combined office hotel). The undeveloped 1.68-acre project site is located at the northeast quadrant of Judicial Drive and La Jolla Village Drive. The current land use designation is Residential, Visitor Commercial, Office, and Industrial. The project site is zoned CV-1-2 and IP-1-1; additionally the project is located in the Community Plan Implementation Overlay Zone (CPIOZ Type A), the North University City Facilities Benefit Assessment District, the Parking Impact Overlay Zone – Campus Impact Area (western portion of the project site), the FAA Part 77 Noticing Area, the Airport Land Use Compatibility Overlay Zone for MCAS Miramar, the Airport Environs Overlay Zone (60-65 CNEL - ALUCP Noise Contour), and the Airport Influence Area (MCAS Miramar Review Area 1), within the University Community Plan area. (LEGAL DESCRIPTION: Lots 1 through 5 of the Resubdivision of La Jolla Commons, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 15848, filed in the Office of the County Recorder for San Diego County on November 22, 2011). Applicant: HSPF La Jolla Commons III Investors LLC.

UPDATE: January 20, 2014. Revisions and/or minor corrections have been made to this document when compared to the draft Addendum. More specifically, typographical errors and clarifications were made to the final environmental document. The addition of new information that clarifies, amplifies, or makes insignificant modifications does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is the identification of new significant environmental impacts or the addition of a new mitigation measures required to avoid a significant environmental impact. The modifications within the environmental document do not affect the environmental analysis or conclusions of the Addendum. All revisions are shown in a ~~strikethrough~~ and/or underline format.

I. PROJECT DESCRIPTION:

The La Jolla Commons III project site represents the third and final phase of the La Jolla Commons Project development and is located on Lot 3, Map 15848, at the northeast quadrant of Judicial Drive and La Jolla Village Drive in the University community. The La Jolla Commons III project proposes to develop the remaining undeveloped parcel for La Jolla Commons Project as a multi-story building providing either office, hotel, or a combination of those two uses, with above-grade and subterranean parking as an amendment to approved PDP No. 252591. Table 1, La Jolla Commons III Development Scenarios, shows a tabulation of each of the development options with regard to development intensity and building layout.

Table 1. La Jolla Commons – Tower III Development Scenarios

	All Office	All Hotel	Office/Hotel
Total Floor Area	223,900 square feet gross floor area (173,264 square feet gross leasable area)	264 hotel guest rooms (<u>165,780 square feet</u>)	135,000 square feet gross floor area - office (104,971 square feet gross leasable area) 175 hotel guest rooms (<u>150,960 square feet - hotel</u>) (<u>285,960 square feet of combined hotel/office use</u>)
Building Layout	<ul style="list-style-type: none"> • 10 levels of office space • 4 levels of above-grade parking • 1 lobby level • 4 levels of below-grade parking 	<ul style="list-style-type: none"> • 9 levels of guest rooms • 1 lobby level • 4 levels of below-grade parking 	<ul style="list-style-type: none"> • 6 levels of office space • 6 levels of hotel • 1 lobby level • 4 levels of below-grade parking

Construction

La Jolla Commons III would be constructed as a single building, above a parking garage. If the building is constructed for all office use, ten levels of office would be located above the parking garage, with four levels of parking above-grade, one lobby level, and four levels of parking below-grade. If developed as all hotel use, nine levels of guest rooms and one lobby level would be located above four levels of below-grade parking. If developed as office and hotel uses, the project would provide six levels of office space, and six levels of hotel rooms, and one lobby level above four-levels of below-grade parking.

The design and architecture of the building would be similar in all three scenarios. The architecture of the building as proposed would be complimentary to the existing Tower I building constructed as part of Phase I for La Jolla Commons Project, as well as Tower II currently under construction. Building facades are proposed to be plaster, precast concrete, metal panel, glass curtain wall, or similar materials. Where garage levels are above-grade, parked vehicles would be screened from view by treating garage facades with materials similar to those used for the main building structure.

Access

Access to the building would be from an internal drive and circular court off a drive that provides direct access to Executive Drive. Two vehicular entries would provide access to the parking garage: one leading to the above-grade parking levels and the other leading to the below-grade parking levels. A main lobby with pedestrian access to the circular drive court would provide access to proposed uses within the building (i.e., office space, hotel guest rooms, or office space and hotel guest rooms, depending on which development option is constructed).

Parking

The City Municipal Code requires that the project to provide a minimum of 3.3 three parking spaces per 1,000 square-feet of office space in the case of all the All Office option and one parking space per hotel room and 10 parking spaces per 1,000 square-feet of conference space associated with the All Hotel option, which would be 750 parking spaces. Based on the three development options proposed by the La Jolla Commons III, the project would allocate the following parking:

- All Office (Option One) – 739 parking spaces, including 15 disabled/accessible spaces, 15 spaces for motorcycle parking, and 37 bicycle spaces.
- All Hotel (Option Two) – 288 parking spaces, including 7 disabled/accessible spaces, six spaces for motorcycle parking, and 15 bicycle spaces.
- Office/Hotel (Option Three) – 440 parking spaces, including 9 disabled/accessible spaces, 9 spaces for motorcycle parking, and 22 bicycle spaces.

The project would provide a total of 875 new parking spaces at a rate of 3.5 spaces per 1,000 square feet. This includes 10 surface parking spaces along the western and southern site boundaries for visitors, and 737 subterranean parking spaces below the structures and courtyard. The underground parking garage would total 310,332 square feet. A total of 19 handicap accessible parking spaces would be provided. In addition, the project would provide 15 motorcycle parking spaces, eight bicycle parking spaces and eight bicycle lockers.

The project also involves modification to the existing parking garage located at 4757 Executive Drive. An additional dual entry lane to the existing parking garage at 4757 Executive Drive was approved through PTS No. 327554 and Public Right-of-Way permit construction change No. 336298 to original Right-of-Way permit approval No. 928452. La Jolla Commons III proposes to modify the dual entry configuration to a dedicated entry and exit lane. The applicant has deemed this modification necessary to provide for efficient vehicular movement within the parking garage. The ability to have both an additional entry and exit lane allow for more evenly distributed flow in the garage.

Landscaping

The project would include landscaping throughout the development area. The landscape concept for the La Jolla Commons III project proposes native and adaptive plant palette to be consistent with landscape for La Jolla Commons Project Phases 1 and 2. Drought tolerant grasses, succulents and shrubs would be used to reduce water use and promote the positive aesthetics of a drought tolerant landscape. All planting would be irrigated by a drip irrigation system and be tied into the existing reclaimed water source. Street trees would provided as required by the Land Development Code and would be consistent with the previous phases of development in La Jolla Commons Project.

Additionally, landscaping for La Jolla Commons III would provide outdoor seating areas with moveable furniture, a dining terrace off the proposed amenity space, specialty botanical gardens adjacent to the Phase 1 development, and groves of trees for shade and interest. A formal circular vehicular drop-off is proposed off the main road to the entry of the Tower III building. This entry would be lined with ornamental planting and trees and contain a focal landscape element consisting of a water feature, a specimen tree, sculpture, or a unique botanical component in the center.

If Tower III is developed with a hotel (under either the all hotel or office/hotel development scenarios), an additional amenity would be added for hotel guests. This would include a pool and pool deck located in the northeast corner of the project site.

Grading

Grading for La Jolla Commons III would involve approximately 45,400 cubic yards of cut for excavating the parking garage plus an additional approximately 700 cubic yards of cut for project development and approximately 2,100 cubic yards of fill. A total of 44,000 cubic yards of material would be exported. Maximum fill slope heights would be 15 feet and would occur

in the southwest corner of the project site. The maximum depth of cut for the parking garage would be 46 feet.

The project proposes approximately 110 lineal feet of retaining walls. Retaining walls would be located at the garage entrance, approximately six feet to nine feet in height, and in the southwest corner of the project site, where walls would range from 1.5 feet in height to approximately nine feet.

II. ENVIRONMENTAL SETTING:

The undeveloped 1.68-acre La Jolla Commons III project site is located at the northeast quadrant of Judicial Drive and La Jolla Village Drive. The site is situated east of Judicial Drive, west of Interstate 805, north of La Jolla Village Drive, and south of Executive Drive and is within the University Community Plan area within an urbanized area. The La Jolla Commons Project development was originally graded to its present configuration between April 2002 and March 2008 and no sensitive vegetation exists. Topographically, the site consists of a partially filled canyon that is approximately 20 feet lower than the grade at the existing office tower (to the east), up to approximately 10 feet lower than La Jolla Village Drive, and near the same approximate elevations as Judicial Drive and the adjacent construction site to the north. Existing fill slopes extend up from the canyon bottom at approximate 2 to 1 (horizontal to vertical) ratios along the eastern and southern sides of the project site.

The parcel is designated Visitor Commercial, Residential, Office, and Industrial within the University Community Plan. The project site is zoned CV-1-2 and IP-1-1. Additionally the project is located in the Community Plan Implementation Overlay Zone (CPIOZ Type A), the North University City Facilities Benefit Assessment District, the Parking Impact Overlay Zone – Campus Impact Area (western portion of the project site), the FAA Part 77 Noticing Area, the Airport Land Use Compatibility Overlay Zone for MCAS Miramar, the Airport Environs Overlay Zone (60-65 CNEL - ALUCP Noise Contour), and the Airport Influence Area (MCAS Miramar Review Area 1). The project site is located in a developed area currently served by existing public services and utilities.

III. PROJECT BACKGROUND

Tower III is proposed to be located on Lot 3 of La Jolla Commons Project. The La Jolla Commons Project was originally approved in 2000, allowing for the development of a 327-room hotel, 115 condominiums, 450,000 square feet of office space, and 30,000 square feet of scientific research uses in four separate buildings – Tower I, Tower II, Tower III, and the scientific research building. Those approvals were amended in 2006 through a Planned Development Permit (PDP No. 252591) to allow for 213 hotel rooms, 268 condominium units, 340,405 square feet of office space, and 30,000 square feet of scientific research uses. A Substantial Conformance Review was approved in 2011, which allowed Tower II to be constructed as 460,577 square feet of office space.

Tower I, encompassing 309,000 square feet of office space, has been constructed. Tower II is nearing completion and has been designed to 393,000 square feet, therefore less than the 460,577 square feet approved through the Substantial Conformance Review process in 2011.

This Addendum supplements information provided in the La Jolla Commons Project EIR (LDR No. 99-0762 / SCH No. 2000031097) to further describe development on Lot 3 to occur as all office, all hotel, or a combination of office and hotel uses when compared to the original project. Including the proposed La Jolla Commons III project and the revisions that have occurred to-date for La Jolla Commons Project, Table 2, *La Jolla Commons – Proposed Development Intensity*, provides the resultant development intensity for La Jolla Commons Project.

Table 2. La Jolla Commons – Proposed Development Intensity

La Jolla Commons	Scientific Research and Development	Tower I (Built)	Tower II (Under Construction)	Tower III (Proposed Project)		
				All Office Scenario	All Hotel Scenario	Office/Hotel Scenario
Scientific Research and Development	30,000 sq. ft.	--	--	--	--	--
Commercial Office	--	309,000 sq. ft.	393,000 sq. ft.	223,900 sq. ft. gross floor area (173,264 sq. ft. gross leasable area)	--	135,000 sq. ft. gross floor area (104,971 sq. ft. gross leasable area)
Hotel	--	--	--	--	264 guest rooms	175 guest rooms

IV. ENVIRONMENTAL DETERMINATION:

The City of San Diego previously prepared an EIR (LDR No. 99-0762 / SCH No. 2000031097) for the La Jolla Commons Project. Based on all available information in light of the entire record, the analysis in this Addendum, and pursuant to Section 15162 of the State CEQA Guidelines, the City has determined the following:

- A. There are no substantial changes to the project that will require major revisions to the La Jolla Commons Project EIR due to new significant environmental impacts or a substantial increase in the severity of impacts identified in the La Jolla Commons Project EIR.
- B. Substantial changes have not occurred in the circumstances under which the project is being undertaken that will require major revisions of the La Jolla Commons Project EIR to disclose new, significant environmental effects or a substantial increase in the severity of the impacts identified in the La Jolla Commons Project EIR.

C. There is no new information of substantial importance not known at the time the La Jolla Commons Project EIR was certified that shows any of the following:

1. The project will have any new significant effects not discussed in the La Jolla Commons Project EIR.
2. There are impacts that were determined to be significant in the La Jolla Commons Project EIR that will be substantially increased.
3. There are additional mitigation measures or alternatives to the project that would substantially reduce one or more of the significant effects identified in the La Jolla Commons Project EIR.
4. There are additional mitigation measures or alternatives that were rejected by the project proponent that are considerably different from those analyzed in the La Jolla Commons Project EIR that would substantially reduce any significant impact identified in the La Jolla Commons Project EIR.

Therefore, in accordance with Sections 15162 and 15164 of the State CEQA Guidelines, neither a Subsequent EIR nor Supplement are required, and this Addendum has been prepared. No public review of this Addendum is required.

In addition, this Addendum to the La Jolla Commons Project EIR includes the following analysis to demonstrate that environmental impacts associated with La Jolla Commons III are consistent with the La Jolla Commons Project EIR. The following includes the ten environmental issues analyzed in detail in the La Jolla Commons Project EIR. In addition, the Addendum analyzes the issues of greenhouse gas and solid waste. The environmental issue of greenhouse gas (GHG) emissions was not analyzed in the La Jolla Commons Project EIR pursuant to the CEQA Guidelines in effect at the time that EIR was prepared. Although public utilities / services was addressed in the La Jolla Commons Project EIR, analysis of this issue did not contain the same level of detail as the City currently requires

V. IMPACT ANALYSIS

This environmental document serves as an Addendum to the previously certified La Jolla Commons Project EIR, as referenced above. This Addendum serves as the project-specific environmental review for La Jolla Commons III pursuant to CEQA and the City's implementing procedures. The analysis in this document evaluates the adequacy of the La Jolla Commons Project EIR relative to the approval of the proposed project. The La Jolla Commons Project EIR defines mitigation measures for development within La Jolla Commons Project, including the proposed project. The analysis identified environmental effects associated with development of La Jolla Commons Project. The City contemplated the impacts of developing the project site and determined that specific overriding economic, legal, social, technological, and other benefits of the project outweigh any and all significant effects that the project would have on the

environment, and that on balance, the remaining significant unmitigated effects associated with Transportation/Circulation were found acceptable based on the Statement of Overriding Considerations adopted in conjunction with City Council approval of the La Jolla Commons Project.

The La Jolla Commons Project EIR indicates that the direct significant impacts on the following issues would be substantially lessened or avoided if all the proposed mitigation measures recommended in the EIR are implemented: biological resources, transportation/circulation (partially mitigated), noise, hydrology/water quality, and paleontological resources. Significant direct impacts related to transportation and circulation would not be fully mitigated to below a level of significance. With respect to cumulative impacts, the La Jolla Commons Project would result in significant transportation/circulation and air quality impacts. As concluded in the La Jolla Commons Project EIR, the cumulative transportation and circulation impacts would remain significant, in spite of all mitigation measures being implemented as required for the La Jolla Commons Project.

The following is an analysis of the impacts of the project compared with the impacts analyzed in the La Jolla Commons Project EIR. This comparative analysis has been undertaken, pursuant to the provisions of CEQA, to provide City decision makers with the factual basis for determining whether any changes in the project, any changes in circumstances, or any new information since the La Jolla Commons Project EIR was certified, require additional environmental review or preparation of a subsequent or supplemental EIR. The bases for each of the findings are explained in the analysis that follows.

Impact Analysis Summary

The La Jolla Commons III project proposes to develop the remaining undeveloped parcel for La Jolla Commons Project as a multi-story building providing either office, hotel, or a combination of those two uses, with above-grade and subterranean parking. Table 1, *La Jolla Commons – Tower III Development Scenarios*, shows a tabulation of each of the development options with regard to development intensity and building layout. The following is a summary of the proposed project's environmental effects when compared to the analysis presented in the certified La Jolla Commons Project EIR. The project would require incorporation of mitigation measures for paleontological resources, as specified in the original La Jolla Commons EIR.

Land Use

EIR

The EIR determined that the original La Jolla Commons Project would exceed the encroachment limitation imposed by the City's Resource Protection Ordinance (RPO) in effect at the time for hillsides and wetlands¹. Alternative compliance findings were approved, and the La Jolla

¹ At the time that the La Jolla Commons Project EIR was prepared, the City required an analysis based on certain ordinances in effect at that time, including the Resource Protection Ordinance (RPO). RPO was subsequently replaced by the City's Environmentally Sensitive Lands ESL Ordinance.

Commons Project was found not to result in significant land use impact. Additionally, the La Jolla Commons Project was determined to be consistent with the City of San Diego's MSCP Subarea Plan through implementation of mitigation measures for biological resource impacts.

With regards to the City's General Plan and the University Community Plan, the EIR determined that the La Jolla Commons Project would implement and be compatible with the City's General Plan (the Progress Guide and General Plan in effect at the time) and the University Community Plan land use policies. The La Jolla Commons Project required a Community Plan Amendment to change the existing land use designation at the time for the southern 9.39 acres of the project site from Visitor Commercial to Visitor Commercial, Office, and Residential. The Community Plan Amendment was not considered a significant land use impact due to the fact that the project's mixed-use development would be compatible with the surrounding land uses and with existing and planned development within the Central Subarea 2 of the community. The EIR found that the La Jolla Commons Project would be inconsistent with the Development Intensity Element of the University Community Plan. However, the EIR concluded that the inconsistency would not constitute a significant land use impact in that the Development Intensity Element was amended to reflect the La Jolla Crossroads Project. Furthermore, the project would implement mitigation measures to reduce secondary land use effects associated with this inconsistency to below a level of significance.

Relative to the La Jolla Commons Project site's location within the Airport Influence Area (AIA) for NAS (now MCAS) Miramar, the EIR determined that the project would be in compliance with the Airport Compatibility Land Use Plan's restrictions for Accident Potential Zones (APZ) land use compatibility. The EIR identified the potential for interior noise impacts associated with aircraft noise from activity at MCAS Miramar and required mitigation to reduce impacts to below a level of significance.

PROJECT

The project site is designated as Residential, Visitor Commercial, Office and Industrial by the University Community Plan. The Residential land use designation would allow 45 to 75 dwelling units per acre. The La Jolla Commons III project would be consistent with the community plan, in that it would provide for commercial and industrial uses. However, the project would not provide for residential uses, as envisioned in the Community Plan. Therefore, a Community Plan Amendment is required to change the land use designation for the project site from Residential, Visitor Commercial, Office, and Industrial to Visitor Commercial, Office, and Industrial.

The General Plan (2008) establishes regional planning and smart growth principles intended to preserve remaining natural open space and created focused villages. Each of the General Plan Elements are addressed below:

- Land Use and Community Planning Element. This element designates the site for Industrial Employment. The proposed Scientific Research use is an allowed use within this designation.

- Mobility Element. The project would promote the Mobility Element policies for a balanced, multi-modal transportation network by providing bicycle parking spaces, bicycle lockers, Transportation System Management, and roadway improvements consistent with the Mobility Element.
- Urban Design Element. The project would be on a site designated for industrial development and would be consistent with the existing neighborhood character. The project would be consistent with the Urban Design Element policies that aim to preserve the open space systems, target new growth into compact villages and encourage building design which contributes to a positive neighborhood character.
- Economic Prosperity Element. The project site is not identified as Prime Industrial Land. The project site is located adjacent to areas identified as Prime Industrial Lands. Proposed land use would be compatible with the adjacent Prime Industrial Lands. The project is identified as being within a Subregional Employment Area where intensification of employment uses are desired (Appendix C, EP-3 in the General Plan).
- Public Facilities, Services and Safety Element. The project would not require any additional public service facilities or result in a significant hazard. Thus, the project would be consistent with this element.
- Conservation Element. The project would pursue a LEED certification and includes the environmental features listed in the project description above. Considering this and the location of the project on an already graded site intended for industrial uses, and the project would be consistent with these elements.
- Noise Element. As indicated below, the project would not be a substantial noise generator and would comply with the Municipal Code construction and property line noise standards. Thus, the project would be consistent with the Noise Element.

La Jolla Commons III would be consistent with the goals and policies of the City of San Diego General Plan. The Land Use and Community Planning Element identifies the project site area as having a high village propensity. The City of Villages Strategy focuses growth into mixed-use activity centers that are pedestrian-friendly, centers of community, and linked to the regional transit system. The project works toward the goal of providing for hotel and/or office uses in an area with a variety of employment and residential opportunities, contributing to the mixed-use fabric of the University Towne Centre area, a center of the University community. Additionally, the project proposes development in an area served by multiple bus transit routes and within proximity of future light rail transit. The project advances the goal of equitable development by creating an economically and potentially socially diverse community.

The existing land use designation and approvals would require the development of residential units. At the time of project approval in 2000, the University Towne Centre area lacked the residential developments that have come online since then. Specifically, a total of 309 additional units have been approved for an approximate 8-acre site at 9015 Judicial Drive (La Jolla Crossroads), nearby and south of the La Jolla Commons III project. Additionally, the University Towne Center Revitalization Project allows an option for the development of 300 multi-dwelling residential units. Finally, the Monte Verde project is entitled for 560 units within the Community. As a result, the proposed land use change requested for La Jolla Commons III

would provide for a mix of uses to balance the large amount of residential development that has occurred and would be occurring in the nearby area just south of the project site. The project's proposed land uses of hotel and/or office would provide for additional employment to these new residential units, as well as a potential increase in hotel rooms in an area largely lacking this amenity. The office use would further enhance the University Towne Centre as an employment-centric region in San Diego and General Plan goals, which identify the area as a subregional employment area.

Based on the analysis above, the project would not result in any General Plan conflicts or incompatibility with the University Community Plan that would result in additional environmental impacts. The project would not divide an established community or conflict with a habitat conservation plan considering the project location and site conditions.

According to the 2011 MCAS Miramar ALUCP, the site is located within MCAS Miramar Area of Influence, Transition Zone (TZ), a Restrictive Use Easement, and the 60-65 Community Noise Equivalent Level (CNEL) contour. A Determination of No Hazards has been obtained from the Federal Aviation Administration on May 6, 2013. The proposed buildings would provide adequate noise attenuation, and interior noise levels would be compatible with the proposed uses. Additionally, the project has received a consistency determination from the ALUC.

Based on the foregoing analysis and information, there is no evidence that the changes to the project require a major change to the La Jolla Commons Project EIR. The project would not result in any new significant land use environmental impacts nor is there a substantial increase in the severity of land use impacts from that described in the EIR.

Landform Alteration/Visual Quality

EIR

The EIR included an analysis of a 321-foot-tall, 20-story office building; a 369-foot-tall, 32-story condominium complex; a 185-foot-tall, 15-story hotel; a two-story scientific research building; and an eight-story parking structure including two levels below-grade, one level at-grade, and five levels above-grade with a maximum height of approximately 60 feet at the highest point. The EIR concluded that the La Jolla Commons Project would not conflict with City of San Diego significance criteria for height, bulk, materials, and style, nor did it result in an impact to or loss of neighborhood landmarks. The La Jolla Commons Project was found to be compatible with the surrounding development found within, and planned for, Subarea 2 of the University Community. No significant visual impacts were identified.

The EIR determined that the La Jolla Commons Project would alter the natural topography and relief features of the original site by filling a moderately large, partially disturbed canyon and finger canyon and finger canyon. However, since the La Jolla Commons Project would not result in a significant aesthetic impact, the landform alteration impacts were not considered significant. No impacts to scenic vistas or views from public viewing places were identified.

PROJECT

The La Jolla Commons III project site is now fully graded as a result of implementing the approved grading associated with the La Jolla Commons Project. La Jolla Commons III would develop either a 15-story office project (ten levels of office, four levels of above-grade parking, one lobby level, and four levels of below-grade parking), a ten-story hotel project (nine levels of guest rooms, one lobby level, and four levels of below-grade parking), or a 13-story office/hotel project (six levels of office, six levels of hotel guest rooms, one lobby level, and four levels of below-grade parking). As a result, the project would be within the parameters analyzed in the EIR, as the project site would have been developed under that scenario as a 15-story hotel and the project scenarios for La Jolla Commons III would be no more than 15 stories. The La Jolla Commons III project design would be compatible with the existing development of the La Jolla Commons Project, as well as surrounding development.

Based on the foregoing analysis and information, there is no evidence that the changes to the project require a major change to the La Jolla Commons Project EIR. The project would not result in any new significant landform alteration or visual quality environmental impacts, nor is there a substantial increase in the severity of landform alteration or visual quality impacts from that described in the EIR. Furthermore, all mitigation measures have been implemented.

Biological Resources

EIR

The EIR determined that direct, indirect, and cumulative affects from the La Jolla Commons Project on the long-term conservation of biological resources would not be considered significant because all project impacts occur outside of MHPA-designated open space areas. Impacts to Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, southern mixed chaparral, southern willow scrub, and unvegetated streambed were considered significant and require mitigation. Impacts to Nuttall's scrub oak that occurred on the site were considered less than significant due to the relatively low sensitivity of this species. Impacts to ashy spike moss were also considered less than significant because of its common and widespread distribution. (Nuttall's scrub oak and ashy spike moss are not covered species under the existing City of San Diego MSCP; however, adequate conservation of these species is provided under the MSCP through the preservation of off-site habitats which support these species.) Impacts to coastal California gnatcatcher, Southern California rufous-crowned sparrow and San Diego horned lizard were considered significant; however, these are all covered species under the City's MSCP. No indirect impacts to sensitive species from the La Jolla Commons Project were anticipated. The EIR concluded that no significant impacts to wildlife species or wildlife corridors would occur.

PROJECT

The La Jolla Commons III project site has been fully graded in accordance with the approved La Jolla Commons Project. The remainder of the project site has either been developed or is currently under development for the La Jolla Commons Project. As a result, no biological resources are present on-site. No impacts would occur as a result of the La Jolla Commons III project.

Based on the foregoing analysis and information, there is no evidence that the changes to the project require a major change to the EIR. The project would not result in any new significant environmental impact to biological resources nor is there a substantial increase in the severity of impacts to biological resources from that described in the La Jolla Commons Project EIR.

Transportation/Traffic Circulation

EIR

The La Jolla Commons Project EIR identified that the La Jolla Commons Project would generate 10,319 trips (3,250 trips for the 325-room hotel; 845 trips for a maximum of 40,000 square feet of Scientific Research and Development; 5,264 trips for 450,000 square feet of Commercial Office; and 960 trips for 120 Condominium dwelling units). The La Jolla Commons Project traffic analysis added these trips to two near-term conditions (2001 conditions without Judicial Drive with and without the project and 2001 conditions with Judicial Drive with and without the project) and horizon year conditions (assumes all other cumulative project improvements in place) to determine project traffic impacts. Impacts at street segments, intersections, freeway segments, and freeway interchanges were analyzed consistent with the City's Significance Determination Thresholds in place at the time.

The La Jolla Commons Project EIR found that, under the near-term conditions without the extension of Judicial Drive, traffic generated by the La Jolla Commons Project would result in a significant increase in the volume/capacity (v/c) ratio on La Jolla Village Drive. The impact would be mitigated by the La Jolla Commons Project's addition of one lane on La Jolla Village Drive along the project frontage and with full widening of La Jolla Village Drive to eight lanes for the full road segment, per the Circulation Element. In addition, the La Jolla Commons Project was found to significantly impact the intersection of Miramar Road/Eastgate Mall by increasing the delay at that intersection by almost two minutes. Impacts to the intersection of Miramar Road/Eastgate Mall would be mitigated for near-term impacts.

Impacts to segments of I-805 and the interchange of I-805 and La Jolla Village Drive by the addition of La Jolla Commons Project traffic were deemed potentially significant; however, the only mitigation for this impact was widening the freeway, which was not considered a feasible mitigation when the impact is considered a cumulative, regional growth impact. A reduction in delay time at the La Jolla Village Drive/I-805 interchange was anticipated due to an offset in traffic using the new interchange at I-805/Nobel Drive, which has now been constructed.

Under the near-term conditions with the extension of Judicial Drive, the La Jolla Commons Project EIR found that traffic generated by the La Jolla Commons Project would be reduced on La Jolla Village Drive (relative to the without Judicial Drive condition); however, project impacts would still be considered significant. The intersection of Miramar Road/Eastgate Mall would also continue to be significantly impacted by the La Jolla Commons Project, even with the extension of Judicial Drive.

Impacts to I-805 freeway segments and the interchange ramps were considered significant with the addition of La Jolla Commons Project traffic. While the La Jolla Commons Project's contribution was considered significant, the impact was identified as a regional growth impact that could only be mitigated by widening the freeway, which was considered as not feasible mitigation for project level impacts.

In the buildout condition (2020), the implementation of scheduled improvements would provide the capacity on arterial segments and at area intersections within the University Community to serve the planned Community Plan buildout, including the additional trips generated by the La Jolla Commons Project.

For the buildout conditions, the I-805/La Jolla Village Drive/Miramar Road interchange reconfiguration was assumed to include the following, as outlined in the Caltrans' October 1995 Project Report for this freeway improvement:

- The existing interchange would be converted from a full-cloverleaf configuration to a partial clover-leaf configuration requiring widening of the La Jolla Village Drive overcrossing structure.
- The I-805 northbound and southbound off-ramp connections to La Jolla Village Drive/Miramar Road would be signalized.
- All freeway on ramps from La Jolla Village Drive and Miramar Road would be metered.

The La Jolla Commons Project EIR determined that road segments and intersections would operate at LOS D or better under buildout conditions (2020). Two segments of I-805 in the project vicinity were expected to continue to operate at LOS F with or without the La Jolla Commons Project, and contribution to traffic from the La Jolla Commons Project was determined to exceed the City's threshold and thus significantly impact these segments. The addition of traffic generated by the La Jolla Commons Project was considered significant at the following I-805 access ramps: Eastbound La Jolla Village Drive to Southbound I-805, Eastbound La Jolla Village Drive to Northbound I-805, and Nobel Drive to Southbound I-805.

The La Jolla Commons Project was determined to not result in a significant impact to traffic allocations identified in the University Community Plan since the project is consistent with the traffic generation allocations identified in the Community Plan Development Intensity Element. The La Jolla Commons Project would not result in an increase over the community-wide trip allocation due to a proposed Transportation Demand Management plan

The La Jolla Commons Project EIR identified the following traffic improvement mitigation to address project traffic impacts. Either of the following two transportation mitigation options were determined to reduce the significant traffic impacts to roadway segments and intersections, other than I-805, to below a level of significance. Option 1 consisted of development in three phases (transportation phasing plan) and was recommended by City staff. Option 2 consisted of a non-phased development which was preferred by the applicant.

Option 1 – Transportation Phasing Plan

Phase I

1. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of up to 3,333 ADT:
 - a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;
 - b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;
 - c. The construction of Nexus Center Drive as a two-lane industrial local street;
 - d. The construction of Executive Drive as a four-lane major street between Towne Centre Drive and Judicial Drive.

Phase II

2. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 3,333 ADT up to 5,455 ADT:
 - a. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
 - b. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (North University City Project [NUC] 33);
 - c. The construction of Judicial Drive as a four-lane major arterial from La Jolla village Drive to Nobel Drive.

Phase III

3. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 5,455 ADT up to 10,319 ADT:
 - a. The widening of La Jolla Drive to eight lanes from Towne Centre Drive to I-805 (NUC-C);

- b. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
- c. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

Option 2 – Non-Phased Development (preferred by the applicant)

The following transportation mitigation measures are identical to those in Option 1 with one exception; Option 2 does not include the construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel Drive.

1. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in any generation of up to 10,455 ADT:
 - a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;
 - b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;
 - c. The construction of Nexus Center Drive as a two-lane industrial local street;
 - d. The construction of Executive Drive as a four-lane major street between Towne Centre Drive and Judicial Drive;
 - e. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
 - f. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (NUC-33);
 - g. The widening of La Jolla Drive to eight lanes from Towne Centre Drive to I-805 (NUC-C);
 - h. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
 - i. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

The La Jolla Commons Project has implemented all of the mitigation measures required of it under Option 1 – Transportation Phasing Plan.

PROJECT

A Traffic Analysis letter report was completed by Darnell & Associates, Inc. (November 15, 2013) for the proposed La Jolla Commons – Tower III project. The traffic analysis included four study area intersections: Judicial Drive at Executive Drive, Judicial Drive and Eastgate Mall, Judicial Drive at Access 6(a), and Judicial Drive at Towne Centre Drive.

The Traffic Analysis determined that the proposed project would result in 7,971 daily trips (La Jolla Commons Project with Tower III developed as 173,264 square feet gross leaseable area of office); 9,216 trips (La Jolla Commons Project with Tower III developed as 264 hotel rooms); or 9,182 trips (La Jolla Commons Project with Tower III developed as 104,971 square feet gross leaseable area of office and 175 hotel rooms). When compared to the trips generated by the La Jolla Commons Project, the La Jolla Commons – Tower III project would represent a decrease in daily trips for all three development alternatives (2,348 less trips under the all office scenario; 1,103 less trips under the hotel scenario; and 1,137 less trips under the office plus hotel scenario).

Relative to peak hour traffic, the Traffic Analysis shows that the La Jolla Commons – Tower III project would result in less overall morning (AM) and afternoon (PM) peak hour traffic. With the all office scenario, 50 fewer AM peak hour trips and 96 fewer PM peak hour trips would result. For the all hotel option, 73 fewer AM peak hour trips and 81 fewer PM peak hour trips would occur. With the office/hotel development option, 15 fewer AM peak hour and 31 fewer PM peak hour trips would occur. However, depending on the development scenario selected, there would be a change in the amount of peak out “in” and peak hour “out” trips. The same or fewer morning (AM) and afternoon (PM) peak hour trips would occur with the all hotel option. For the all office option, AM “in” peak hour traffic would increase by 68 trips, and PM “out” peak hour traffic would increase by 66 trips. For the office/hotel option, an additional 68 AM “in” peak hour trips would occur, with 63 additional PM “out” peak hour trips.

The proposed project land use changes for each of the four study area intersections would operate at LOS D or better with additional traffic. The addition of the project traffic would not adversely affect the AM and PM peak hour’s level of service and/or create a new significant impact. Three of the four intersections would continue to operate at LOS C or better. At the Towne Centre Drive/Executive Drive intersection, the AM peak hour would operate at LOS C with and without the project. The PM peak hour would operate at LOS E for both conditions and would see an increase of 0.8 seconds/vehicle delay. The PM peak hour increase of 0.8 seconds/vehicle is not considered significant.

A comparison of traffic generation for the proposed La Jolla Commons – Tower III project and traffic associated with the originally approved La Jolla Commons Project is provided in Tables 3 – 5 below. As shown in Tables 3 - 5, the project would result in an overall reduction in daily weekday traffic when compared to the previously approved project:

- The proposed Tower III as office use would result in 2,348 fewer daily trips, 50 fewer AM peak hour trips (-68:-118), and 96 fewer PM peak hour trips (-162/+66).
- With Tower III developed as hotel use, there are 1,103 fewer daily trips, 73 fewer AM peak hour trips (+0:-73) and 81 fewer PM peak hour trips (-75:-5) generated.
- Development of Tower III with hotel/office would result in 1,137 fewer daily trips, 15 fewer AM peak hour trips (+68:-83) and 31 fewer PM peak hour trips (-94:+61).
- Each of the office, hotel, and office/hotel alternatives would generate fewer daily trips and result in improved levels of service. However, Tower III as 100-percent office

alternative would generate 68 additional inbound and 18 fewer outbound AM peak hour trips. During the PM peak hour there would be 66 additional outbound peak hour trips and 162 fewer inbound peak hour trips. Development of Tower III as a hotel/office alternative would generate 68 additional inbound AM peak hour trips and 61 additional outbound PM peak hour trips. Development of Tower III as 100-percent office alternative would generate 68 additional inbound AM peak hour trips and 66 additional outbound PM peak hour trips.

Relative to parking, development of Tower III as office use would provide 3,554 parking spaces where 3,056 parking spaces are required, resulting in an excess of 498 parking spaces. Development of Tower III as hotel use would provide 3,250 parking where 2,605 parking spaces are required, resulting in an excess of 645 parking spaces. Development of Tower III as office/hotel use would provide 3,393 parking spaces where 2,757 parking spaces are required, resulting in an excess of 636 parking spaces. The development of the La Jolla Commons – Tower III project would satisfy the City of San Diego’s parking requirements and no impact would result.

Based on the foregoing analysis and information, there is no evidence that the changes to the project require a major change to the La Jolla Commons Project EIR. The project will not result in any new significant transportation/traffic circulation environmental impacts nor is there a substantial increase in the severity of transportation/traffic circulation impacts from that described in the La Jolla Commons Project EIR. The project would satisfy the City’s parking requirements.

Table 3. Trip Generation For Proposed Project with Tower III as Office

Land Use	Units	Trips	AM Peak			PM Peak		
			Total	IN	Out	Total	IN	Out
Tower I Office - 252, 332 s.f.								
Tower II Office - 322, 692 s.f.	748,288	7,731	1,005	905	101	1,082	216	866
Tower III Office - 173,264 s.f.								
Sub-total:	748,288	7,731	1,005	905	101	1,082	216	866
SR	30,000	240	38	35	4	34	3	30
Net Change		7,971	1,043	939	104	1,116	220	896
Approved EIR		10,319	1,093	871	222	1,212	382	830
Net Change		(-2,348)	(-50)	+68	(-118)	(-96)	(-162)	+66

(xx) Denotes decrease, + Denotes increase, s.f. = Square Foot

Table 4. Trip Generation For Proposed Project with Tower III as Hotel

Land Use	Units	Trips	AM Peak			PM Peak		
			Total	IN	Out	Total	IN	Out
Tower I Office - 252,332 s.f.	575,024	6,336	824	741	82	887	177	710
Tower II Office - 322,692 s.f.								
Sub-total:	575,024	6,336	824	741	82	887	177	710
Tower III Hotel - 264 Rooms	264	2,640	158	95	63	211	127	84
SR	30,000	240	38	35	4	34	3	31
Sub-total:		9,216	1,020	871	149	1,132	307	825
Approved EIR		10,319	1,093	871	222	1,212	382	830
Net Change		(-1,103)	(-73)	+0	(-73)	(-80)	(-75)	(-5)

(xx) Denotes decrease, + Denotes increase, s.f. = Square Foot

Table 5 Trip Generation For Proposed Project with Tower III as Hotel/Office

Land Use	Units	Trips	AM Peak			PM Peak		
			Total	IN	Out	Total	IN	Out
Tower I Office - 252,332 s.f.	679,995	7,192	935	841	93	1,007	201	805
Tower II Office - 322,692 s.f.								
Tower III Office - 104,971 s.f.								
Sub-total:	679,995	7,192	935	841	93	1,007	201	805
Tower III Hotel - 175 Rooms	175	1,750	105	63	42	140	84	56
SR	30,000	240	38	35	4	34	3	30
Sub-total:		9,182	1,078	939	139	1,181	288	891
Approved EIR		10,319	1,093	871	222	1,212	382	830
Net Change		(-1,137)	(-15)	+68	(-83)	(-31)	(-94)	+61

(xx) Denotes decrease, +Denotes increase, s.f. = Square Foot, D.U. = Dwelling Units

Noise

EIR

The EIR evaluated noise impacts relative to the City of San Diego General Plan and the City Noise Abatement and Control Ordinance (construction noise). The La Jolla Commons Project was found to not generate a significant increase in the existing ambient noise levels. However, due to automobile traffic noise along La Jolla Village Drive and Judicial Drive, as well as aircraft noise from MCAS Miramar, future noise levels at the site were found to exceed an exterior CNEL of 65 dB at the hotel swimming pool area. This impact was considered significant, requiring mitigation. Exterior noise levels greater than 60 dB could result in interior noise levels in excess of 45 dB for hotel and condominium uses, and exterior noise levels greater than 65 dB could result in interior noise levels in excess of 50 dB for office uses. This impact was considered potentially significant in the EIR, and mitigation measures were required to reduce the impact to below a level of significance.

PROJECT

A *Noise Analysis Report* was prepared for La Jolla Commons III by dBF Associates, Inc. (September 3, 2013). The noise report analyzed the three development scenarios: office, hotel, or office/hotel. As with the original La Jolla Commons Project, the primary noise sources affecting the project site are vehicular traffic on La Jolla Village Drive and aircraft operations associated with MCAS Miramar; the secondary noise source is vehicular traffic on Judicial Drive.

If the project is developed as an office building, no exterior noise mitigation is necessary; as stated in the EIR, an interior noise analysis would be required to ensure that interior noise levels in offices meet the City of San Diego General Plan Noise Compatibility requirements of 50 dBA CNEL or less. This requirement is the same as required in the EIR.

If the project is developed as a hotel and the includes a pool area located between Tower I and Tower III, the project would include, as a project feature, a noise abatement wall reducing exterior noise levels at the outdoor area useable space to comply with the 65 dBA CNEL for

outdoor areas. An interior noise analysis would be required to ensure that interior noise levels in habitable rooms meet the California Code of Regulations, Title 24 (Noise Insulation Standard) and the San Diego General Plan Noise Compatibility requirements of 45 dBA CNEL or less. This requirement is the same as the EIR.

If the project is developed as a mixed-use office/hotel and the project includes a pool area located between Tower I and Tower III, the project would include, as a project feature, a noise abatement wall reducing exterior noise levels at the outdoor area useable space to comply with the 65 dBA CNEL for outdoor areas. An interior noise analysis would be required to ensure that interior noise levels in offices meet the City of San Diego General Plan Noise Compatibility requirements of 50 dBA CNEL or less, and that habitable rooms meet the California Code of Regulations, Title 24 (Noise Insulation Standard) and the San Diego General Plan Noise Compatibility requirements of 45 dBA CNEL or less. This requirement is the same as the EIR.

Regardless of the development option, construction of the project would comply with the City of San Diego 75 dBA Leq (12 hour) municipal code noise limit at residential zones. No mitigation is necessary.

Based on the foregoing analysis and information, there is no evidence that the changes to the project require a major change to the EIR. The project would not result in any new significant noise impacts nor is there a substantial increase in the severity of noise impacts from that described in the EIR.

Air Quality

EIR

The EIR evaluated air quality impacts and addressed the potential for air emissions during construction and operation of the La Jolla Commons Project, and for emissions associated with project-generated traffic. This analysis was in accordance with the City of San Diego's Significance Determination Guidelines (1999).

The EIR determined that the La Jolla Commons Project would result in emissions of fugitive dust associated with construction. Because dust control measures during grading operations would be regulated in accordance with the rules of the San Diego Air Pollution Control District, and since construction would be a one-time, short-term activity, air quality impacts due to construction of the proposed project were found to not be significant. Implementation of standard construction phase mitigation measures would reduce the PM₁₀ emissions to a level below significance.

The La Jolla Commons Project traffic is included in traffic projections for the Community Plan build-out and Regional Transportation Plan, and associated vehicle emissions were previously evaluated in the Community Plan EIR. The La Jolla Commons Project would not generate emissions beyond the levels assumed previously. The La Jolla Commons Project's emissions have been accounted for in the County's plans for attainment and maintenance of the ambient air emissions standards. The La Jolla Commons Project's vehicle emissions impacts were not anticipated to be significant.

PROJECT

Scientific Resources Associated (SRA) prepared an Air Quality Technical Report for La Jolla Commons III (July 22, 2013). This analysis utilized the City of San Diego Significance Determination Thresholds (2011) to determine project impacts.

The La Jolla Commons III three development scenarios of office tower, hotel, or office and hotel would result in fewer trips than analyzed in the La Jolla Commons Project EIR for the project site. Furthermore, the project is consistent with the City's goals of maintaining a mix of uses in the University Towne Centre area. Accordingly, the project would not conflict with or obstruct implementation of the Regional Air Quality Strategy or State Implementation Plan, and would not result in a significant impact.

Construction Impacts

Construction emissions were calculated for each of the development options. The analysis identified those criteria pollutants during construction would be below the thresholds of significance for all project construction phases for all pollutants. Project criteria pollutant emissions during construction would be temporary and are less than significant.

Operational Impacts

Operational impacts associated with the development of La Jolla Commons III would include impacts associated with vehicular traffic, as well as area sources such as energy use, landscaping, consumer products use, and architectural coatings use for maintenance purposes.

According to the Focused Traffic Analysis, the previously approved project would generate 10,319 average daily trips (ADT) for the entire La Jolla Commons Project development. The three development options for the project would generate the following ADT:

- Tower III as Office – 7,971 ADT for the total La Jolla Commons Project
- Tower III as Hotel – 9,216 ADT for the total La Jolla Commons Project
- Tower III as Office plus Hotel – 9,182 ADT for the total La Jolla Commons Project

Based on the Focused Traffic Analysis, the development of the project, when combined with the entire project, would generate fewer trips than the previously approved project, and would therefore result in a decrease in vehicular emissions.

Operational impacts were estimated using the CalEEMod Model, which calculates vehicle emissions based on emission factors from the EMFAC2007 model. It was assumed that the first year of full occupancy would be 2016. Based on the results of the EMFAC2007 model for subsequent years, emissions would decrease on an annual basis from 2016 onward due to phase-out of higher polluting vehicles and implementation of more stringent emission standards that are taken into account in the EMFAC2007 model. Based on the estimates of the emissions associated with project operations, the analysis determined that emissions of all criteria pollutants are below the significance thresholds for the office/hotel all scenarios. Impacts would be less than significant.

Projects involving traffic impacts may result in the formation of locally high concentrations of carbon monoxide (CO), known as CO “hot spots.” Project-related traffic would have the potential to result in CO “hot spots” if project-related traffic resulted in a degradation in the level of service at any intersection to level of service (LOS) E or F. Because the project would result in fewer ADT than the previously approved project, impacts would be lower than the prior analysis, and no CO “hot spots” would be anticipated under any of the three development scenarios.

Relative to cumulative impacts, the San Diego Air Basin is considered a non-attainment area for the 8-hour National Ambient Air Quality Standards (NAAQS) for ozone (O₃), and is considered a non-attainment area for the California Ambient Air Quality Standards (CAAQS) for O₃, particulate matter of 10 Microns in diameter or smaller (PM₁₀), and particulate matter of 2.5 microns or less in size (PM_{2.5}). An evaluation of emissions of non-attainment pollutants was conducted. Based on that evaluation, emissions of non-attainment pollutants during construction would be below the significance thresholds for ozone precursors, PM₁₀, and PM_{2.5}. Emissions of all pollutants would be below the significance thresholds for operations.

There are no anticipated projects that would be under construction at the same time as the proposed project. The project’s construction impacts would therefore not be cumulatively considerable under any of the three development scenarios.

The analysis demonstrated that the operational impacts would be below the significance thresholds and that no CO “hot spots” would result from cumulative traffic. Because operational emissions for development of La Jolla Commons III, under any of the proposed development scenarios, are below the significance thresholds for nonattainment pollutants, they would not result in a cumulatively considerable impact.

The threshold for exposure of sensitive receptors concerns whether the project could expose sensitive receptors to substantial pollutant concentrations of toxic air contaminants (TACs). If a project has the potential to result in emissions of any TAC which result in a cancer risk of greater than ten in one million or substantial non-cancer risk, the project would be deemed to have a potentially significant impact.

Air quality regulators typically define sensitive receptors as schools (Preschool-12th Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. Residential land uses may also be considered sensitive receptors. The nearest sensitive receptors to the site include the Eastgate Christian School located on Eastgate Mall east of Genesee Avenue, the La Jolla Country Day School, located on Genesee Avenue just north of Eastgate Mall, and the Torah High School located to the south of the site at 9001 Towne Center Drive. The nearest residences are located approximately 200 feet to the south of the site at the corner of La Jolla Village Drive and Judicial Drive.

Emissions of TACs are attributable to temporary emissions from construction emissions, and minor emissions associated with diesel truck traffic used for deliveries at the site. Truck traffic may result in emissions of diesel particulate matter, which is characterized by the State of California as a TAC. Certain types of projects are recommended to be evaluated for impacts associated with TACs. In accordance with the South Coast Air Quality Management District's (SCAQMD) "Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis" (SCAQMD 2003), projects that should be evaluated for diesel particulate emissions include truck stops, distribution centers, warehouses, and transit centers which diesel vehicles would utilize and which would be sources of diesel particulate matter from heavy-duty diesel trucks. La Jolla Commons III developed as any of the three development scenarios would not attract a disproportionate amount of diesel trucks and would not be considered a source of TAC emissions. Based on the CalEEMod Model, heavy-duty diesel trucks would account for only 0.9 percent of the total trips associated with the project. Impacts to sensitive receptors from TAC emissions would therefore be less than significant.

Relative to objectionable odors, project construction could result in minor amounts of odor compounds associated with diesel heavy equipment exhaust. These compounds would be emitted in various amounts and at various locations during construction. Sensitive receptors located in the vicinity of the construction site include residences to the south of the site. Odors are highest near the sources and would quickly dissipate offsite; any odors associated with construction would be temporary. The development of La Jolla Commons III as any of the three development scenarios would not be considered a sources of objectionable odors. Thus the potential for odor impacts associated with the project are led than significant.

Based on the foregoing analysis and information, there is no evidence that the changes to the project require a major change to the La Jolla Commons Project EIR. The project would not result in any new significant environmental impacts relative to air quality nor is there a substantial increase in the severity of air quality impacts from that described in the EIR.

Hydrology/Water Quality

EIR

The EIR evaluated project-specific impacts to hydrology and water quality. The EIR determined that the La Jolla Commons Project would not have a significant impact on downstream drainage improvements. The storm drain system was determined to be adequate to handle surface flows generated by the La Jolla Commons Project. The course and flow of existing drainage patterns were altered as a result of the La Jolla Commons Project.

Erosion during construction of the La Jolla Commons Project had the potential to significantly impact the ability of downstream areas to accommodate silt-laden runoff or the accumulation of silt. During post-construction conditions, the additional urban pollutants entering the drainage course could diminish the water quality of downstream areas, ultimately including Mission Bay. Given the wildlife and recreational value of the downstream watershed, water quality impacts were considered significant. The EIR identified mitigation measures to reduce water quality impacts from the project to below a level of significance. Those measures have been implemented and continue to be implemented as development occurs in accordance with the existing approvals for the La Jolla Commons Project.

PROJECT

Similar to the previous project, La Jolla Commons III would be required to comply with water quality regulations. Leppert Engineering Corporation prepared a *Water Quality Technical Report* (August 19, 2013) and *Drainage Study* (August 19, 2013) for La Jolla Commons III pursuant to Standard Urban Stormwater Mitigation Plan (SUSMP) requirements as promulgated in the City of San Diego most recent Storm Water Standards Manual. Implementation of project-specific BMPs, that include source control BMPs, low-impact development (LID) BMPs, treatment control BMPs, and hydromodification management, would ensure that the project's impacts to water quality would be less than significant. With the adherence to existing regulations, project water quality impacts would be less than significant. No mitigation would be required.

Relative to drainage, the existing condition for La Jolla Commons III is the proposed condition for La Jolla Commons II, which was analyzed in the *Drainage Study for La Jolla Commons 2*, prepared by Leppert Engineering (February 17, 2012; PTS No. 263782). Comparing the existing and proposed conditions the drainage study determined that the existing storm drain pipes downstream of the project are adequately sized to accommodate the additional runoff generated by the proposed development. The proposed storm drains would be sized appropriately to provide adequate capacity. No impact would occur.

Based on the foregoing analysis and information, there is no evidence that the changes to the project require a major change to the La Jolla Commons Project EIR. The project would not result in any new significant environmental impacts to hydrology/water quality nor is there a substantial increase in the severity of hydrology/water quality impacts from that described in the EIR.

Paleontology

EIR

The La Jolla Commons Project site is located in the Coastal Plains Physiographical Province of San Diego County and is underlain by Tertiary-age and Quaternary-age sedimentary deposits, associated residual soils, and artificial fill. The Tertiary-age materials at the site are identified as part of the Scripps Formation, which is represented predominantly by yellowish-brown, medium-grained sandstone with cobble-conglomerate interbeds.

The Quaternary-age materials are comprised of both marine terrace deposits and alluvial deposits. The terrace deposits are identified as part of the Lindavista Formation and consist of reddish-brown interbedded sandstone and conglomerate. The Lindavista Formation is present on the higher elevations of the site, above an approximate elevation of 360 to 270 feet. The alluvial deposits consist of brown to grayish-brown, loose- to medium-dense, poorly consolidated sands and gravels, and are restricted largely to the north-south trending canyon in the southwest portion of the site.

Due to the presence of fossiliferous formations at the project site and the exceedence of the grading thresholds for significance for both formations, the EIR determined that implementation of the La Jolla Commons Project would have the potential for significant impacts to paleontological resources for portions of the project site. Mitigation measures were required to reduce potential direct impacts associated with paleontological resources to below a level of significance. The mitigation measures have been implemented as part of the La Jolla Commons Project.

PROJECT

The La Jolla Commons III project site has been fully graded in accordance with the approved La Jolla Commons Project. The remainder of the original project site has been developed or is currently under development. Nonetheless, there is the potential for impacts to paleontological resources as a result of the project due to the site's underlying Linda Vista and Scripps formations. Both of these geologic units have the potential to contain paleontological resources. Grading for the project requires additional excavation for the proposed subterranean parking garage. Therefore, the project would be required to implement the mitigation measures presented in the original La Jolla Commons Project EIR.

Based on the foregoing analysis and information, there is no evidence that the changes to the project require a major change to the La Jolla Commons Project EIR. The project would not result in any new significant paleontological environmental impacts nor is there a substantial increase in the severity of impacts to paleontological resources from that described in the EIR. The project would be required to implement mitigation measures as presented in the EIR. Therefore, with implementation of the project specific MMRP, as detailed in Section V of the Addendum, potential paleontological impacts would be reduced to below a level of significance.

Historical Resources

EIR

The EIR analyzed potential historical resources on-site. This analysis was based on the 1995 Affinis historical resources study, as well as the January 2000 Affinis field check. No archaeological material was found on-site during the 1995 and 2000 surveys of the La Jolla Commons Project. Impacts to historical resources were not identified and therefore mitigation was not required.

PROJECT

The La Jolla Commons III project site has been fully graded in accordance with the approved La Jolla Commons Project. The remainder of the La Jolla Commons site has been developed or is currently under development for the La Jolla Commons Project. As a result, no historical resources are present on-site. No impacts would occur as a result of La Jolla Commons III.

Based on the foregoing analysis and information, there is no evidence that the changes to the project require a major change to the EIR. The project would not result in any new significant environmental impacts associated historical resources nor is there a substantial increase in the severity of impacts to historical resources from that described in the La Jolla Commons Project EIR.

Human Health and Public Safety

EIR

As analyzed in the EIR, no previous development of land uses were not known for the project site, and hazards from previous uses were not expected to be present. MCAS Miramar presented potential health and safety hazards to surrounding residents and businesses in the form of aircraft operations accident potential, electromagnetic radiation, and explosives safety. The EIR determined that the La Jolla Commons Project was compatible with the requirements of the 1992 NAS Miramar Comprehensive Land Use Plan (CLUP). Impacts to MCAS Miramar aircraft operations from the La Jolla Commons Project were found not to be significant.

PROJECT

The La Jolla Commons III project site is located within MCAS Miramar's Airport Influence Area (AIA). The AIA is "the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses." To facilitate implementation and reduce unnecessary referrals of projects to the Airport Land Use Compatibility Plan (ALUCP), the AIA is divided into Review Area 1 and Review Area 2. The project site is located within Review Area 1.

La Jolla Commons III has received a compatibility letter from MCAS Miramar. No conflicts with the MCAS Miramar ALUCP would occur.

The project site is not located within any safety zones nor is it located within an overflight notification zone. The project site is located within the Airspace Protection Compatibility Area. Specifically, the airspace protection compatibility area shall geographically consist of locations within the FAR Part 77 primary surface and beneath the approach (to where it intersects the outer horizontal surface), transitional, horizontal, and conical surfaces together with locations within the Federal Aviation Administration notification area as described below, excluding the federally owned lands that comprise MCAS Miramar. The project has received an FAA Part 77 Letter of Non-Obstruction, stating the project has no impacts on airspace protection.

Based on the foregoing analysis and information, there is no evidence that the changes to the project require a major change to the EIR. The project would not result in any new significant environmental impacts associated with human health and public safety, nor is there a substantial increase in the severity of impacts from that described in the La Jolla Commons Project EIR.

Cumulative Effects

EIR

The EIR determined that the La Jolla Commons Project would result in significant cumulative impacts associated with transportation/traffic circulation, as a result of cumulatively significant congestion at the I-805/La Jolla Village Drive freeway interchange, as well as freeway segments; and with air quality, relative to short-term construction impacts and as contributions to regional air quality associated with cumulative emissions.

PROJECT

La Jolla Commons III would not result in new impacts that would be regarded as cumulatively significant because daily traffic resulting from the project would be less than what was assumed in the La Jolla Commons EIR.

Based on the foregoing analysis and information, there is no evidence that the changes to the project require a major change to the EIR. The project would not result in any new significant cumulatively environmental impacts nor is there a substantial increase in the severity of cumulative impacts from that described in the La Jolla Commons Project EIR.

IMPACTS FOUND NOT TO BE SIGNIFICANT IN THE LA JOLLA COMMONS PROJECT EIR

The EIR determined that the La Jolla Commons Project would not have the potential to result in significant impacts with regard to following issue areas:

- Agriculture and Aggregate Resources
- Recreational Resources
- Geology and Soils
- Population and Housing
- Public Services and Utilities
- Energy

These issue areas remain effects found not to be significant with La Jolla Commons III, as the development intensity of the project is generally consistent with what was analyzed for the project site in the EIR. Significant impacts to these issue areas would not result.

Issues Not Analyzed in the 1999/2000 EIR

The environmental issue of greenhouse gas (GHG) emissions was not analyzed in the La Jolla Commons Project EIR pursuant to the CEQA Guidelines in effect at the time that EIR was prepared. The following discussion provides information to show that, while this issue was not analyzed to the level currently required or not analyzed in the EIR, there is no new information available that would indicate that these issues would result in a new significant impact. Although public utilities / services was addressed in the La Jolla Commons Project EIR, analysis of this issue did not contain the same level of detail as the City currently requires.

Greenhouse Gases

BACKGROUND

The State of California has passed a number of policies and regulations that are either directly or indirectly related to GHG. Notably, the California legislature passed Assembly Bill (AB) 32 (Núñez), the “California Global Warming Solutions Act of 2006”. It requires the California Air Resources Board (CARB) to adopt rules and regulations that would reduce GHG emissions to 1990 levels by 2020. The CARB is also required to publish a list of discrete GHG emission reduction measures. Senate Bill (SB) 375 requires CARB to set regional targets for GHG emissions. Its purpose is to reduce emissions by promoting high-density, mixed-use developments around mass transit hubs. SB 375 requires that Metropolitan Planning Organizations (MPOs) in California update the Regional Transportation Plans (RTPs) to promote this smart growth development. SB 97, signed by the governor on August 24, 2007, required that the CEQA guidelines be amended to address impacts from transportation and energy consumption and appropriate mitigation for GHG emissions, and requires the Resources Agency to certify and adopt those guidelines by January 1, 2010. The CEQA guidelines were thus amended to include greenhouse gas as an environmental issue to be addressed after the adoption of the La Jolla Crossroads Project EIR. The City of San Diego has adopted interim guidelines that provide guidance on how to evaluate and assess project GHG impacts. The interim GHG guidelines state that projects should achieve a 28.3 percent reduction of GHG emissions from business as usual (BAU) conditions to be consistent with AB 32. A GHG analysis report was prepared by pursuant to these interim guidelines and the amended CEQA Guidelines.

GREENHOUSE GAS INVENTORY

GHG emissions associated with La Jolla Commons III were estimated separately for five categories of emissions: (1) construction; (2) energy use, including electricity and natural gas usage; (3) water consumption; (4) solid waste handling; and (5) transportation. Emissions were calculated for all three development scenarios proposed: office use, hotel use, and office and hotel. The analysis includes a baseline estimate assuming Title 24-compliant buildings, which is considered business as usual for the Project. Emissions were estimated based on emission factors from the California Climate Action Registry General Reporting Protocol (CCAR 2009). This inventory presents emissions based on “business as usual” assumptions.

Existing Conditions

The site is currently vacant and undeveloped. As it exists, the site is not a source of GHG emissions.

Office Building

Construction Greenhouse Gas Emissions

Construction GHG emissions include emissions from heavy construction equipment, truck traffic, and worker trips. Emissions were calculated using the CalEEMod Model, which is the newest land use emissions model developed by ENVIRON and the SCAQMD (ENVIRON 2011), for completed and proposed construction. CalEEMod contains emission factors from the OFFROAD2007 model for heavy construction equipment (ARB 2007), and from the EMFAC2007 model for on-road vehicles. Table 6 presents the construction-related emissions associated with construction of the Office Building project.

AEP recommends that construction emissions be amortized over a 30-year period to account for the contribution of construction emissions over the lifetime of the project. These emissions are added to operational emissions to account for the contribution of construction to GHG emissions for the lifetime of the project.

Table 6. Construction GHG Emissions – Office Metric tons/year		
Development Scenario	CO ₂ e Emissions, metric tons	Amortized CO ₂ e Emissions, metric tons/year
Office Use	1,445	48

Operational Greenhouse Gas Emissions

The development of the La Jolla Commons III project as an office building would construct 173,264 square feet of leasable office space (223,900 square feet gross floor area). Emissions for the office building scenario were estimated using the methodologies described below.

Energy Use. Business as usual electricity usage rates for the office space were calculated from the *California Commercial End-Use Survey* (CEC 2006) based on estimated annual 13.63 kWh/square foot. Emissions were calculated based on emission factors in the California Climate Action Registry General Reporting Protocol, Version 3.1 (CCAR 2009), which assumes that for California, energy use (electricity) would have emissions of 724.12 lbs/MWh of CO₂, 0.0302 lbs/MWh of CH₄, and 0.0081 lbs/MWh of N₂O. Natural gas usage rates were calculated based on estimated annual rates of 25.99 kiloBTUs/square foot. For natural gas usage, the Protocol assumes that natural gas would have emissions of 53.06 kg/MMBTU of CO₂, 0.0059 kg/MMBTU of CH₄, and 0.0001 kg/MMBTU of N₂O.

Water Usage. GHG emissions were calculated on the basis of the embodied energy of water, assuming that in southern California, water has an embodied energy of 12,700 kWh/million gallons (CEC 2005). Water usage was estimated based on the water use calculated by the CalEEMod Model (ENVIRON 2011) for indoor and outdoor water use based on the development scenarios. Total annual water use for the office uses was estimated at 30,794,000 gallons for indoor uses and 18,874,000 gallons for outdoor uses for a total of 49,668,000 gallons.

Vehicle Emissions. Mobile source greenhouse gas emissions were estimated based on the projected ADTs from the Focused Traffic Analysis (Darnell and Associates 2013). Based on the analysis, the trip generation rate for the office uses would be 10.33 trips per 1,000 square feet, for a total of 1,790 average daily trips (ADT). Emissions from vehicles were estimated using the ARB's emission factors without considering the effects of state and federal measures to reduce GHG emissions from EMFAC2011 (ARB 2011), assuming an average trip length of 5.8 miles based on data for average trip lengths within San Diego County estimated by the San Diego Association of Governments (SANDAG).

Solid Waste. Solid waste generation rates were estimated based on the CalEEMod Model. The CalEEMod Model calculated a solid waste generation rate of 161 tons per year for the office use. Solid waste GHG emissions were calculated based on the CalEEMod Model.

Operational Emissions Summary

The results of the inventory for operational emissions for business as usual are presented in Table 7. These include GHG emissions associated with buildings (natural gas, purchased electricity), water consumption (energy embodied in potable water), solid waste management (including transport and landfill gas generation), and vehicles. Table 7 summarizes projected emissions for the office building scenario.

Table 7. Summary of Estimated Operational Greenhouse Gas Emissions Office – Business As Usual Scenario				
Emission Source	Annual Emissions (Metric tons/year)			
	CO ₂	CH ₄	N ₂ O	CO ₂ e
Operational Emissions – Office				
Electricity Use	776	0.0323	0.0087	779
Natural Gas Use	239	0.0266	0.0005	240
Water Use	201	0.0084	0.0022	201
Solid Waste Management	73	-	-	73
Vehicle Emissions	1,537	0.0682	0.0671	1,560
Amortized Construction Emissions	48	-	-	48
Total	2,874	0.1355	0.0785	2,901
Global Warming Potential Factor	1	21	310	
CO ₂ Equivalent Emissions	2,874	2.8455	24.335	2,901
TOTAL CO₂ Equivalent Emissions	2,901			

As shown in Table 7, the net emissions associated with La Jolla Commons III office building scenario are above the 900 metric ton screening threshold under business as usual conditions. The project was therefore evaluated to assess the GHG emission reductions that would be achieved through state and federal programs and through project design features.

Hotel

Construction Greenhouse Gas Emissions

Construction GHG emissions include emissions from heavy construction equipment, truck traffic, and worker trips. Emissions were calculated using the CalEEMod Model, which is the newest land use emissions model developed by ENVIRON and the SCAQMD (ENVIRON 2011), for completed and proposed construction. CalEEMod contains emission factors from the OFFROAD2007 model for heavy construction equipment (ARB 2007), and from the EMFAC2007 model for on-road vehicles. Table 8 presents the construction-related emissions associated with construction of the project as a hotel.

AEP recommends that construction emissions be amortized over a 30-year period to account for the contribution of construction emissions over the lifetime of the project. These emissions are added to operational emissions to account for the contribution of construction to GHG emissions for the lifetime of the project.

Table 8. Construction GHG Emissions – Hotel Metric tons/year		
Development Scenario	CO ₂ e Emissions, metric tons	Amortized CO ₂ e Emissions, metric tons/year
264-Room Hotel	1,739	58

Operational Greenhouse Gas Emissions

The development of La Jolla Commons III hotel would construct 264 rooms. Emissions for the hotel scenario were estimated using the methodologies described below.

Energy Use. Business as usual electricity usage rates for the hotel space were calculated based on estimated annual rates of 12.13 kilowatt-hours (kWh) per square foot from the *California Commercial End-Use Survey* (Itron 2006) for hotel space. Emissions were calculated based on emission factors in the California Climate Action Registry General Reporting Protocol, Version 3.1 (CCAR 2009), which assumes that for California, energy use (electricity) would have emissions of 724.12 lbs/MWh of CO₂, 0.0302 lbs/MWh of CH₄, and 0.0081 lbs/MWh of N₂O. Natural gas usage rates were calculated based on estimated annual rates of 42.40 kiloBTUs/square foot/year for hotel space. For natural gas usage, the Protocol assumes that natural gas would have emissions of 53.06 kg/MMBTU of CO₂, 0.0059 kg/MMBTU of CH₄, and 0.0001 kg/MMBTU of N₂O.

Water Usage. GHG emissions were calculated on the basis of the embodied energy of water, assuming that in southern California, water has an embodied energy of 12,700 kWh/million gallons (CEC 2005). Water usage was estimated based on the water use calculated by the CalEEMod Model (ENVIRON 2011) for indoor and outdoor water use based on the development scenarios. Total annual water use for the hotel was estimated at 6,696,827 gallons for indoor uses and 744,092 gallons for outdoor uses for a total of 7,440,919 gallons.

Vehicle Emissions. Mobile source greenhouse gas emissions were estimated based on the projected ADTs from the Focused Traffic Analysis (Darnell and Associates 2013). Based on the analysis, the trip generation rate for the hotel would be 2,640 ADT. Emissions from vehicles were estimated using the ARB's emission factors without considering the effects of state and federal measures to reduce GHG emissions from EMFAC2011 (ARB 2011), assuming an average trip length of 5.8 miles based on data for average trip lengths within San Diego County estimated by the San Diego Association of Governments (SANDAG).

Solid Waste. Solid waste generation rates were estimated based on the CalEEMod Model. The CalEEMod Model calculated a solid waste generation rate of 144 tons per year for the hotel. Solid waste GHG emissions were calculated using the CalEEMod Model.

Operational Emissions Summary

The results of the inventory for operational emissions for business as usual are presented in Table 9. These include GHG emissions associated with buildings (natural gas, purchased electricity), water consumption (energy embodied in potable water), solid waste management (including transport and landfill gas generation), and vehicles. Table 9 summarizes projected emissions for the Hotel scenario using the methodologies noted above.

Table 9. Summary of Estimated Operational Greenhouse Gas Emissions Hotel – Business As Usual Scenario				
Emission Source	Annual Emissions (Metric tons/year)			
	CO ₂	CH ₄	N ₂ O	CO ₂ e
Operational Emissions – Hotel				
Electricity Use	1,527	0.0637	0.0171	1,534
Natural Gas Use	862	0.0959	0.0016	865
Water Use	31	0.0013	0.0003	31
Solid Waste Management	66	-	-	66
Vehicle Emissions	2,268	0.1006	0.0989	2,300
Amortized Construction Emissions	58	-	-	58
Total	4,812	0.2615	0.1179	4,854
Global Warming Potential Factor	1	21	310	
CO ₂ Equivalent Emissions	4,812	5.4915	36.549	4,854
TOTAL CO₂ Equivalent Emissions	4,854			

As shown in Table 9, the net emissions associated with development of the La Jolla Commons III as a 264-room hotel are above the 900 metric ton screening threshold under business as usual conditions. The project was therefore evaluated to assess the GHG emission reductions that would be achieved through state and federal programs and through project design features.

Office and Hotel

Construction Greenhouse Gas Emissions

Construction GHG emissions include emissions from heavy construction equipment, truck traffic, and worker trips. Emissions were calculated using the CalEEMod Model, which is the newest land use emissions model developed by ENVIRON and the SCAQMD (ENVIRON 2011), for completed and proposed construction. CalEEMod contains emission factors from the OFFROAD2007 model for heavy construction equipment (ARB 2007), and from the EMFAC2007 model for on-road vehicles. Table 10 presents the construction-related emissions associated with construction of the project with 285,960 square feet of combined office/hotel (135,000 square feet gross floor area (104,971 square feet gross leasable area) of office uses and a 175-room, 150,960-square-foot hotel).

AEP recommends that construction emissions be amortized over a 30-year period to account for the contribution of construction emissions over the lifetime of the project. These emissions are added to operational emissions to account for the contribution of construction to GHG emissions for the lifetime of the project.

Table 10. Construction GHG Emissions – Office/Hotel Metric tons/year		
Development Scenario	CO ₂ e Emissions, metric tons	Amortized CO ₂ e Emissions, metric tons/year
Office and Hotel	1,690	56

Operational Greenhouse Gas Emissions

The development of La Jolla Commons III office and hotel would construct with 285,960 square feet of combined office/hotel (135,000 square feet gross floor area (104,971 square feet gross leasable area) of office uses and a 175-room, 150,960-square-foot hotel). GHG emissions for the project were estimated for five categories of emissions: (1) construction; (2) energy use, including electricity and natural gas usage; (3) water consumption; (4) solid waste management, and (5) transportation. Emissions were estimated for this development scenario using the methodologies described below.

Energy Use. Business as usual electricity usage rates for the office space were calculated from the *California Commercial End-Use Survey* (CEC 2006) based on estimated annual 13.63 kWh/square foot. Emissions were calculated based on emission factors in the California Climate Action Registry General Reporting Protocol, Version 3.1 (CCAR 2009), which assumes that for California, energy use (electricity) would have emissions of 724.12 lbs/MWh of CO₂, 0.0302 lbs/MWh of CH₄, and 0.0081 lbs/MWh of N₂O. Natural gas usage rates were calculated based on estimated annual rates of 25.99 kiloBTUs/square foot. For natural gas usage, the Protocol assumes that natural gas would have emissions of 53.06 kg/MMBTU of CO₂, 0.0059 kg/MMBTU of CH₄, and 0.0001 kg/MMBTU of N₂O.

Business as usual electricity usage rates for the hotel space were calculated based on estimated annual rates of 12.13 kilowatt-hours (kWh) per square foot from the *California Commercial End-Use Survey* (Itron 2006) for hotel space. Emissions were calculated based on emission factors in the California Climate Action Registry General Reporting Protocol, Version 3.1 (CCAR 2009), which assumes that for California, energy use (electricity) would have emissions of 724.12 lbs/MWh of CO₂, 0.0302 lbs/MWh of CH₄, and 0.0081 lbs/MWh of N₂O. Natural gas usage rates were calculated based on estimated annual rates of 42.40 kiloBTUs/square foot/year for hotel space. For natural gas usage, the Protocol assumes that natural gas would have emissions of 53.06 kg/MMBTU of CO₂, 0.0059 kg/MMBTU of CH₄, and 0.0001 kg/MMBTU of N₂O.

Water Usage. GHG emissions were calculated on the basis of the embodied energy of water, assuming that in southern California, water has an embodied energy of 12,700 kWh/million gallons (CEC 2005). Water usage was estimated based on the water use calculated by the CalEEMod Model (ENVIRON 2011) for indoor and outdoor water use based on the development scenarios. Total annual water use for the office uses use was estimated at 18,656,712 gallons for indoor use and 11,434,759 gallons for outdoor use. Total annual water use for the hotel was estimated at 4,439,185 gallons for indoor use and 493,243 gallons for outdoor use.

Vehicle Emissions. Mobile source greenhouse gas emissions were estimated based on the projected ADTs from the Focused Traffic Analysis (Darnell and Associates 2013). Based on the analysis, the trip generation rate for office plus hotel uses would be 2,834. Emissions from vehicles were estimated using the ARB's emission factors without considering the effects of

state and federal measures to reduce GHG emissions from EMFAC2011 (ARB 2011), assuming an average trip length of 5.8 miles based on data for average trip lengths within San Diego County estimated by SANDAG.

Solid Waste. Solid waste generation rates were estimated based on the CalEEMod Model. The CalEEMod Model calculated a solid waste generation rate of 98 tons per year for the office use and 96 tons per year for the hotel, for a total of 193 tons per year. Solid waste GHG emissions were calculated using the CalEEMod Model.

Operational Emissions Summary

The results of the inventory for operational emissions for business as usual are presented in Table 11. These include GHG emissions associated with buildings (natural gas, purchased electricity), water consumption (energy embodied in potable water), solid waste management (including transport and landfill gas generation), and vehicles. Table 11 summarizes projected emissions for the 285,960 combined square-foot office/hotel (135,000-square-foot office building and 175-room, 150,960-square-foot hotel each development).

Table 11. Summary of Estimated Operational Greenhouse Gas Emissions Office/Hotel – Business As Usual Scenario				
Emission Source	Annual Emissions (Metric tons/year)			
	CO ₂	CH ₄	N ₂ O	CO ₂ e
Operational Emissions – Office plus Hotel				
Electricity Use	1,482	0.0618	0.0166	1,489
Natural Gas Use	716	0.0797	0.0014	719
Water Use	142	0.0059	0.0016	143
Solid Waste Management	88	-	-	88
Vehicle Emissions	2,434	0.1080	0.1062	2,469
Amortized Construction Emissions	56	-	-	56
Total	4,918	0.2554	0.1258	4,964
Global Warming Potential Factor	1	21	310	
CO ₂ Equivalent Emissions	4,18	5.3634	38.998	4,964
TOTAL CO₂ Equivalent Emissions	4,964			

As shown in Table 11, the net emissions associated with the La Jolla Commons III project developed with office and hotel uses are above the 900 metric ton screening threshold under business as usual conditions. The project was therefore evaluated to assess the GHG emission reductions that would be achieved through state and federal programs and through project design features.

Summary of Project Design Features, Impacts, and Mitigation Measures

A threshold of 28.3% below “business as usual” levels is considered to demonstrate that a project would be consistent with the goals of AB 32. As discussed in the ARB’s *Staff Report, California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit* (ARB 2007a), vehicular emissions are the greatest contributor to GHG emissions. Because the applicant does not have direct control over the types of vehicles or emission/fuel standards, the effect of California programs to reduce GHG emissions from vehicles was evaluated.

All of the measures discussed below would apply to the project regardless of the development scenario.

Based on the SDCGHGI, the percent reductions in GHG emissions anticipated through implementation of the Federal CAFE standards, LCFS, and Pavley fuel efficiency standard (analogous to the Federal CAFE standard), as well as the effect of light/heavy vehicle efficiency/hybridization programs can be estimated. Emissions were calculated based on the reductions in the SDCGHGI. It should be noted that these reductions are consistent with the EMFAC2011 emission factor reductions, which calculate that for the fleet of light-duty vehicles within the state of California, the Pavley and LCFS programs will reduce GHG emissions by 20 percent and ten percent for a total of 30 percent (ARB 2011).

In addition to the energy efficiency and mobile source emissions reductions discussed above, reductions attributable to California’s RPS (SB 1078; 2002) were included in the emission calculations for electricity use. SB 1078 initially set a target of 20 percent of energy to be sold from renewable sources by the year 2017. The schedule for implementation of the RPS was accelerated in 2006 with the Governor’s signing of SB 107, which accelerated the 20 percent RPS goal from 2017 to 2010. On November 17, 2008, the Governor signed Executive Order S-14-08, which requires all retail sellers of electricity to serve 33 percent of their load with renewable energy by 2020. The Governor signed Executive Order S-21-09 on September 15, 2009, which directs ARB to implement a regulation consistent with the 2020 33 percent renewable energy target by July 31, 2010. As of September 23, 2010, the ARB has adopted the regulation that implements the 33 percent renewable energy standard.

According to the SDCGHGI, implementation of the 20 percent RPS goal by 2010 would reduce GHG emissions by a further 14 percent from 2006 levels; the inventory estimated that San Diego Gas and Electric was providing six percent of its electricity from renewable resource in 2006. To account for the implementation of the 20 percent RPS, a 14 percent reduction in GHG emissions was assumed. Implementation of Executive Order S-21-09 (i.e., the 33 percent RPS) will result in additional GHG reductions of 27 percent below 2006 levels.

The current Title 24 standards (2013) will reduce electricity and natural gas usage by 15 percent. Accordingly, GHG emissions from electricity and natural gas use were reduced by 15 percent.

The project would utilize water conservation measures, including installation of low-flow fixtures (toilets and showers), and would reduce irrigation requirements by utilizing a drought-resistant landscaping palette and reducing turf areas. The project would utilize recycled water for irrigation, flushing, and make-up water for the cooling tower. Reductions in water usage were calculated with the CalEEMod model using these assumptions.

The following sections present the results of the analysis for each development scenario.

Office Building

Table 12 presents the estimated GHG emissions for the project as an office building, with implementation of the GHG reduction measures summarized. As shown in Table 12, emissions from the La Jolla Commons III office building scenario, considering GHG reduction measures discussed above, would exceed the goal of 28.3 percent below business as usual levels for the office building. Accordingly, the project would meet the goals of AB 32 and would not result in cumulatively considerable significant global climate impacts.

Table 12. Summary of Estimated Operational Greenhouse Gas Emissions – Office – with GHG reductions				
Emission Source	Annual Emissions (Metric tons/year)			
	CO₂	CH₄	N₂O	CO₂e
Operational Emissions – Office				
Electricity Use	481	0.0201	0.0054	483
Natural Gas Use	203	0.0226	0.0004	204
Water Use	90	0.0038	0.0010	90
Solid Waste Management	73	-	-	73
Vehicle Emissions	1,076	0.0477	0.0537	1,094
Amortized Construction Emissions	48	-	-	48
Total	1,971	0.0942	0.0605	1,992
Global Warming Potential Factor	1	21	310	
CO ₂ Equivalent Emissions	1,971	1.9782	18.755	1,992
TOTAL CO₂ Equivalent Emissions	1,992			
Business as Usual CO₂ Equivalent Emissions	2,901			
Percent Reduction	31.33%			

Table 13 presents a summary of the GHG reduction measures and their effectiveness.

By meeting the City's threshold of reducing GHG emissions by more than 28.3 percent below business as usual levels, La Jolla Commons III developed as an office building, would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Table 13. Summary of Greenhouse Gas reduction measures – Office Building		
Transportation Emissions		
Business as Usual, CO2e		1560
Reductions due to Statewide Measures		
Measure	Percent Reduction	Emissions Reduction
Pavley Motor Vehicle Standards	20%	312
Low Carbon Fuel Standard	10% (CO2 and CH4)	154
Total Reductions		466
Net Transportation Emissions		1094
Operational Emissions		
Business as Usual, CO2e		1293
Reductions due to Project Design Features and Statewide Measures		
Measure	Percent Reduction	Emissions Reduction
CalEEMod Water Conservation Measures, including low-flow toilets and sinks, and outdoor water conservation	12.36% of indoor water use, 8.7% of outdoor water use	22
Recycled Water Use	87.5% of outdoor water use	55
Meet Title 24 Standards as of 2008	15% of electricity use and 15% of natural gas use	215
Renewable Portfolio Standard (33% renewables)	27% (electricity and embodied energy of water)	226
Total Reductions		518
Net Operational Emissions		775

Hotel

Table 14 presents the estimated GHG emissions for the project as a 264-room hotel, with implementation of the GHG reduction measures summarized. As shown in Table 14, emissions from La Jolla Commons III as a hotel, considering GHG reduction measures discussed above, would exceed the goal of 28.3 percent below business as usual levels for the hotel. Accordingly, the project would meet the goals of AB 32 and would not result in cumulatively considerable significant greenhouse gas emissions impacts.

Table 14. Summary of Estimated Operational Greenhouse Gas Emissions – Hotel – with GHG reductions				
Operational Emissions – Hotel				
Electricity Use	948	0.0395	0.0106	952
Natural Gas Use	733	0.0815	0.0014	735
Water Use	18	0.0007	0.0002	18
Solid Waste Management	66	-	-	66
Vehicle Emissions	1,587	0.0704	0.0692	1,613
Amortized Construction Emissions	58	-	-	58
Total	3,410	0.1921	0.0814	3,442
Global Warming Potential Factor	1	21	310	
CO ₂ Equivalent Emissions	3,410	4.0341	25.234	3,442
TOTAL CO₂ Equivalent Emissions	3,442			
Business as Usual CO₂ Equivalent Emissions	4,854			
Percent Reduction	29.08%			

Table 15 presents a summary of the GHG reduction measures and their effectiveness.

Table 15. Summary of Greenhouse Gas reduction measures – Hotel		
Transportation Emissions		
Business as Usual, CO₂e		2300
Reductions due to Statewide Measures		
Measure	Percent Reduction	Emissions Reduction
Pavley Motor Vehicle Standards	20%	460
Low Carbon Fuel Standard	10% (CO ₂ and CH ₄)	227
Total Reductions		687
Net Transportation Emissions		1613
Operational Emissions		
Business as Usual, CO₂e		2496
Reductions due to Project Design Features and Statewide Measures		
Measure	Percent Reduction	Emissions Reduction
CalEEMod Water Conservation Measures, including low-flow toilets and sinks, and outdoor water conservation	12.36% of indoor water use, 8.7% of outdoor water use	5
Recycled Water Use	87.5% of outdoor water use	2
Meet Title 24 Standards as of 2008	15% of electricity use and 15% of natural gas use	207
Renewable Portfolio Standard (33% renewables)	27% (electricity and embodied energy of water)	386
Total Reductions		600
Net Operational Emissions		1896

By meeting the City's threshold of reducing GHG emissions by more than 28.3 percent below business as usual levels, La Jolla Commons III project developed as a hotel, would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Office Building and Hotel

Table 16 presents the estimated GHG emissions for the project as an office building and hotel, with implementation of the GHG reduction measures summarized. As shown in Table 16, emissions from La Jolla Commons III with office and hotel uses, considering GHG reduction measures discussed above, would be more than 28.3 percent below business as usual levels for each development scenario. Accordingly, the project would meet the goals of AB 32 and would not result in cumulatively considerable significant global climate impacts.

Table 16. Summary of Estimated Operational Greenhouse Gas Emissions – Office/Hotel – with GHG reductions				
Emission Source	Annual Emissions (Metric tons/year)			
	CO₂	CH₄	N₂O	CO₂e
Operational Emissions – Office and 175-Room Hotel				
Electricity Use	920	0.0384	0.0103	924
Natural Gas Use	609	0.0677	0.0011	611
Water Use	64	0.0027	0.0007	64
Solid Waste Management	88	-	-	88
Vehicle Emissions	1,704	0.0756	0.0850	1,732
Amortized Construction Emissions	56	-	-	56
Total	3,441	0.1844	0.0971	3,475
Global Warming Potential Factor	1	21	310	
CO ₂ Equivalent Emissions	3,441	3.8724	30.101	3,475
TOTAL CO₂ Equivalent Emissions	3,475			
Business as Usual CO₂ Equivalent Emissions	4,964			
Percent Reduction	30.00%			

Table 17 presents a summary of the GHG reduction measures and their effectiveness.

Table 17. Summary of Greenhouse Gas reduction measures – Office/Hotel		
Transportation Emissions		
Business as Usual, CO2e		2469
Reductions due to Statewide Measures		
Measure	Percent Reduction	Emissions Reduction
Pavley Motor Vehicle Standards	20%	494
Low Carbon Fuel Standard	10% (CO2 and CH4)	244
Total Reductions		738
Net Transportation Emissions		1732
Operational Emissions		
Business as Usual, CO2e		2438
Reductions due to Project Design Features and Statewide Measures		
Measure	Percent Reduction	Emissions Reduction
CalEEMod Water Conservation Measures, including low-flow toilets and sinks, and outdoor water conservation	12.36% of indoor water use, 8.7% of outdoor water use	10
Recycled Water Use	87.5% of outdoor water use	37
Meet Title 24 Standards as of 2008	15% of electricity use and 15% of natural gas use	332
Renewable Portfolio Standard (33% renewables)	27% (electricity and embodied energy of water)	373
Total Reductions		752
Net Operational Emissions		1686

By meeting the City’s threshold of reducing GHG emissions by more than 28.3 percent below business as usual levels, La Jolla Commons III developed as office building and hotel, would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Consistency with City Plans and Policies

The project, whether developed as an office building, hotel, or mix of office and hotel uses, would meet the goals of the City’s Conservation Element, and would therefore be consistent with the City’s GHG reduction plans and policies. The following policies would be adopted for the project:

Policy CE-A.5 Employ sustainable or “green” building techniques for the construction and operation of buildings.

- (a) Develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, and to achieve overall net zero energy consumption by 2020 for new residential

buildings and 2030 for new commercial buildings. This can be accomplished through factors including, but not limited to:

- Designing mechanical and electrical systems that achieve greater energy efficiency with currently available technology;
- Minimizing energy use through innovative site design and building orientation that addresses factors such as sun-shade patterns, prevailing winds, landscape, and sun-screens;
- Employing self generation of energy using renewable technologies;
- Combining energy efficient measures that have longer payback periods with measures that have shorter payback periods;
- Reducing levels of non-essential lighting, heating and cooling; and
- Using energy efficient appliances and lighting.

The La Jolla Commons III project would meet the most recent Title 24 energy efficiency standards, which are estimated to exceed Title 24 standards as of 2005 by 15 percent. The project is therefore employing sustainable building development practices to maximize energy efficiency.

Policy CE-A-7 Construct and operate buildings using materials, methods, and mechanical and electrical systems that ensure a healthful indoor air quality. Avoid contamination by carcinogens, volatile organic compounds, fungi, molds, bacteria, and other known toxins.

- (a) Eliminate the use of chlorofluorocarbon-based refrigerants in newly constructed facilities and major building renovations and retrofits for all heating, ventilation, air conditioning, and refrigerant-based building systems.
- (b) Reduce the quantity of indoor air contaminants that are odorous or potentially irritating to protect installers and occupants' health and comfort. Where feasible, select low-emitting adhesives, paints, coatings, carpet systems, composite wood, agri-fiber products, and others.

The La Jolla Commons III project would be constructed in a manner that would ensure healthful indoor air quality.

Policy CE-A.8 Reduce construction and demolition waste in accordance with Public Facilities Element, Policy PF-I.2, or by renovating or adding on to existing buildings, rather than constructing new buildings.

The La Jolla Commons III project would reduce construction and demolition waste to the extent feasible.

Policy CE-A.9 Reuse building materials, use materials that have recycled content, or use materials that are derived from sustainable or rapidly renewable sources to the extent possible, through factors including:

- Scheduling time for deconstruction and recycling activities to take place during project demolition and construction phases;
- Using life cycle costing in decision making for materials and construction techniques. Life cycle costing analyzes the costs and benefits over the life of a particular product, technology, or system;
- Removing code obstacles to using recycled materials and for construction; and
- Implementing effective economic incentives to recycle construction and demolition debris.

The La Jolla Commons III project would use recycled/sustainable materials for construction and during operation to the extent feasible. The project would recycle construction and demolition debris as appropriate.

Policy CE-A.10 Include features in buildings to facilitate recycling of waste generated by building occupants and associated refuse storage areas.

- Provide permanent, adequate, and convenient space for individual building occupants to collect refuse and recyclable material.
- Provide a recyclables collection area that serves the entire building or project. The space should allow for the separation, collection and storage of paper, glass, plastic, metals, yard waste, and other materials as needed.

The La Jolla Commons III project would provide space for individual building occupants to implement recycling practices within their buildings.

Policy CE-A.11 Implement sustainable landscape design and maintenance.

- (a) Use integrated pest management techniques, where feasible, to delay, reduce, or eliminate dependence on the use of pesticides, herbicides, and synthetic fertilizers.
- (b) Encourage composting efforts through education, incentives, and other activities.
- (c) Decrease the amount of impervious surfaces in developments, especially where public places, plazas and amenities are proposed to serve as recreation opportunities.
- (d) Strategically plant deciduous shade trees, evergreen trees, and drought tolerant native vegetation, as appropriate, to contribute to sustainable development goals.
- (e) Reduce use of lawn types that require high levels of irrigation.
- (f) Strive to incorporate existing mature trees and native vegetation into site designs.
- (g) Minimize the use of landscape equipment powered by fossil fuels.
- (h) Implement water conservation measures in site/building design and landscaping.
- (i) Encourage the use of high efficiency irrigation technology, and recycled site water to reduce the use of potable water for irrigation. Use recycled water to meet the needs of development projects to the maximum extent feasible.

The La Jolla Commons III project would use landscaping that minimizes water use, utilizes efficient irrigation practices, and reduces the use of pesticides. Further, the La Jolla Commons III project would utilize recycled water for irrigation, flushing, and cooling tower make-up water.

Through implementation of these practices, the La Jolla Commons III project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

CONCLUSIONS

Emissions of GHGs were quantified for both construction and operation of La Jolla Commons III. Operational emissions were calculated assuming a “business as usual” operational scenario as well as an operational scenario with GHG reduction measures employed. Based on the analysis, quantifiable emission reductions that would be implemented through state and local requirements demonstrate that emissions will be reduced by more than 28.3 percent below “business as usual” levels. The project would therefore not:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The La Jolla Commons III project would be consistent with the goals of AB 32, and would not result in a significant global climate change impact.

Solid Waste

Per the City’s Significance Determination Thresholds, the project would result in a potentially significant solid waste direct impact if the project construction, demolition, and/or renovations meet or exceed 1,000,000 square feet of building space that would generate approximately 1,500 tons or more of waste. A cumulative impact may occur if the project construction, demolition, and/or renovations meet or exceed 40,000 square feet of building space that would generate 60 tons or more of waste. To avoid or mitigate potentially significant impacts, the Significance Determination Thresholds require the preparation of a Waste Management Plan (WMP). LEED Silver or better certifications may also be used to reduce or avoid solid waste impacts, as this would ensure implementation of sustainability measures intended to assure minimal project “environmental footprint” and solid waste impacts. The project meets the City’s 40,000-square-foot threshold. A WMP for the project has been prepared. With the Environmental Services Department’s approval and implementation, the WMP would ensure that the project would reduce waste by a minimum of 75% of construction-related waste, and implement waste reduction measures during the occupancy phase of the project. The measures identified in the Waste Management Plan, when implemented, would ensure that potential impacts to solid

waste management facilities, including landfills, materials recovery facilities and transfer stations, and services, including collection, would be below a level of significance.

VI. MITIGATION, MONITORING, AND REPORTING PROGRAM (MMRP) INCORPORATED INTO THE PROJECT:

The La Jolla Commons III project shall be required to comply with all mitigation measures outlined within the Mitigation, Monitoring and Reporting Program of the previously certified EIR 99-0762/SCH No. 2000031097 and the project specific subsequent technical studies required. The following MMRP identifies measures which specifically apply to this project.

A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent, and the following consultants: **Qualified paleontological monitor**

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant is also required to call **RE and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 317590 and/or Environmental Document Number 317590, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of

resolution, or other documentation issued by the responsible agency: Not Applicable.

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Paleontology	Paleontology Reports	Paleontology Site Observation
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a

Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 - 3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- B. PI Shall Attend Precon Meetings
 - 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 - 2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
 - 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to

significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

VII. SIGNIFICANT UNMITIGATED IMPACTS:

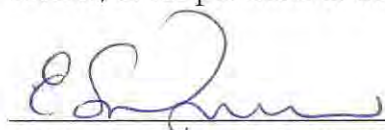
The EIR indicates that the direct significant impacts on the following issues would be substantially lessened or avoided if all the proposed mitigation measures recommended in the EIR are implemented: biological resources, transportation/circulation (partially mitigated), noise, hydrology/water quality, and paleontological resources. Significant direct impacts related to transportation and circulation would not be fully mitigated to below a level of significance. With respect to cumulative impacts, the La Jolla Commons project would result in significant

transportation/circulation and air quality impacts. As concluded in the EIR, the cumulative transportation and circulation impacts would remain significant, in spite of all mitigation measures being implemented as required for the La Jolla Commons project.

The La Jolla Commons III project would not result in additional impacts nor would it result in an increase in the severity of impacts from that described in the La Jolla Commons EIR.

VIII. RESULTS OF PUBLIC REVIEW

Copies of the Addendum, the La Jolla Commons EIR No. 99-0762/SCH No. 2000031097, and any technical appendices may be reviewed in the office of the Development Services Department for review, or for purchase at the cost of reproduction.



E. Shearer-Nguyen, Senior Planner
Development Services Department

December 13, 2013

Date of Draft Report

January 10, 2014

Date of Final Report

Analyst: SHEARER – NGUYEN

Attachments:

Figure 1: Location Map

Figure 2: Site Plan

VIII. PUBLIC REVIEW DISTRIBUTION:

The Addendum and original Environmental Impact Report No. 99-0762/SCH No. 2000031097 were distributed to the following groups and individuals:

FEDERAL GOVERNMENT

Federal Aviation Administration (1)

Commanding General MCAS Miramar Air Station (13)

STATE OF CALIFORNIA

CALTRANS District 11 (31)

California Regional Water Quality Control Board, Region 9 (44)

California Transportation Commission (51A)

California Transportation Commission (51B)

CITY OF SAN DIEGO

Mayor's Office (91)

Councilmember Lightner, District 1 (MS 10A)

Councilmember Faulconer District 2 (MS 10A)

Councilmember Gloria, District 3 (MS 10A)

Councilmember Cole, District 4 (MS 10A)

Councilmember Kersey, District 5 (MS 10A)

Councilmember Zapf, District 6 (MS 10A)

Councilmember Sherman, District 7 (MS 10A)

Councilmember Alvarez, District 8 (MS 10A)

Councilmember Emerald, District 9 (MS 10A)

Development Services Department

EAS

Planning Review

Landscape

Engineering

Transportation Development

Geology

Fire

PUD Wastewater/Water

Fire-Plan Review

Map Check

DPM

Planning Neighborhoods & Economic Development Department

Long-Range Planning

Park & Recreation

Facilities Financing

Transportation Development - DSD (78)

Development Coordination (78A)

Library Department - Government Documents (81)

Central Library (81A)

University City Community Branch Library (81JJ)

North University Branch Library (81KK)

Environmental Services Department (93A)

City Attorney, (MS59)

OTHER INTERESTED INDIVIDUALS/GROUPS

San Diego Association of Government (108)

San Diego Transit Corporation (112)

San Diego Gas and Electric Company (114)

Metropolitan Transit Systems (115)

San Diego Unified School District (125)

San Diego Natural History Museum (166)

Citizens Coordinate for Century III (179)

OTHER INTERESTED INDIVIDUALS/GROUPS - CONTINUED

University City Community Planning Group (480)

Editor, Guardian (481)

UCSD Physical & Community Planning (482)

External Affairs – Municipal Associated Students UCSD (483)

University City Community Association (486)

La Jolla Village Community Council (489)

Chamber of Commerce (492)

Bhavesht Parikh, HSPF La Jolla Commons III Investors LLC, Applicant

K L R Planning, Consultant



Location Map

LA JOLLA COMMONS III – PROJECT NO. 324553

City of San Diego – Development Services Department

FIGURE

1

2

Rezone Ordinance

(O-INSERT~)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON Month Day, Year

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO
CHANGING 17- ACRES LOCATED AT 4707, 4727, 4747, 4750 AND 4757
EXECUTIVE DRIVE, WITHIN THE UNIVERSITY COMMUNITY PLAN AREA,
IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CV-1-2 ZONE
INTO THE CO-3-1 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL
CODE SECTION 131.0505.

WHEREAS, AAT LA JOLLA COMMONS 3, LLC, a Delaware limited liability company,
Owner/Permittee, filed an applied to rezone a 17-acre site located at 4707, 4727, 4747, 4750 and
4757 Executive Drive, as legally described below, within the University Community Plan area from
CV-1-2 (Commercial--Visitor) to CO-3-1 (Commercial--Office) zone; and

WHEREAS, the project is legally described as Lots 1 through 5 of La Jolla Commons III, in the
City of San Diego, County of San Diego, State of California, according to Map thereof No. 16247, filed
in the office of the County Recorder for San Diego County on December 28, 2017 as File No. 2017-
7000533 of Official Records; in the University Community Plan area, in the CV-1-1 zone which is
proposed to be rezoned to the CO-3-1 zone; and

WHEREAS, the matter was set for public hearing on September 20, 2022, testimony having
been heard, evidence having been submitted, and the City Council having fully considered the
matter and being fully advised concerning the same; NOW, THEREFORE,

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 17-acre site located at 4707, 4727, 4747, 4750 and 4757 Executive Drive and legally described as Lots 1 through 5 of La Jolla Commons III, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 16247, filed in the office of the County Recorder for San Diego County on December 28, 2017 as File No. 2017-7000533 of Official Records; in the University Community Plan area, in the University Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4361 filed in the office of the City Clerk as Document No. OO- _____, is rezoned from the CV-1-2 zone to the CO-3-1 zone, as the described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 131.0406. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this Ordinance shall be issued unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA ELLIOTT, CITY ATTORNEY

By _____

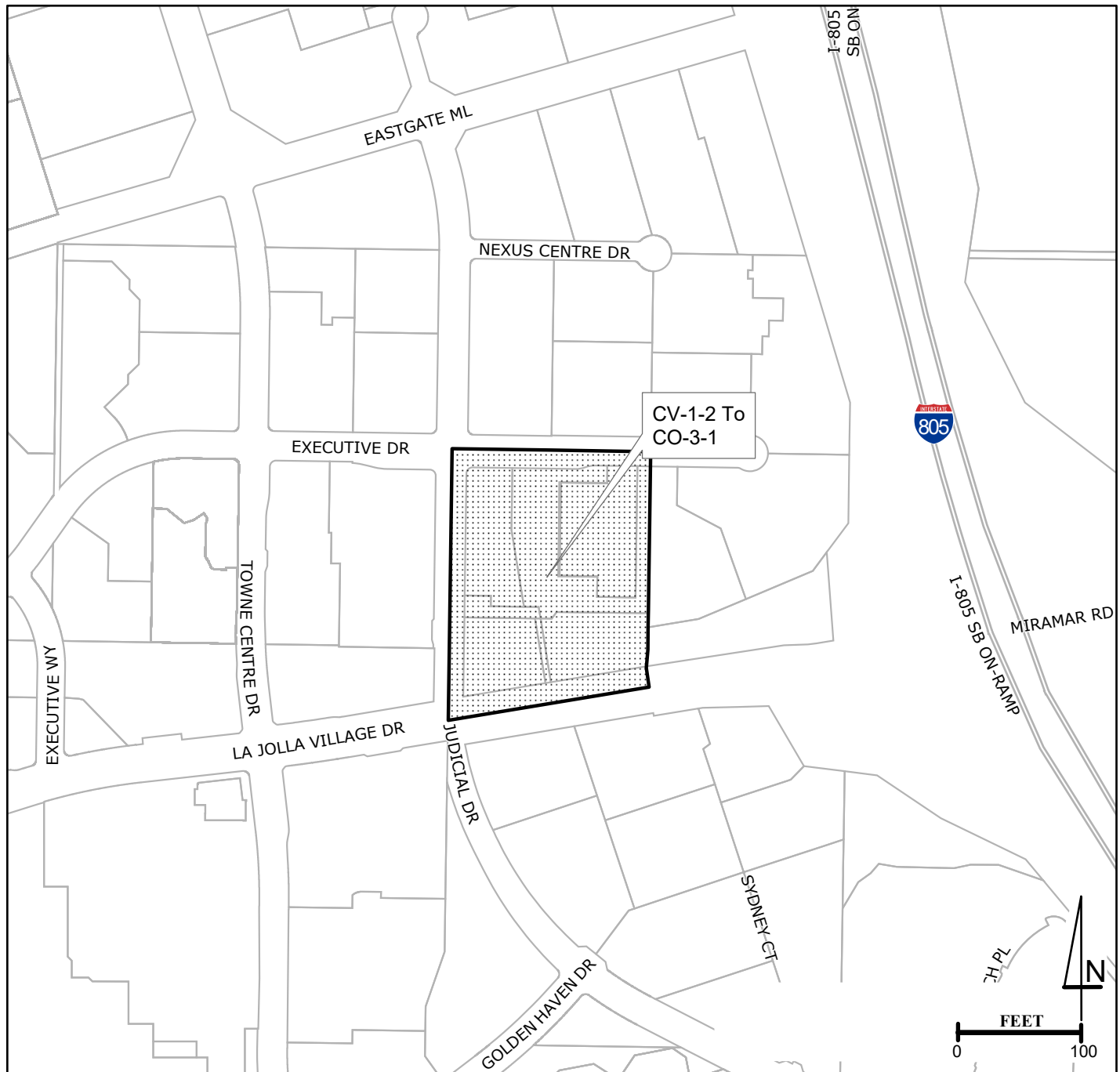
Deputy City Attorney

DRAFT



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING


LOCATION DESCRIPTION: 4704, 4727, 4747, 4750 and 4757 Executive Dr.

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME AND NO. _____

REQUEST **CV-1-2 to CO-3-1**
 PLANNING COMM.
 RECOMMENDATION

 CITY COUNCIL
 ACTION

CASE NO.

DEVELOPMENT SERVICES MANAGER

B-4361

 APN: 34525006, 12, 13, 14, 15, 16, 17, 18, 19
 (218-1707)

(R-2001-1009)

RESOLUTION NUMBER R-294150

ADOPTED ON NOVEMBER 14, 2000

WHEREAS, Polygon Shelter, Inc., Owner and La Jolla Commons/Polygon, Permittee, filed an application with the City of San Diego for a Planned Commercial Development [PCD]/ Resource Protection Ordinance [RPO] Permit to develop a 327 room, fifteen-story hotel, 115 unit, thirty-two-story condominium, 450,000 square foot, twenty-story office building, 30,000 square foot, two-story scientific research building and separate eight level parking structure development, the construction of a segment of Judicial Drive, Nexus Center Drive, and Executive Drive, construction of four west-bound lanes and a bike-lane within La Jolla Village Drive from Judicial Drive to the Interstate 805 interchange, and other improvements in the public right-of-way, located east of the planned extension of Judicial Drive, south of Nexus Center Drive, north of La Jolla Village Drive and west of Interstate 805, legally described as being a portion of Pueblo Lot 1307, Map 36, filed November 14, 1921, in the University Community Plan area, in the existing RS zone (previously referred to as the R1-5000 zone) (proposed CV-1-2 and IP-1-1 zones (previously referred to as the CV and SR zones, respectively); and

WHEREAS, on October 19, 2000, the Planning Commission of The City of San Diego considered Vesting Tentative Map No. 99-0762, and pursuant to Resolution No. 3036-PC voted to recommend City Council approval of the map; and

WHEREAS, the matter was set for public hearing on November 14, 2000, testimony having been heard, evidence having been submitted, and the City Council having fully considered

the matter and being fully advised concerning the same, pursuant to San Diego Municipal Code [SDMC] sections 101.0910 and 101.0462; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to PCD/RPO Permit No. 99-0762:

FINDINGS:

Planned Commercial Development

- 1. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted Community Plan.** The proposed project site is designated for commercial and scientific research uses by the University Community Plan. The proposed development is consistent with this designation of the Community Plan. The proposed use will provide a mixed use project and gateway into the University community. As the proposed project is consistent with the community plan, consistency with the City's Progress Guide and General Plan is also achieved and adverse affects to the Progress Guide and General Plan will not result from implementation of the proposed project. The proposed use has been planned to occur at this location consistent with the policy documents.
- 2. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other properties in the vicinity.** The permit controlling the development and continued use of the proposed development for this site contains conditions addressing the proposed project compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.
- 3. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site.** Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into the permit. Development of property shall meet the requirements of the regulations and development criteria of the proposed CV-1-2 and IP-1-1 zones, as allowed with the approval of a planned commercial development permit. Concept plans for the proposed project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the proposed project.

Resource Protection Ordinance

4. The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan. See finding number one.

5. The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances. The proposed project is consistent with the adopted University Community Plan, which identifies this property for Visitor Commercial [VC] and Scientific Research uses. The proposed project is proposing a hotel, office and residential uses over that portion of the site designated in the community plan for Visitor Commercial uses consistent with the proposed Commercial Visitor zone. The project proposes scientific research land use over the remaining balance of the site designated in the community plan for scientific research uses. The proposed project would be consistent with MCAS Miramar, Comprehensive Land Use Plan adopted October 1990 and amended in September 1992 and the designated Air Influence Area of the base. The proposed project would accommodate the future implementation of Metropolitan Transit Development Board's [MTDB] proposed Light Rail Transit [LRT] Station.

6. The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude, adverse impacts on environmentally sensitive lands. The proposed project has been designed to minimize impacts to environmentally sensitive lands to the maximum extent feasible. Impacts to the isolated coastal sage scrub and southern mixed chaparral are acceptable with the proposed project features to include off-site mitigation in accordance with the adopted Multiple Habitat Planning Area [MHPA] and Biology Guidelines. Impacts to 0.10 acre of southern willow scrub and unvegetated streambed are not avoidable with the implementation of the required circulation element roadway improvements designated in the community plan. In consideration of the existing topography of the site, impacts to 0.04 acre of southern willow scrub would not be avoidable in allowing a reasonable use of the site due to the configuration of the existing topography on the property. Avoidance of the remaining steep slopes after implementation of the required circulation element roadway improvements and considering the restrictions on the site imposed by the NAS Miramar Comprehensive Land Use Plan [CLUP] and a restrictive use easement [RUE] is not feasible due to the topographic configuration of the site.

7. The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public open space areas and will provide adequate buffer to protect such resources. The proposed development is sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located within the sensitive slopes and biologically sensitive resources to the greatest extent possible while allowing for the implementation of circulation element roads and a reasonable use of the site. No parks or recreation areas exist adjacent to this site, and provisions to protect such resources by means of buffer areas have not been necessary.

8. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards. Due to the required circulation element road's construction adjacent to the site there are no measures that would be implemented by any proposed project to further minimize the potential adverse effects on steep hillsides. Implementation of the community plan circulation improvements would impact the canyon within the proposed project site with or without construction of the proposed project. There are no feasible alternative alignments for these public improvements which would result in less impacts to the site. The existing topography of the property makes an alternative that avoids steep slope encroachments infeasible given the land form composition of the existing topography.

Preliminary geotechnical reports have been submitted to and reviewed by the City's geologist to confirm the applicant's geotechnical consultant has adequately addressed the soil and geologic conditions present on the site. The proposed project site does not contain any unique geological features. Accepted professional practices to address remedial grading and seismic safety building design would address any potential unforeseen geological hazards discovered during construction of the proposed project at the site. The City's geologist has determined the proposed design is appropriate at this site.

The proposed landscape concept plan includes provisions to address erosion control for all slopes created by the development of the property to prevent soil erosion and downstream silting of water courses and estuaries. By planting groundcovers, shrubs, and trees of varying rooting depth, the proposed erosion control will provide additional stability to manufactured slopes. Adverse impacts from flooding will not occur with the development of the site. Engineering and site design will direct, capture, and control all runoff from the site to preclude adverse impacts from potential runoff.

A brush management plan would be implemented to provide protection of persons and property from the risks of potential wildfires. The proposed project would implement erosion control measures to fully mitigate water quality impacts downstream. There are no unique flood or fire hazards associated with the proposed project at this site.

9. Feasible measures, as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value or the affected significant prehistoric or historic site or resources have been provided by the applicant. The environmental review of the proposed site indicates there are no special historical, architectural, archaeological or cultural resources located on the site. The proposed project is required to implement mitigation measures to address any potential impacts to paleontological resources on the site that may occur during grading operations.

Required Findings for Alternative Compliance

10. There are special circumstances or conditions applying to the land that are peculiar to such land and not of the applicant's making whereby the strict application of the provisions of this section would deprive the property owner of reasonable use of the land or the project provides extraordinary benefits to the general public based on findings of overriding social and economic considerations. The proposed project is located on one of the few remaining infill properties in the University Community Plan [Community Plan] area. Development has occurred around the perimeter of the property. Extensive grading of the area will be required on the southerly and westerly sides of the site in order to provide for the construction of Judicial Drive between Executive Drive and La Jolla Village Drive, the widening of westbound La Jolla Village Drive to provide for an additional travel lane, and the widening of Executive Drive to accommodate MTDB's future LRT Station located easterly of Judicial Drive. There are no other feasible alternative alignments for these public improvements which would result in less impacts to the site.

The existing canyon on the property was initially bifurcated by the original construction of La Jolla Village Drive. The canyon bottom has been the site of several public construction projects including; the Sorrento-Rose Canyon Interceptor Sewer, the Rose Canyon Trunk Sewer, and the North City Tunnel Connector project. The canyon was bisected again by the recently constructed easterly extension of Executive Drive, as a condition of project approval for the Nexus project. When Judicial Drive is constructed between Executive Drive and La Jolla Village Drive, the canyon bottom will lose all connectivity to any other canyon feature. Some of the steep slopes in the canyon already have been graded as a result of these previous projects. The remaining natural slopes are not highly visible from surrounding viewsheds.

With regard to development potential on other areas of the property, the northeasterly portion of the property is constrained by the NAS Miramar CLUP and a RUE that was obtained in a federal condemnation action. The CLUP and RUE prohibit residential, office, and hotel development and limit other types of development on the northeasterly portion of the property. Development limited to these restricted portions of the property would not achieve the type or intensity of development contemplated by the Community Plan. These restrictions limit the feasibility of an alternative that would avoid encroachment into steep slopes. As such, retention of the pre-existing canyon topography, by not allowing for alternative compliance to the strict application of the provisions of Resource Protection Ordinance, would not allow for the uses of the site as contemplated by the adopted University Community Plan.

The proposed project also will provide extraordinary benefits to the public if allowed to develop as proposed. The proposed project will provide for the location of a Light Rail Transit Station [LRT Station] to serve the central and eastern portions of the Community Plan area and encourage use of mass transit. The proposed project will provide the construction of Judicial Drive and the widening of La Jolla Village Drive along the property frontage. The proposed

project also will provide unique public open space through the construction of a park located at the corner of Judicial Drive and Executive Drive, a publicly accessible plaza in the center of the project with unique landscape and water features and payment of Facilities Benefit Assessment [FBA] fees in the estimated amount of \$5,800,000.

11. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. There are no other measures that could be implemented by the proposed project to further minimize altering the slopes of the steep hillsides. Extensive grading of the area will be required on the southerly and westerly sides of the site to provide for the construction of Judicial Drive between Executive Drive and La Jolla Village Drive, the widening of westbound La Jolla Village Drive to provide for an additional travel lane, and the widening of Executive Drive to accommodate MTDB's future LRT Station located easterly of Judicial Drive regardless of whether the proposed project is constructed. There are no alternative alignments for these public improvements which would avoid or reduce the potential impacts to sensitive lands. Any development of this site would require these public road improvements and impacts to the sensitive lands. The grading proposed by the project would fill an existing canyon that has been extensively disturbed by construction of several public projects. The topography of the property makes an alternative that avoids impacts to the steep slopes infeasible due to the topographic configuration. The proposed grading of the property has been designed to respect the landform conditions existing at the perimeter of the project site. As opposed to a flat pad, the site has been designed to step downward from north to south, with the lowest portion of the site actually situated in the center of the project where the plaza, with its unique landscaping and water features, will be located. Avoidance of the slopes surrounding the topographic low point would render a significant portion of the property undevelopable, which makes avoidance infeasible because of additional site restrictions imposed by the CLUP and RUE on the property. The proposed grading would remove an unlandscaped, fifty foot high, south-facing cut slope constructed as part of La Jolla Village Drive and Interstate 805, and would replace it with a landscaped gentle slope that is less than ten feet in height, resulting in a greatly enhanced streetscape along La Jolla Village Drive.

12. Alternative compliance for the development will not adversely affect the Progress Guide and General Plan for the City of San Diego. Granting alternative compliance for the proposed project would be consistent with the Progress Guide and General Plan as the property is designated for development by the community plan. This proposed project maintains and implements the desired development set forth in the community plan and the General Plan. The proposed project would implement a circulation element component of the community roadway system planned for the community.

13. The proposed development will conform to the adopted community plan for the area and any other applicable plans, policies and ordinances. The proposed project is consistent with the adopted University Community Plan, which identifies this property for Visitor Commercial and Scientific Research uses. The project proposes hotel, office and residential uses over that portion of the site designated in the Community Plan for VC, which is consistent with

the City's Commercial Visitor zone. The proposed project includes scientific research land use over the balance of the site designated in the Community Plan for SR uses. The proposed project also would be designed to accommodate the future implementation of MTDB's LRT Station. The proposed project would be consistent with NAS Miramar's CLUP and the RUE.

Findings for Impacts to Sensitive Biological Resources

14. The proposed development will not adversely affect the applicable land use plan. See finding number one.

15. The proposed development will not be detrimental to the public health, safety, or welfare. See finding number two.

16. The proposed development will comply with the applicable regulations of the Municipal Code. See finding number three.

17. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to sensitive biological resources. The proposed project site is designated in the Community Plan for development and with the proposed grading will be physically suited for the amount and type of proposed development. There are no physical conditions on the proposed project site that would present any unique grading or seismic safety issues. The proposed project has been designed to minimize impacts to sensitive biological resources to the maximum extent practicable. Impacts to the isolated coastal sage scrub and southern mixed chaparral are acceptable with the proposed off-site mitigation in accordance with the MHPA and the City's Biology Guidelines. Impacts to 0.10 acre of southern willow scrub and unvegetated streambed cannot be avoided if the proposed project is to implement the required Community Plan roadway improvements. Impacts to 0.04 acre of southern willow scrub cannot be avoided if a reasonable use of the proposed project site is to be permitted in consideration of the existing site topography.

18. The proposed development will be sited and designed to prevent adverse impacts on any adjacent sensitive biological resources. The proposed project is not located adjacent to any sensitive biological resources identified for conservation by the Community Plan or the MHPA.

19. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The proposed project is not located within the MHPA, there are no narrow endemic species on the site, and no federal or state listed species would be impacted by the proposed project. The proposed project would comply with the off-site mitigation requirements of the MHPA and the City's Biology Guidelines.

20. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed

development. The proposed project is being required to fully mitigate all impacts to sensitive biological resources consistent with the City's Biology Guidelines and the MHPA. Impacts to wetlands are being mitigated at a ration of 3:1. This ratio of mitigation to impact is reasonable given the type and quality of the resources being impacted by development of the site with the proposed project.

Deviation Findings for Impacts to Sensitive Biological Resources

21. There are no feasible measures that can further minimize the potential adverse effects on sensitive biological resources. Wetland resources on the two legal parcels and adjacent affected lands are limited to 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed for a total of 0.14 acre of City-regulated wetlands. The implementation of future Community Plan designated roadway improvements, with or without the proposed project, would impact all but 0.04 acre of these wetlands. There are no alternative alignments available for these improvements which would result in less of an impact. The use of retaining walls to reduce the grading footprint impacts to wetlands for these roads was considered. The use of retaining walls for the fill slopes on either side of Judicial Drive would not reduce the impact to wetlands, because the 0.10 acre of southern willow scrub impacted by Judicial Drive is located beneath the central portion of the alignment. The small pocket of wetlands, 0.005 acre, just south of the existing fill slope from Executive Drive could not be avoided by building a retaining wall, nor could a similar encroachment from the fill slope from La Jolla Village Drive widening be reduced by building a retaining wall. In order to construct a retaining wall at the toe of these two existing slopes, regardless of the desired height of the wall, the area within the wetlands pockets would also have to be excavated in order to provide a structural fill beneath the footing of the retaining wall. As such, the benefits from the use of retaining walls to reduce wetland impacts would be not be realized.

Avoidance of impacts to the remaining 0.04 acre of wetlands would require adoption of a project alternative that would result in not developing the 5-acre and 1.89-acre legal parcels. Due to the topography of these two parcels, no development could occur without the filling of the canyon, including the 0.04 acre of wetlands that run through the center of the two parcels. The topography of these two parcels slopes on all sides down at such a steep angle towards the main drainage containing the wetlands, that avoidance of the wetlands is impossible. There is no area of the site which is reasonably level on which to build without grading the site for building pads. No reasonable use could be made of these two legal parcels under existing zoning and also avoid impacts to these wetlands.

In addition to complete avoidance of wetlands, alternatives were considered involving partial avoidance of wetlands. For the 1.89-acre parcel, such an alternative would involve creating a residential pad adjacent to La Jolla Village Drive. This alternative would result in filling of the drainage to create a buildable residential pad. The configuration of the lot, narrow east-west trending lot, along La Jolla Village Drive makes use of this lot for residential purposes difficult.

In addition, there is no way to provide direct access to this lot from public roadways due to the adjacent proposed tunnel section for the construction of Judicial Drive and the difference in elevation between the pad and roadway. Driveway access to a residential development from La Jolla Village Drive is not allowed under City regulations.

Another partial avoidance alternative, construction of a pad in the northern portion of the five acre parcel would impact the small area of wetlands near the Executive Drive slope and the unvegetated streambed, yet would retain the wetlands in the south end of the drainage, was examined. The topography of this parcel makes construction of a pad difficult due to the grade differential between the street and the bottom of the drainage. There is approximately sixty-five to seventy feet of vertical difference between Executive Drive and the bottom of the drainage course. Because there is no level ground in this area to site the construction of a development pad, the fill required to create a pad would extend down to the bottom of the drainage course due to the steepness of the slopes.

This alternative would require encroachment into some of the steep slopes, and encroachment into the parcel to the east, unless the development was sited immediately adjacent to the southeast corner of Judicial Drive and Executive Drive, or unless a retaining wall was used in the drainage to confine slopes to the western portion of the site. It is possible to construct a pad for a single-family residence consisting of approximately 0.2 acres, which would impact only 0.01 acre of City wetland and preserve 0.03 acre of wetland. The size of the pad would allow one single-family residence under existing zoning; however, the construction of one single-family residence under the partial encroachment alternative is not feasible due to the City requirement that the development of the five acre parcel construct a portion of Judicial Drive and Executive Drive. The cost of the road improvements, combined with the cost to grade both the roadways and the residential building pad, would total an estimated \$825,000, making development of one single family residence infeasible.

It is concluded that there are no feasible alternatives that avoid or partially avoid wetland impacts on site. The proposed impacts to these wetlands would be mitigated off-site at a ratio of 3:1 as required by the United States Army Corps of Engineers and the California Department of Fish and Game.

22. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land not of the applicant's making. The proposed encroachment into 0.14 acre of City-defined wetlands is the only deviation from biology regulations that would result from the proposed project. The proposed project is not located within the MHPA, there are no narrow endemic species on the site, and no federal or state listed species would be impacted by the project. Impacts to native upland vegetation are allowed under the Resource Protection Ordinance, provided mitigation is provided in accordance with ordinance requirements. Efforts to avoid and minimize impacts to wetlands were analyzed extensively. Due to the location of the 0.14 acre of wetlands which occurs within the alignment of community plan

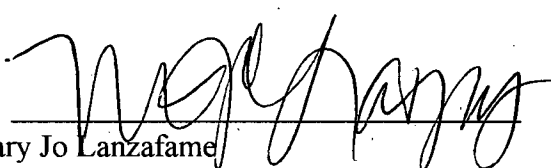
designated public roadways and in the approximate center of the two legal parcels in a canyon, it is impossible to avoid wetland impacts while meeting the circulation needs of the community and achieving a reasonable use of the two legal parcels based upon the existing underlying zoning of these parcels.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that Planned Commercial Development/Resource Protection Ordinance Permit No. 99-0762 is hereby granted to Polygon Shelter, Inc., Owner and La Jolla Commons/Polygon, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
1/31/01
Or.Dept:Clerk
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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED COMMERCIAL DEVELOPMENT/RESOURCE PROTECTION ORDINANCE
PERMIT NO. 99-0762 [MMRP]
LA JOLLA COMMONS

City Council

This permit is granted by the Council of the City of San Diego to Polygon Shelter, Inc., Owner, a Washington corporation and La Jolla Commons/Polygon, Permittee pursuant to San Diego Municipal Code sections 101.0910 and 101.0462. The approximately seventeen-acre site is located east of the planned extension of Judicial Drive, south of Nexus Center Drive, north of La Jolla Village Drive and west of Interstate 805 in the existing RS zone (previously referred to as the R1-5000 zone) (proposed CV-1-2 and IP-1-1 zones (previously referred to as the CV and SR zones) of the University Community Plan. The project site a portion of Pueblo Lot 1307, Map 36, filed November 14, 1921 as more fully described in the legal description which is attached as Exhibit "A," and incorporated by reference herein.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/ Permittee to develop a 327 room, fifteen-story hotel, 115 unit, thirty-two-story condominium, 450,000 square foot, twenty-story office building, 30,000 square foot, two-story scientific research building and separate eight level parking structure development, the construction of a portion of Judicial Drive, Nexus Center Drive, and Executive Drive, construction of a fourth west-bound lane and a bike-lane within La Jolla Village Drive from Judicial Drive to the Interstate 805 interchange, and other improvements in the public right-of-way described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 14, 2000 on file in the Development Services Department. The facility shall include:

- a. Three hundred twenty-seven room, fifteen-story hotel, 115 unit, thirty-two-story condominium, 450,000 square foot, twenty-story office building, 30,000 square foot, two-story scientific research building and separate eight level parking structure; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. 2,320 off-street parking spaces; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act [CEQA] guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of

this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the permit to the Development Services Department; and
 - b. The permit is recorded in the office of the San Diego County Recorder.
3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
5. This permit shall conform to the provisions of Tentative Map No. 99-0762.
6. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
7. The issuance of this permit by The City of San Diego does not authorize the applicant to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], The City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of The City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued

recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

10. Prior to recording the final map, the Owner/Permittee shall enter into an agreement with the City of San Diego and the San Diego Housing Commission to provide six low income rental housing units at rates affordable at no more than 65 percent of the median area income, as adjusted for utilities and assumed household size, for a duration of fifty-five years. The units shall be located at a site within the University community determined to be acceptable to the City Manager and the Chief Executive Officer of the Housing Commission.

11. Prior to the sale of any condominium units and office suites, potential owners and/or lessees shall be provided a disclosure advising of the properties proximity to Miramar Flight path.

12. Prior to issuance of any occupancy permit, the Owner/Permittee shall submit, for review and approval, a Transportation Demand Management Program, with more than bike racks, sidewalks and a shuttle service to the Sorrento Valley Coaster Station, to the satisfaction of the City Manager

13. The Owner/Permittee shall encourage the utilization of "green building technology" in the project design and construction where feasible

14. Prior to the issuance of any permits, the Owner/Permittee shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties including existing drainage facilities as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.

15. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 14, 2000, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

16. All of the conditions contained in this permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the permit is obtaining as a result of this permit. It is the intent of the City that the Owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the Owner complies with all the conditions of the permit.

In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the new permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed new permit and the condition(s) contained therein.

17. Prior to the issuance of any building permit, all turf or grass products used in conjunction with Fire Department vehicle access shall comply with the Bureau of Fire Life and Safety Policy A-96-9 for Access Roadways: Modified Roadway Surface in conformance with Uniform Fire Code section 902.

18. Rezoning of the subject property shall become effective with recordation of the corresponding final subdivision map for the project site.

19. This permit may be developed in phases. Each phase shall be constructed in a manner that each individual building shall be built with adequate parking, landscape and amenities. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibits "A," dated November 14, 2000 on file in the Development Services Department).

TRANSPORTATION DEVELOPMENT:

20. Prior to issuance of any building permit, the project shall conform to the North University Public Facilities Phasing Plan.

21. Prior to issuance of any building permit, the project shall conform to the La Jolla Commons City staff recommended Transportation Phasing Plan Alternative/Option 1, satisfactory to the City Engineer.

22. Prior to issuance of any building permits, the applicant shall provide a shared parking agreement, satisfactory to the City Engineer.

23. Prior to issuance of any building permits, the applicant shall provide a shared access agreement, satisfactory to the City Engineer.

24. The project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 769830, filed January 30, 1997) and the amendment to Council Policy 200-18 approved by City Council on January 10, 2000.

WASTEWATER REQUIREMENTS:

25. No improvements or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement.

26. For public on-site sewer facilities located within a gated community, the Owner/Permittee shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Metropolitan Wastewater Department Director. The City will not be held responsible for any issues that may arise relative to possession of the keys.
27. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
28. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
29. The subdivider agrees to assume full responsibility for any damage caused to or by the existing trunk sewers as a result of the construction activities associated with this development.
30. The Owner/Permittee shall design all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.
31. The Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot.
32. All proposed private sewer facilities, including sewer laterals to the property line, that serve more than one lot shall have pipe sizes and slopes designed per the California Uniform Plumbing Code but shall be constructed per the most current City of San Diego sewer design guide.
33. Prior to the submittal of any public improvement drawings including grading plans, the Owner/Permittee shall submit a sewer study satisfactory to the Metropolitan Wastewater Department Director, for the sizing, grade and alignment of private sewer facilities, including sewer laterals to the property line, that serve more than one lot.
34. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and the Owner/Permittee shall obtain a plumbing permit for this work. In addition, the Owner/Permittee shall submit calculations, satisfactory to the Metropolitan Wastewater Department Director, for sizing of the proposed sewer lateral from the property line to its connection with the public sewer main.

WATER REQUIREMENTS:

35. Prior to the issuance of any building or engineering permits, the Owner/Permittee shall process an easement abandonment for the existing water easement over the existing 36-inch high pressure reclaimed water pipeline and grant a new easement over the relocated pipeline in a manner satisfactory to the Water Department Director. Easement width shall be 50-feet-wide or as determined appropriate at final engineering.
36. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of the relocated 36-inch reclaimed water pipeline as required in the accepted pipeline relocation study in a manner satisfactory to the Water Department Director, the City Geologist and the City Engineer. The design of the reclaimed

water pipeline shall meet an engineering standard approved by the Water Department Director, the City Geologist, and the City Engineer, that allows for the location of structures over the easement. The Owner/Permittee shall enter into an encroachment agreement acceptable to the Water Department Director and the City Engineer.

37. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a minimum 24-foot-wide paved vehicular access to all public water facility appurtenances located on-site, including, but not limited to, the westerly tunnel portal, in a manner satisfactory to the Water Department Director and the City Engineer.

38. Prior to the issuance of any building or grading permits, the Owner/Permittee shall grant a minimum 24-foot-wide, fully paved, easement to provide vehicular access to the existing westerly tunnel portal and any other public water facility appurtenances, in a manner satisfactory to the Water Department Director and the City Engineer.

39. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all necessary mitigation measures to protect the public health and safety, to provide reasonable, legal, and practical access to all public water facilities on-site, and to contain any pipeline failure. Measures may include, but not be limited to, pipeline relocation, tunnel extension, and tunnel portal extension, as required in the accepted pipeline failure analysis and relocation study, in a manner satisfactory to the Water Department Director, the City Geologist and the City Engineer.

40. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of 12-inch water facilities within the Executive Drive right-of-way from Judicial Drive to the easterly cul-de-sac in a manner satisfactory to the Water Department Director and the City Engineer.

41. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of 12-inch water facilities within the Judicial Drive right-of-way from Executive Drive, extending south to La Jolla Village Drive, in a manner satisfactory to the Water Department Director and the City Engineer.

42. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a looping system of 12-inch water facilities on-site, with a minimum of two points of connection in a manner satisfactory to the Water Department Director and the City Engineer.

43. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the installation of fire hydrants at locations satisfactory to the Fire Department, the Water Department Director, and the City Engineer.

44. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. All existing and proposed water facilities that do not meet current standards shall be private.

45. If any portion of the development is gated, then prior to the issuance of any building permits, the Owner/Permittee shall provide keyed access to the Water Operations Division in a

manner satisfactory to the Water Department Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

46. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Environmental Impact Report, LDR No. 99-0762, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permit or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Biological Resources
Transportation/Traffic Circulation
Noise
Hydrology/Water Quality
Paleontological Resources.

47. Prior to the issuance of building permits for the condominium and office buildings, the Owner/Permittee shall provide the Federal Aviation Administration's [FAA] response to the Notice of Proposed Construction for the applicable buildings to the Development Services Department. The City Manager shall ensure that the proposed construction plans for these buildings comply with the recommendations and/or requirements of the FAA.

ENGINEERING REQUIREMENTS:

48. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer, referred to as an engineering permit, for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

49. The drainage system proposed for this development is subject to approval by the City Engineer.

50. Prior to building occupancy, the applicant shall conform to the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

51. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 92-08-DWQ [NPDES General Permit No. CAS000002], Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent [NOI] shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

PLANNING/DESIGN REQUIREMENTS:

52. No fewer than 2,320 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated November 14, 2000, on file in the Development Services Department. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

53. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

54. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower.

55. All signage associated with this development shall be consistent with sign criteria established by the City-Wide Sign Regulations.

56. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may be required additional fees as determined by the Development Services Department Manager.

57. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

58. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

59. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed architecturally integrated structure whose top and sides may include grillwork, louvers and latticework.

60. No merchandise, material or equipment shall be stored on the roof of any building.

61. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked "Exhibit A."

LANDSCAPE REQUIREMENTS:

62. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 14, 2000, on file in the Development Services Department.

63. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydro seeding of all disturbed land, shall be submitted to the satisfaction of the City Manager and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated November 14, 2000, on file in the Development Services Department.

64. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within forty-five days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

65. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

66. All required landscape shall be maintained in a disease-, weed- and litter-free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

67. If any required landscape, including existing or new plantings, hardscape, landscape features, etcetera, indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

68. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated November 14, 2000, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as landscaping area.

69. Prior to issuance of any building permit for the parking structure, plans and details for trellis structures and/or planting on the top deck of the parking structure shall provide a performance standard to achieve a minimum of 30 percent effective shade cover over the top deck of the parking structure.

70. Prior to issuance of any construction permit for parking structures, the Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

71. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way and median (if applicable) improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location provide a forty square foot area for each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy, for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 14, 2000, on file in the Development Services Department.

72. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.

73. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six and Appendix C.

74. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of High. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated November 14, 2000, on file in the Development Services Department.

- a. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management Zone 1 on the property in substantial conformance with Exhibit "A."

Indicate Zone 1 and calculations for the area east of the Scientific Research building. Brush Management is not required adjacent to the parking deck.

- b. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval by the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. 55.0889.0201, and Section Six of the Landscape Technical Manual (document number RR-274506) on file at the Office of the City Clerk.
- c. Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted (including, but not limited to decks, trellises, gazebos, etc) while non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval. Zone reduction per Section 6.6-5 of Landscape Technical Manual is acceptable in eastern portion of the property adjacent to the Scientific Research building. Indicate reduction calculations on Exhibit "A."
- d. In all brush management zones, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as determined by the City Manager.
- f. Provide the following note on the Brush Management Construction Documents: "It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

75. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within ninety days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego by Resolution No. R-294150 on November 14, 2000.

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

POLYGON SHELTER, INC.,
a Washington corporation
Owner/Permittee

By _____

La Jolla Commons/Polygon

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

4/6/01

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 294150

EXHIBIT "A"

PARCEL 1: (345-010-13)

The West Half of the Southwest Quarter of the Northeast Quarter of Pueblo Lot 1307 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map thereof No. 36, filed in the Office of the County Recorder of San Diego County, November 14, 1921.

PARCEL 1A: (345-010-56)

The Southeast Quarter of the Southwest Quarter of Northeast Quarter of Pueblo Lot 1307, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map thereof No. 36, filed in the Office of the County Recorder of San Diego County, November 14, 1921.

PARCEL 2: (345-010-54)

The Northwest Quarter of the Southeast Quarter of Pueblo Lot 1307, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map thereof No. 36, filed in the Office of the County Recorder of San Diego County, November 14, 1921.

EXCEPTING THEREFROM that portion lying Southerly of the Northerly line of that part of La Jolla Village Drive (126.00 feet wide) as described in Parcel 1 in deed to the City of San Diego, recorded December 2, 1970 as File No. 220037, of Official Records, and in Parcel 3 in deed to the City of San Diego, recorded June 25 1975 as File No. 75-161524, of Official Records.

PARCEL 3: (345-010-69)

The East Half of the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of Pueblo Lot 1307 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map thereof No. 36, filed in the Office of the County Recorder of San Diego County, November 14, 1921.

R-294150



Land Development
Review Division
(619) 446-5460

Environmental Impact Report

LDR No. 99-0762
SCH No. 2000031097

SUBJECT: La Jolla Commons Project: PROGRESS GUIDE & GENERAL PLAN AMENDMENT, COMMUNITY PLAN AMENDMENT, REZONE, VESTING TENTATIVE MAP/PLANNED COMMERCIAL DEVELOPMENT PERMIT/RESOURCE PROTECTION PERMIT NO. 99-0762 for the construction of a ~~325~~327-room, 15-story hotel, a ~~120~~115-unit, ~~30~~32-story condominium, a 450,000 square-foot, ~~30~~20-story office building, a 30,000 square-foot, 2-story scientific research building, and an eight-level stand-alone parking structure on an approximately 17-acre site. The project site is generally bound by the planned extension of Judicial Drive to the west, Nexus Centre Drive to the north, approximately nine acres of vacant land to the east, and La Jolla Village Drive to the south. The site is bisected by the partially-improved east-west extension of Executive Drive which terminates approximately mid-way through the site. The La Jolla Commons Project is within the University Community Planning Area (A portion of Pueblo Lot No. 1307, Map No. 36). Applicant: Polygon Development, Inc.

UPDATE:

Minor revisions/corrections have been made to the Environmental Impact Report (EIR) subsequent to the distribution of the draft EIR and the completion of the public review period. Some of these revisions/corrections were made in response to comments received on the draft EIR, as specified in the applicable responses to comments. Revisions are denoted by ~~strikeout~~ and underline.

CONCLUSIONS:

This Environmental Impact Report (EIR) analyzes the environmental impacts of the proposed La Jolla Commons Project. The proposed discretionary actions consist of a Progress Guide and General Plan Amendment, Community Plan Amendment, Rezone, and Vesting Tentative Map/Planned Commercial Development Permit/Resource Protection Permit No. 99-0762.

Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP), which is attached to this EIR, would reduce the environmental effects of the project to below a level of significance with the exception of significant, unmitigated ~~land use and~~ transportation/circulation impacts. Implementation of the proposed MMRP would reduce the following impacts to below a level of significance: biological resources, transportation/circulation (partially mitigated), noise, hydrology/water quality, and paleontological resources.

SIGNIFICANT UNMITIGATED IMPACTS:

Land Use

~~The proposed filling of on-site wetlands conflicts with the regulations of the City's Resource Protection Ordinance (RPO). Because staff has determined that deviation findings required under RPO to allow impacts to wetlands are not supported by the evidence in the record at the time of publication of the draft EIR, the proposed project would result in a significant and unmitigated land use impact.~~

Transportation/Circulation

The addition of traffic generated by the proposed project is projected to contribute to long delays and lengthy queues at three Interstate 805 (I-805) access ramps. Although two segments of I-805 would operate at LOS F with or without the proposed project, impacts to segments of I-805 and the interchange of I-805 and La Jolla Village Drive projected to result from the addition of project-generated traffic would constitute significant, unmitigated transportation impacts.

RECOMMENDED ALTERNATIVES FOR SIGNIFICANT UNMITIGATED IMPACTS:

No Project Alternative

Under the No Project Alternative, the project site would remain in its current condition as an undeveloped and partially disturbed vacant site, and in the near-term the only man-made improvements on-site would consist of the City utility infrastructure currently located within the main canyon. The proposed mix of land uses would not be constructed and the Circulation Element improvements along two of the site boundaries (i.e., construction of the full width of the Judicial Drive extension and the westbound lane on La Jolla Village Drive) would not be provided in the near-term by the project applicant.

Development Under the Existing Community Plan

Under the existing University Community Plan, the land use designations of the site consist of primarily Visitor Commercial (VC) south of Executive Drive and Scientific Research (SR)

north of Executive Drive and a Development Intensity Element allowance of 3,811 average daily trips (ADTs). Based upon the existing Community Plan land use designations and the ADT allocation for the site, various land uses compatible with the VC and SR designations could be developed, such as a 100-room extended stay hotel and 100,000 square-foot scientific research facility, or a 295,000 square-foot office building.

RPO Consistent Alternative

Implementation of the Resource Protection Ordinance (RPO) Consistent Alternative would restrict development to the southeast corner of the site. Approximately 2.5 acres of developable land would be available for pad grading and a building footprint outside the top of slope that protects the wetlands and wetland buffers. The RPO Consistent Alternative would include a 295,000 square-foot office building located in the southeast corner of the project site, with a multi-level parking structure located north of the office building and east of the setback from the canyon slopes.

Environmentally Superior Alternative

Implementation of the "RPO Consistent Alternative" would avoid ~~both~~ of the significant, unmitigated impacts of the proposed project (~~Land Use and Transportation/Circulation~~) and would not result in the creation of any new significant impacts. Therefore, this alternative is considered to be the Environmentally Superior Alternative to the proposed project.

Unless a project alternative is adopted which would avoid the significant, unmitigated impacts of the proposal, project approval will require the decision maker to make findings, substantiated in the record, which state that: a) individual project alternatives are infeasible, and b) the overall project is acceptable despite significant impacts because of specific overriding considerations.

MITIGATION, MONITORING AND REPORTING PROGRAM INCORPORATED INTO THE PROJECT:

Biological Resources

Grading associated with proposed site development would result in the loss of sensitive upland habitat, consisting of 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral, and wetlands, consisting of 0.13 acre of southern willow scrub and 0.01 acre of unvegetated streambed. The applicant shall mitigate for impacts to 3.24 acres of coastal sage scrub and 10.57 acres of southern mixed chaparral through the preservation of 8.53 acres off-site of Tier I-III habitat within the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program Subarea Plan or as appropriate outside the MHPA in accordance with the City of San Diego *Land Development Code Biology Guidelines* (adopted 9/28/99). The applicant shall assure wetland mitigation at a ratio of

3:1. The applicant proposes to mitigate for wetland impacts through the restoration of 0.42 acre of wetland habitat within Los Peñasquitos Lagoon watershed on land owned and managed by the California State Department of Parks and Recreation. The proposed wetland restoration site is currently occupied by giant reed (*Arundo donax*) which is proposed to be removed followed by replanting of the cleared area with southern willow scrub species.

Transportation/Circulation

The project would result in significant traffic impacts to certain roadway segments and intersections including La Jolla Village Drive, Towne Centre Drive, Nobel Drive, Interstate 805 (I-805), and the intersection of Miramar Road/Eastgate Mall. Either of two mitigation options would be satisfied by the applicant to reduce the significant traffic impacts of the project, other than the project impacts to segments of I-805 and the I-805/ La Jolla Village Drive interchange, to below a level of significance. Option 1 consists of development in three phases (transportation phasing plan), while Option 2 consists of a non-phased development. Traffic circulation improvements to be completed by the applicant under both options include a) the construction of a traffic signal at the intersection of Executive Drive and Judicial Drive; b) the construction of the full width of Judicial Drive as a four-lane major street along the project frontage; c) the construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange; and d) the construction of Executive Drive as a four-lane major street between Towne Centre Drive and Judicial Drive.

Noise

Exterior ambient noise levels at the project site would exceed an exterior Community Noise Equivalent Level (CNEL) of 65 decibels (dB) at the proposed hotel outdoor swimming pool area. Exterior noise levels greater than 60 dB CNEL associated with automobile traffic and MCAS Miramar aircraft operations could result in interior noise levels in excess of 45 dB CNEL for hotel and condominium uses, and exterior noise levels greater than 65 dB could result in interior noise levels in excess of 50 dB for office uses. The applicant shall construct a minimum six- to seven-foot high permanent noise barrier along the western and southern edges of the hotel swimming pool area. The applicant shall also submit a final acoustical report identifying all mitigation measures which are necessary in the design of the proposed structures to achieve an interior noise level of 45 dB CNEL for the condominium and hotel and 50 dB CNEL for the office building.

Hydrology/Water Quality

Potential erosion during construction could significantly impact the ability of downstream areas to accommodate silt-laden runoff or the accumulation of silt. During post-construction conditions, contaminants transported off-site by stormwater runoff (e.g.,

grease, oils, and synthetic organic chemicals) would impact the water quality of downstream waters. Comprehensive short-term Best Management Practices (BMPs) shall be incorporated into the project plans to control construction-related erosion and sedimentation. Permanent post-construction BMPs, consisting of catch basin filtration devices within all on-site storm drain inlets collecting runoff from the proposed structures, walkways, the private street, parking and landscape areas, as well as a street sweeping program for the private street and parking areas, shall be provided by the applicant. The applicant will be the responsible party for the permanent maintenance of all BMPs.

Paleontological Resources

The project would involve substantial grading within potentially fossil-bearing geologic formations to prepare the site for development which may result in significant impacts to paleontological (fossil) resources. The applicant will retain a qualified paleontologist and/or paleontological monitor to implement a paleontological monitoring program. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed formational materials. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.

The Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$5,000 to be collected prior to the issuance of any grading permit and/or recordation of the final map to cover the City's costs associated with implementation of the MMRP.

Lawrence C. Monserrate
Lawrence C. Monserrate
Environmental Review Manager
Planning and Development Review

July 27, 2000
Date of Draft Report

October 5, 2000
Date of Final Report

Analyst: Thomas

PUBLIC REVIEW:

The following individuals, organizations, and agencies received a copy or notice of the draft EIR and were invited to comment on its accuracy and sufficiency:

Federal Government

Department of the Interior, Fish and Wildlife Service (23)
Environmental Protection Agency (19)
U.S. Army Corps of Engineers (26)
Marine Corps Air Station Miramar, Commanding General (13)

State of California

State Clearinghouse (46)
Department of Transportation (Caltrans), District 11 (31)
Caltrans, Division of Aeronautics (51)
Department of Fish and Game (32A)
Regional Water Quality Control Board, Region 9 (44)
Air Resources Board (49)

City of San Diego

Councilmember Mathis, District 1 (MS 10A)
Planning & Development Review
Secretary to the Historical Resources Board (87)
Wetlands Advisory Board (91A)
University City Library (488)

Other Agencies, Organizations and Individuals

University Community Planning Group (480)
Metropolitan Transit Development Board (115)
San Diego Association of Governments (108)
San Diego Highway Development Association (117)
San Diego Unified School District (125)
County of San Diego Air Pollution Control District (65)
San Diego Gas and Electric Company (114)
San Diego Natural History Museum (166)
EC Allison Research Center, San Diego State University (181)
Citizens Coordinate for Century III (179)
Opal Trublood (485)
Greater San Diego Chamber of Commerce (492)
Sierra Club, San Diego Chapter (165)
Carolyn Chase, San Diego Earth Times (165A)
San Diego Audubon Society (167)
California Native Plant Society (170)
Southwest Center for Biological Diversity (176)
Endangered Habitats League (182)
San Diego County Archaeological Society, Inc. (218)
Dr. Florence Shipek (208)
Dr. Lynne Christenson (208A)
South Coastal Information Center, San Diego State University (210)
Save Our Heritage Organisation (214)
Ron Christman (215)
Louie Guassac (215A)
Kumeyaay Cultural Repatriation Committee (225)
Barona Group of Capitan Grande Band of Mission Indians (225A)

Campo Band of Mission Indians (225B)
Cuyapaibe Band of Mission Indians (225C)
Inaja and Cosmit Band of Mission Indians (225D)
Jamul Band of Mission Indians (225E)
La Posta Band of Mission Indians (225F)
Manzanita Band of Mission Indians (225G)
Sycuan Band of Mission Indians (225H)
Viejas Group of Capitan Grande Band of Mission Indians (225I)
Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Santa Ysabel Band of Diegueno Indians (225L)
La Jolla Band of Mission Indians (225M)
Pala Band of Mission Indians (225N)
Pauma Band of Mission Indians (225O)
Pechanga Band of Mission Indians (225P)
Rincon Band of Luiseno Mission Indians (225Q)
Los Coyotes Band of Mission Indians (225R)
Polygon Development, Inc.
Janay Kruger

Copies of the draft EIR, the Mitigation Monitoring and Reporting Program and any technical appendices may be reviewed in the office of the Land Development Review Division, or purchased for the cost of reproduction.

RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the environmental report. No response is necessary and the letters are attached at the end of the EIR.
- (X) Comments addressing the accuracy or completeness of the EIR were received during the public input period. The letters and responses follow.

8354

DOC # 2006-0507950



JUL 19, 2006 11:39 AM

OFFICIAL RECORDS
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2006-0507950

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 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
 PROJECT MANAGEMENT
 PERMIT CLERK
 MAIL STATION 501

JOB ORDER NUMBER: 42-4990

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 252591
LA JOLLA COMMONS [MMRP]
 AMENDMENT TO PLANNED COMMERCIAL DEVELOPMENT AND
 RESOURCE PROTECTION ORDINANCE PERMIT NO. 99-0762
 PLANNING COMMISSION

This Planned Development Permit No. 252591, an amendment to Planned Commercial Development and Resource Protection Ordinance Permit No. 99-0762, County Recorder's Office Document Number 2001-0335035, dated May 24, 2001, is granted by the Planning Commission of the City of San Diego to MAKAR PROPERTIES, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0601. The 16.85 site is located at 4720 La Jolla Village Drive in the CV-1-2 and IP-1-1, Airport Environs Overlay Zone, Community Plan Implementation Overlay Zone-A (CPIOZ-A) and Parking Impact Overlay Zones within the University Community Plan Area. The project site is legally described as Lots 1 through 5, La Jolla Commons, according to Map No. 14466.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a 581,557 square foot, 350 foot high, 32-story Hotel/Condominium Tower; a 287,771 square foot, 348 foot high, 32-story, Condominium Tower; a 340,405 square foot, 220'-6" high, 15-story office building, 30,000 square foot, two-story scientific research building and a 501,994 square foot, eight level parking structure, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated June 15, 2006, on file in the Development Services Department.

The project shall include the following buildings as shown in the below table:

a.

Lot	Building Name	Stories	Square Footage	Height	Rooms/Units
Lot 2	Hotel/Condo Tower	32-story	581,557 sq. ft.	350'-0"	213 hotel rooms and 112 condo units
Lot 3	Condo Tower	32-story	287,771 sq. ft.	348'-0"	156 units
Lot 1	Office Building	15-story	340,405 sq. ft.	220'-6"	
Lot 4	Parking Structure	8 levels	501,994 sq. ft.		
	Scientific Research	2-story	30,000 sq. ft.		

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Provide 2,390 off-street parking spaces (required 2,167 shared off-street parking spaces); and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder

3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.

4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.
10. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act (ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.
12. As conditions of prior approved Planned Commercial Development and Resources Protection Ordinance Permit No. 99-0762, the following mitigation measures specified in the MMRP, and outlined in Environmental Impact Report (EIR) No. 99-0762, SCH No. 2000031097, have been met as part of the grading permit issued for the site. The mitigation measures for the following areas have been satisfied:
- Land Use
 - Biological Resources
 - Hydrology/Water Quality
 - Paleontological Resources
13. As conditions of Planned Development Permit No. 252591, the mitigation measures specified in the MMRP, and outlined in the Addendum to Environmental Impact Report No. 99-0762 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Addendum to Environmental Impact Report No. 99-0762 shall be satisfactory to the City Manager and City Engineer. Prior to issuance of the first building permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:
- Transportation/Traffic Circulation
 - Noise
15. Prior to issuance of any building permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

AFFORDABLE HOUSING REQUIREMENTS:

16. Prior to receiving the first building permit, the Owner/Permittee shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code. The Owner/Permittee has elected to meet these requirements by selling at least nine units to, and at prices affordable to, households earning no more than 100% AMI.

17. Prior to receiving the first residential building permit, the Owner/Permittee must enter into an agreement with the San Diego Housing Commission to assure that the affordable units are built, sold at restricted prices, and occupied by eligible households.

18. In addition, the Owner/Permittee will pay a pro-rated in-lieu fee to meet the remainder of their requirements under the Inclusionary Housing Ordinance. Prior to receiving the first building permit, the Owner/Permittee must pay the entire pro-rated in-lieu fee.

ENGINEERING REQUIREMENTS:

19. The Permit shall comply with the conditions of Vesting Tentative Map No. 340259.

LANDSCAPE REQUIREMENTS:

20. Prior to issuance of any engineering permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

21. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Owner/Permittee shall initiate such measures as soon as the grading and disturbance has been completed. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Land Development Manual: Landscape Standards.

22. Prior to issuance of any building permits, complete landscape construction documents, including an automatic permanent irrigation system, shall be submitted to the Development Services Department for approval. The plans shall be in substantial conformance to Exhibit "A", on file in the office of Development Services.

23. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A", Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

24. Prior to the issuance of any building permits for grading or improvement the Permittee shall complete a Maintenance Assessment District Agreement form for early confirmation.

25. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

26. All required landscape improvements shall be maintained, on a permanent basis, by the Owner/Permittee. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
27. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy or a Final Landscape Inspection.
28. The Owner/Permittee shall be responsible for the installation of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in Section 1.3 of the Landscape Standards.
29. Prior to issuance of any construction permit for parking structures, the Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.
30. Prior to issuance of any construction permit for structures which incorporate above grade landscape improvements, the Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

PLANNING/DESIGN REQUIREMENTS:

31. No fewer than 2,167 shared off-street parking spaces (2,424 required without proposed shared parking, 2,390 parking spaces provided) shall be permanently maintained on the property within the approximate locations shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose.
32. Prior to the issuance of the first building permit, the Owner/Permittee shall record a grant deed to the City of San Diego restricting the overall development height for the property to 703 mean sea level (MSL).
33. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit

establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

34. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

35. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

36. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

37. All signs associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A," on file in the Development Services Department); or
- b. Citywide sign regulations

38. The applicant shall post a copy of the approved discretionary permit or Vesting Tentative Map in the sales office for consideration by each prospective buyer

39. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an

illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

40. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

41. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

42. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

43. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

44. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

45. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," on file in the Development Services Department.

46. The Owner/Permittee shall be required to provide additional right-of-way and adequate pedestrian access between the La Jolla Commons project and the Super Loop station designated to serve the development, as may be required by SANDAG and/or MTS for the Super Loop Transit Project in the University Community.

47. The Owner/Permittee shall participate in and not oppose the formation of an assessment district or other financing mechanism for construction of Super Loop stations and/or ongoing operation for the Super Loop Transit Project.

48. The Owner/Permittee shall provide a kiosk or bulletin board that displays information on transit use, carpooling, and other forms of ridesharing for office, residential and hotel tenants/guests.

TRANSPORTATION REQUIREMENTS:

49. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a raised median and any other traffic control measures needed to minimize potential for vehicular conflict along approximately 100 linear feet of the project's eastern frontage on Executive Drive, satisfactory to the City Engineer. Owner/Permittee shall re-evaluate these traffic control measures one (1) year after occupancy of both the Nexus University Science Center Project No. 5906 and La Jolla Commons Project No. 79804, and make any appropriate changes, satisfactory to the City Engineer.

50. A minimum of 102 (included in the 2,167 spaces) office-use carpool spaces shall be clearly marked permanently maintained on the property within the approximate locations shown on the project's Exhibit "A".

51. All residential automobile tandem parking spaces must be assigned to the same dwelling unit.

52. Prior to the issuance of the first building permit, the applicant shall assure by permit and bond, construction of a traffic signal and the striping configuration at the Intersection of Judicial Drive and Executive Drive and any appropriate interconnect, satisfactory to the City Engineer.

53. The Owner/Permittee shall coordinate all transportation related public improvements with the Nexus University Science Center Project No. 5906 to the east and the property owner to the west of the subject site, satisfactory to the City Engineer.⁸

54. All transportation conditions and requirements of Environmental Impact Report No. 99-0762, and its Appendix-Traffic Study, dated October 5, 2000, shall be satisfied, satisfactory to the City Engineer.

55. The Owner/Permittee shall relinquish the right to utilize, sell, and/or transfer 941 "unused" Average Daily Trips (ADTs) as a result of this project from the approved Planned Commercial Development/Resource Protection Ordinance Permit No. 99-0762.

WASTEWATER REQUIREMENTS:

56. All proposed onsite sewer facilities will be private.

57. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for all proposed improvements, including grading, utilities, landscaping, and enhanced paving located in or over any public sewer easements.

58. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall grant adequate sewer, and/or access easements for all public sewer facilities that are not located within public rights of way, satisfactory to the Metropolitan Wastewater Department Director.

Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director.

59. Only trees or shrubs satisfactory to the Metropolitan Wastewater Department Director shall be installed in the median in Judicial Drive.

60. Prior to the issuance of any building permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide Conditions, Covenants and Restrictions (CC&Rs) for the operation and maintenance of on site private sewer mains that serve more than one ownership.

61. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

62. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

63. The Owner/Permittee shall provide a minimum 24-foot-wide paved vehicular access, located within an easement, to all public water facility appurtenances located on-site in a manner satisfactory to the Water Department Director.

64. The Owner/Permittee shall design and construct a looping system of 12-inch water facilities on-site, with a minimum of two points of connection to provide redundancy, in a manner satisfactory to the Water Department Director.

65. The Owner/Permittee shall design and construct 12-inch water facilities within the Judicial Drive right-of-way from Executive Drive, extending south to and crossing La Jolla Village Drive, and connecting to the 16-inch water main in Judicial Drive, in a manner satisfactory to the Water Department Director.

66. The Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants or thirty (30) equivalent dwelling units are located on a dead-end main, then the Owner/Permittee shall install a redundant water system.

67. The Owner/Permittee shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow-offs, air valves, fire hydrants, etc.) for all public water facilities that are not located within fully improved public rights-of-way with minimum pavement width of 24-feet, satisfactory to the Water Department Director.

68. No structures or landscaping of any kind shall be installed in or over any easement utilized for vehicular access. Easements, as shown on the approved tentative map, may require modification based on city regulations, standards and practices pertaining thereto.

69. All water services to the site, including domestic, irrigation and fire, will require private, above-ground back flow prevention devices (BFPDs). The Water Department will not permit BFPD installations below grade or within structures. All water services to the site, including fire, must pass through a BFPD installation before entering a structure.

70. To reduce the potential of "stop work" orders being issued due to conflicts between engineering and building permits, the Owner/Permittee should be diligent in providing appropriate locations for water services, meters and BFPDs.

71. The Owner/Permittee shall provide evidence, satisfactory to the Water Department Director, indicating that each lot/unit will have its own water service or provide Conditions, Covenants and Restrictions (CC&Rs) for the operation and maintenance of on-site private water facilities that serve more than one lot/unit.

72. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Design Guide and City regulations, standards and practices pertaining thereto. Proposed facilities that do not meet the current standard shall be private or redesigned.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of building/engineering permit issuance

APPROVED by the Planning Commission of the City of San Diego on June 15, 2006,
Resolution No. 4064-PC.

8365

ALL-PURPOSE CERTIFICATE

Planned Development Permit No. 252591

Date of Approval: June 15, 2006

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Laura C Black, Development Project Manager

On July 7, 2006, before me, Joanna Patricia Santillan, (Notary Public), personally appeared Laura C. Black, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Signature Joanna Patricia Santillan
Joanna Patricia Santillan



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

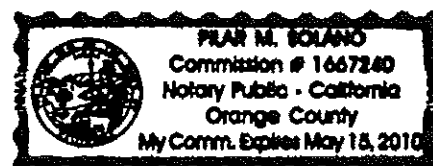
Signed Michael Gagnet
Michael Gagnet, Makar Properties, LLC

STATE OF CALIFORNIA
COUNTY OF ORANGE

On July 13 2006 before me, Pilar Solano (Name of Notary Public) personally appeared Michael Gagnet, personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Pilar Solano





Land Development
Review Division
(619) 446-5460

Addendum to an Environmental Impact Report

Project No. 79804
Addendum to EIR No. 99-0762
SCH No. 2000031097

SUBJECT: LA JOLLA COMMONS. MAP WAIVERS/PLANNED DEVELOPMENT PERMIT (PDP)/SITE DEVELOPMENT PERMIT (SDP) TO AMEND PLANNED COMMERCIAL DEVELOPMENT (PCD)/RESOURCE PROTECTION ORDINANCE (RPO) NO. 99-0762 to construct a new 581,557 square-foot, 32-story, 213-room/112-unit hotel/condominium building; a new 287,771 square-foot, 32-story, 156-unit condominium building; a new 340,405 square-foot, 15-story office building; a new 30,000 square-foot, two-story scientific research building; and a new 501,994 square-foot, eight-story parking structure on an existing 17-acre site. The project site is bounded by Judicial Drive to the west, Nexus Centre Drive to the north, and La Jolla Village Drive to the south. The site is bisected by the east-west extension of Executive Drive. The site is within the University Community Planning Area. Legal Description: Lots 1-5, La Jolla Commons, Map 14466. Applicant: Makar Properties, LLC & Makallon La Jolla Properties, LLC.

I. PROJECT DESCRIPTION:

Development of the proposed project requires the approval of a Planned Development Permit (PDP) and Site Development Permit (SDP) which would amend the existing Planned Commercial Development (PCD) Permit and Resource Protection Ordinance (RPO) Permit No. 99-0762. The existing PCD/RPO proposed the construction of a 315,272 square-foot, 15-story, 327-room hotel; a 320,921 square-foot, 32-story, 115-unit condominium building; a 450,000 square-foot, 20-story, office building; a 30,000 square-foot, two-story scientific research building, and a 501,994 square-foot, eight-story parking structure.

The project has been redesigned from the original approval to increase the proposed hotel building to 581,557 square feet and 32 stories with 213 hotel rooms and 112 condominium units; reduce the proposed condominium building to 287,771 square feet with 156 units; and to reduce the proposed office building to 340,405 square feet and 15 stories. The proposed scientific research building and the proposed parking structure would remain the same as previously approved.

Also included is a map waiver to add residential uses in Lot 2 of La Jolla Commons, Map No. 14466; a map waiver to increase the number of residential units entitled in Lot 3 of La Jolla Commons, Map No. 14466; and a lot line

adjustment map to make minor adjustments to lot lines affected by building and private driveway adjustments.

An updated traffic and parking report was prepared for the revised design by Darnell & Associates, Inc., titled "Updated Traffic and Parking Analysis For La Jolla Commons in the City of San Diego", dated September 23, 2005, and revised March 14, 2006. According to the traffic analysis, the proposed project as redesigned would generate less traffic than the previously approved project. The revised project would generate approximately 941 fewer daily trips, 103 fewer morning peak hour trips, and 112 fewer evening peak hour trips. For the purposes of a comparative analysis, three key intersections were reanalyzed from the 1998 report and compared to the current proposed project. The three intersections were selected because they are in the closest proximity to the project site and any change in traffic generation would impact those intersections the most. Further it can be stated that a reduction in traffic from the project would reduce any previously identified impacts. The three intersections are Eastgate Mall and Genesee, Eastgate Mall and Towne Center, and La Jolla Village Drive and Towne Center. The results of the comparison indicates that the reduction in project traffic under the proposed redesign would lessen delay at the study intersections and would not create additional impacts. Analysis of selected roadway segments also resulted in lessened impacts and indicates that the proposed redesigned project would not create the need for additional mitigation. The parking analysis concluded that a total of 2,390 parking spaces would be required as a result of the proposed redesign. Seventy additional parking spaces would be added to the 2,320 parking spaces that were originally approved.

The project site is near the United States Marine Corps Air Station Miramar (MCAS Miramar) and has a restricted use overlay zone and accident potential zone within its boundaries. As part of the original project approval, MCAS Miramar restricted all proposed buildings on the project site to no higher than 703 feet above mean sea level (MSL). The proposed redesign would adhere to this restriction and not exceed 703 feet above MSL.

The end of the nearest runway to the nearest proposed structure is approximately 13,000 feet. This runway is positioned in an east-west alignment. The project site is located north-west of the runway and, therefore, does not have any angular or direct glare conflict with aircraft take-offs or landings. At various times, certain aircraft will take off heading west and turn north-west in a route that ultimately passes over Sorrento Valley but easterly of the project site. This route would place aircraft close to the project but, by the time the aircraft make this route, they are elevated hundreds of feet above any building within the project site and, thus not vulnerable to glare. In addition, all exterior wall systems would employ non-reflective glazing and would be constructed perpendicular to the ground plane. No angling of the glass would occur resulting in no glare conflicts to passing aircraft.

II. ENVIRONMENTAL SETTING: See EIR.

III. PROJECT BACKGROUND:

The previously approved La Jolla Commons project was evaluated in the La Jolla Commons Project EIR No. 99-0762. The EIR was certified and the project approved by City Council on November 14, 2000. The approved actions included a Progress Guide and General Plan Amendment, a Community Plan Amendment,

Rezone, and Vesting Tentative Map/Planned Commercial Development Permit/Resource Protection Ordinance Permit. A grading permit has been issued and the project site has been graded.

For additional project background, please see the attached EIR conclusions.

IV. DETERMINATION:

The City of San Diego previously prepared an Environmental Impact Report for the project described in the subject block of the attached EIR conclusions.

Based upon a review of the current project, it has been determined that:

- a. There are no new significant environmental impacts not considered in the previous EIR;
- b. No substantial changes have occurred with respect to the circumstances under which the project is undertaken; and
- c. There is no new information of substantial importance to the project.

Therefore, in accordance with Section 15164 of the State CEQA Guidelines this addendum has been prepared. No public review of this addendum is required under CEQA. However, Section 128.0306 of the City of San Diego's Land Development Code requires that all addenda for environmental documents certified more than three years before the date of application shall be distributed for public review for 14 calendar days. Therefore, this Addendum to EIR No. 99-0762 was distributed for public review.

V. MITIGATION, MONITORING AND REPORTING PROGRAM INCORPORATED INTO THE PROJECT:

Mitigation measures were incorporated into the previously certified EIR. Mitigation measures relating to Land Use, Biological Resources, Hydrology/Water Quality, and Paleontology have been met as part of the grading permit. The following mitigation measures would continue to apply to the proposed redesigned project.

Transportation/Traffic Circulation

Either of the following two transportation mitigation options would reduce the significant traffic impacts to roadway segments and intersections, other than I-805, to below a level of significance. Option 1 consists of development in three phases (transportation phasing plan) and is recommended by City staff. Option 2 consists of a non-phased development which is preferred by the applicant.

Option 1 – Transportation Phasing Plan

Phase 1

1. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of up to 3,333 ADT:

- a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;
- b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;
- c. The construction of Nexus Center Drive as a two-lane industrial local street;
- d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive.

Phase II

2. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 3,333 ADT up to 5,455 ADT:
 - a. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
 - b. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (North University City project [NUC] 33);
 - c. The construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel.

Phase III

3. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of building permits which would result in the generation of greater than 5,455 ADT up to 10,319 ADT:
 - a. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C);
 - b. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
 - c. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

Option 2 – Non-Phased Development

The following transportation mitigation measures are identical to those of Option 1 with one exception: Option 2 does not include the construction of Judicial Drive as a four-lane major arterial from La Jolla Village Drive to Nobel.

1. The following transportation mitigation measures must be assured to the satisfaction of the City Engineer prior to the issuance of any building permits which would result in the generation of up to 10,455 ADT:

- a. The construction of a traffic signal at the intersection of Executive Drive and Judicial Drive;
- b. The construction of the full width of Judicial Drive as a four-lane major street along the project frontage;
- c. The construction of Nexus Center Drive as a two-lane industrial local street;
- d. The construction of Executive Drive as a four-lane major street between Towne Center Drive and Judicial Drive;
- e. The construction of one additional westbound lane for La Jolla Village Drive along the project frontage from Judicial Drive to the I-805 interchange;
- f. The construction of the Judicial Drive tunnel beneath La Jolla Village Drive (NUC-33);
- g. The widening of La Jolla Village Drive to eight lanes from Towne Center Drive to I-805 (NUC-C);
- h. The widening of Miramar Road to eight lanes from I-805 to just east of Eastgate Mall (NUC-50);
- i. The reconfiguration of the I-805/La Jolla Village Drive interchange to a partial cloverleaf (NUC-C).

Noise

The following design measures shall be requirements of the proposed project to ensure that all potential noise impacts are mitigated to below a level of significance.

- a. Prior to the issuance of any building permit, the applicant shall incorporate sound attenuation measures as described in the *Acoustical Assessment Report for La Jolla Commons Project* (Pacific Noise Control, March 2000) to the satisfaction of the City Manager. Specifically, a minimum six- and seven-foot high permanent noise barrier shall be constructed along the western and southern edges of the hotel swimming pool area (refer to Figure 4.50-6 of the EIR). The noise barrier may be constructed as a wall, berm, or combination of both. The materials used in the construction of the barrier are required to have a minimum surface density of 3.5 pounds per square foot and may consist of masonry material, Plexiglas, tempered glass, or a combination thereof. The barrier must be designed so that there are no openings or gaps. The required noise barriers shall be included on the construction plans, satisfactory to the City Manager.
- b. Prior to the issuance of any building permit, the applicant shall submit a final acoustical report to the satisfaction of the City Manager. The City Manager shall verify that all measures identified in the approved report which are necessary to achieve an interior noise level of 45 dB at the

condominium and hotel and 50 dB CNEL at the office building have been incorporated into the design of the proposed structures.

VI. SIGNIFICANT UNMITIGATED IMPACTS:

There are no new significant impacts identified for the current project. However, the final EIR for the original project identified significant unmitigated impacts relating to Transportation/Circulation. Because there were significant unmitigated impacts associated with the original project approval, the decision maker was required to make specific and substantiated CEQA Findings which stated that: (a) other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR, and (b) these impacts have been found acceptable because of specific overriding considerations. No new CEQA Findings are required with this project. However, this approval would also result in significant impacts; therefore, adoption of a new statement of overriding considerations is required.


Robert J. Manis
Assistant Deputy Director
Development Services Department

3/30/06
Date of Draft Report

May 1, 2006
Date of Final Report

Analyst: Clark

DISTRIBUTION:

The addendum and conclusions of the final EIR were distributed to:

U.S. Government

Department of the Interior, Fish and Wildlife Service (23)
U.S. Army Corps of Engineers (26)
Marine Corps Air Station Miramar, Commanding General (13)

State of California

Department of Transportation (Caltrans), District 11 (31)
Caltrans, Division of Aeronautics (51)
Department of Fish & Game (32)
Regional Water Quality Control Board, Region 9 (44)
Air Resources Board (49)

City of San Diego

Councilmember Peters, District 1, (MS 10A)
Development Services Department
Secretary to the Historical Resources Board (87)
Wetlands Advisory Board (91A)
University City Library (81JJ)

Other Agencies, Organizations and Individuals

University Community Planning Group (480)

Metropolitan Transit Development Board (115)
 San Diego Association of Governments (108)
 San Diego Unified School District (125)
 County of San Diego Air Pollution Control District (65)
 San Diego Gas and Electric Company (114)
 San Diego Natural History museum (166)
 EC Allison Research Center, San Diego State University (181)
 Citizens Coordinate for Century III (179)
 Deron Bear, Chairman, Marian Bear Natural Park Recreation Council (485)
 Greater San Diego Chamber of Commerce (492)
 Sierra Club, San Diego Chapter (165)
 San Diego Audubon Society (167)
 California Native Plant Society (170)
 Southwest Center for Biological Diversity (176)
 Endangered Habitats League (182)
 San Diego County Archaeological Society, Inc. (218)
 Jerry Schaefer, PhD (208)
 South Coastal Information Center, San Diego State University (210)
 Save Our Heritage Organisation (214)
 Ron Christman (215)
 Louie Guassac (215A)
 Kumeyaay Cultural Repatriation Committee (225)
 * Barona Group of Capitan Grande Band of Mission Indians (225A)
 * Campo Band of Mission Indians (225B)
 * Ewiiapaayp Band of Mission Indians (225C)
 * Inaja and Cosmit Band of Mission Indians (225D)
 * Jamul Band of Mission Indians (225E)
 * La Posta Band of Mission Indians (225F)
 * Manzanita Band of Mission Indians (225G)
 * Sycuan Band of Mission Indians (225H)
 * Viejas Group of Capitan Grande Band of Mission Indians (225I)
 * Mesa Grande Band of Mission Indians (225J)
 * San Pasqual Band of Mission Indians (225K)
 * Santa Ysabel Band of Diegueño Indians (225L)
 * La Jolla Band of Mission Indians (225M)
 * Pala Band of Mission Indians (225N)
 * Pauma Band of Mission Indians (225O)
 * Pechanga Band of Mission Indians (225P)
 * Los Coyotes Band of Mission Indians (225R)
 * Public Notice only.

VII. Results of Public Review:

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the environmental report. No response is necessary and the letters are attached at the end of the Addendum to EIR No. 99-0762.
- § Comments addressing the accuracy or completeness of the Addendum to EIR No. 99-0762 were received during the public input period. The letters and responses follow.

Copies of the Addendum, the final EIR, the Mitigation, Monitoring and Reporting Program, and any technical appendices may be reviewed in the office of the Land Development Review Division, or purchased for the cost of reproduction.

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON MAR 18, 2014
DOCUMENT NUMBER 2014-0105763
Ernest J. Dronenburg, Jr., COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 12:13 PM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003787

PLANNED DEVELOPMENT PERMIT NO. 1153095
LA JOLLA COMMONS III - PROJECT NO. 324553 [MMRP]
AMENDMENT TO PLANNED DEVELOPMENT PERMIT NO. 252591
CITY COUNCIL

This Planned Development Permit No. 1153095, Amendment to Planned Development Permit No. 252591, is granted by the City Council of the City of San Diego to HSPF La Jolla Commons III Investors LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0604. The 1.68 acre site (Lot 3) is located at 4727 Executive Drive, southeast corner of Executive Drive and Judicial Drive in the CV-1-2 and IP-1-1 Zones, the Community Plan Implementation Overlay Zone (CPIOZ Type A), the North University City Facilities Benefit Area (FBA), the Parking Impact Overlay Zone (Campus Impact Area), and the University Community Plan Area. The La Jolla Commons Campus is improved with an existing 13-story office building within Lot One, an existing 13-story office building within Lot Two and a 7-story parking structure on Lot Four. The project site is legally described as: Lots 1 through 5 of the resubdivision of La Jolla Commons, in the City of San Diego, County of San Diego, according to Map No. 15848, filed in the Office of the County Recorder on November 22, 2011.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the construction of one of three options on Lot 3: option one – a 223,900 square foot (with both subterranean and above grade parking) office building; option two – a 165,780 square foot hotel building (above subterranean parking) (264 hotel room maximum); and option three – a 285,960 square foot office/hotel building (above subterranean parking) (175 hotel room maximum) described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 24, 2014, on file in the Development Services Department.

ORIGINAL

The project shall include:

- a. Option One – Construction of an approximately 15 story, 223,900 square foot (with both subterranean and above grade parking) office building;
- b. Option Two – Construction of an approximately 11 story, 165,780 square foot (above subterranean parking) hotel building, with a maximum of 264 hotel rooms;
- c. Option Three – Construction of an approximately 13 story, 285,960 square foot office/hotel building (above subterranean parking) with a maximum of 175 hotel rooms;
- d. A deviation from the maximum allowable building height. The minimum height proposed is 225 feet, where 45 feet is required. Maximum height limits for each project scenario shall comply with the building corners approved by MCAS Miramar letter dated October 31, 2013: the northeast corner shall not exceed 577 feet mean sea level (MSL); the northwest corner shall not exceed 597 feet MSL, the southeast corner shall not exceed 582 feet MSL and the southwest corner shall not exceed 602 feet MSL.
- e. A deviation from the maximum front and street setback requirement. The project proposes an average front setback of 25 feet, where 10 feet is required and a maximum street setback of 12 feet, where 10 feet is required.
- f. A deviation from building articulation requirements. The project proposes a single plane where 6 planes are required for a façade that extends greater than 100 feet.
- g. Landscaping (planting, irrigation and landscape related improvements);
- h. Off-street parking;
- i. Incorporation of sustainable building techniques sufficient to achieve, at a minimum, Leadership in Energy and Environmental Design (LEED) Silver Certification; and
- j. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC

requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by February 24, 2017.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid"

conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Addendum to Environmental Impact Report No. 99-0762, Project No. 324553, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Addendum to Environmental Impact Report No. 99-0762, Project No. 324553, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Paleontological Resources

AIRPORT REQUIREMENT:

14. Prior to issuance of a grading permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of the building permit, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix G of the City's Storm Water Standards, satisfactory to the City Engineer.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

20. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-009 DWQ and the Municipal Storm Water Permit, Order No. 2009-009(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

21. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-009 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-009 DWQ.

22. This project proposes to export 44,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

23. This Planned Development Permit shall comply with the conditions of Vesting Tentative Map No. 1153096.

24. The drainage system proposed within this development and outside the public right-of-way shall be private, privately maintained and subject to the approval of the City Engineer.

GEOLOGY REQUIREMENTS:

25. Prior to issuance of a grading permit, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

26. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

LANDSCAPE REQUIREMENTS:

27. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.

28. Prior to issuance of any engineering permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

29. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Owner/Permittee shall initiate such measures as soon as the grading and disturbance has been completed. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Land Development Manual: Landscape Standards.

30. Prior to issuance of any grading permits, complete landscape construction documents, including an automatic permanent irrigation system, shall be submitted to the Development Services Department for approval. The plans shall be in substantial conformance to Exhibit 'A', on file in the office of Development Services.

31. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

32. All required landscape improvements shall be maintained, on a permanent basis, by the Owner/Permittee. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

33. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy or a Final Landscape Inspection.

34. The Owner/Permittee shall be responsible for the installation of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

35. Prior to issuance of any construction permit for parking structures, the Owner/Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

36. Prior to issuance of any construction permit for parking structures, the Owner/Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

37. Prior to issuance of any grading permit, construction documents shall be submitted that includes one or a combination of the following for parking structures, with parking spaces open to the sky. (1) Cover all individual parking spaces open to the sky on the roof with solar panels (2) Provide one automatically irrigated 24-inch box tree in planter within 30 feet of each

individual parking space open to the sky (3) Provide shade structure, such as a trellis w/baffling, to shade 50% of each parking space open to the sky.

38. Owner/Permittee is subject to the requirement for a water budget and is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual that includes (1) All irrigation audits shall be conducted by a California registered landscape architect, a licensed landscape contractor, or other professional licensed by the State to perform this work and (2) The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate as approved by the City; and shall be submitted to the City prior to occupancy and use.

PLANNING/DESIGN REQUIREMENTS:

39. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

40. Prior to issuance of building permits, the Owner/Permittee shall provide documentation that the project has been registered with the U.S. Green Building Council for review and will achieve at least a Leadership in Energy and Environmental Design (LEED) Silver Certification or equivalent. Construction documents shall note all criteria included in the design and construction of the project as identified in the LEED certification application or LEED equivalent application.

41. The project will target 20% recycled content for construction materials. Upon completion of recycled content documentation, in advance of the Certificate of Occupancy, applicant will submit documentation to the City for verification.

42. All signs associated with this development shall be consistent with sign criteria established by the approved Exhibit "A".

43. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

44. This Planned Development Permit shall supersede all previous entitlements granted to Lot 3.

45. Prior to issuance of the building permit, the Owner/Permittee shall incorporate the requirements for noise permit conditions (as applicable based on the option selected) on the appropriate construction documents as described in the approved technical report (*La Jolla Commons Tower III, prepared by dBF Associates, Inc., dated September 4, 2013*) to be verified at plan check by appropriate City staff.

46. Prior to issuance of the building permit, appropriate City staff shall verify the placement and incorporation of appropriate sound attenuation project design features / measures (if

applicable based on option selected) as identified in the technical report (*La Jolla Commons Tower III, prepared by dBF Associates, Inc., dated September 4, 2013*). The project design sound attenuation features/measures shall ensure that interior and exterior noise levels are achieved as outlined within the approved technical report.

47. Prior to Occupancy, the Owner/Permittee shall submit two copies of the final acoustical report with construction documents to the Building Inspector, and one copy to the Mitigation Monitoring Coordinator (MMC). MMC shall verify the sound attenuation project features / measures have been constructed in accordance with the construction documents and that interior and exterior acoustical levels have been achieved per the approved technical report.

TRANSPORTATION REQUIREMENTS:

48. Owner/Permittee shall maintain a minimum of the following, depending on option selected:

All Office (Option One) - 739 off-street parking spaces, including 15 disabled/accessible, 15 motorcycle, and 37 bicycle spaces;

All Hotel (Option Two) - 288 off-street parking spaces, including 7 disabled/accessible, 6 motorcycle, and 15 bicycle spaces;

Office/Hotel (Option Three) - 440 off-street parking spaces, including 9 disabled/accessible, 9 motorcycle, and 22 bicycle spaces.

All parking spaces shall be permanently maintained on the property within the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC. Note: Parking will be provided for the project in accordance with the parking tables shown on Sheet A1.1 of approved Exhibit "A" dated February 24, 2014.

49. The project's trip generation shall not exceed any of the following values: 10,319 Average Daily Trips (ADTs), 939 AM Peak hour inbound trips, 222 AM peak hour outbound trips, 382 PM peak hour inbound trips, and 896 PM peak hour outbound trips; to the satisfaction of the City Engineer.

These values were developed from the original EIR and analyzing the following scenarios:

All Office (Option One) – 7,971 ADT including 1,043 (939 in: 104 out) trips during the AM peak hours and 1,116 (220 in: 896 out) trips during the PM peak hours for the entire La Jolla Commons Campus.

All Hotel (Option Two) - 9,216 ADT including 1,020 (871 in: 149 out) trips during the AM peak hours and 1,132 (307 in: 825 out) trips during the PM peak hours for the entire La Jolla Commons Campus.

Office/Hotel (Option Three) - 9,182 ADT including 1,078 (939 in: 139 out) trips during the AM peak hours and 1,181 (288 in: 891 out) trips during the PM peak hours for the entire La Jolla Commons Campus.

The 10,319 ADT is based on the original project analyzed in EIR No. 99-0762.

50. The Owner/Permittee shall be required to comply with the approved Transportation Demand Management (TDM) Plan. The existing Plan shall be augmented as necessary to incorporate bike racks, lockers, showers, priority spaces for carpool vehicles and hybrid vehicles, and attempt to work with tenants regarding partially subsidized transit passes for employees and flexible work schedules, satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

51. The Owner/Permittee shall assure, by permit and bond, the design and construction of any new water and sewer service(s) outside of any driveway, and the disconnection of existing unused water and sewer service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

52. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities in the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Director of Public Utilities and the City Engineer.

53. The Owner/Permittee shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the water and sewer easement, including but not limited to structures, enhanced paving, or landscaping; No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

54. All irrigation systems must be designed to utilize reclaimed water. This will necessitate a separate irrigation service.

55. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and within five feet of any water facilities.

56. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

57. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, if required in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

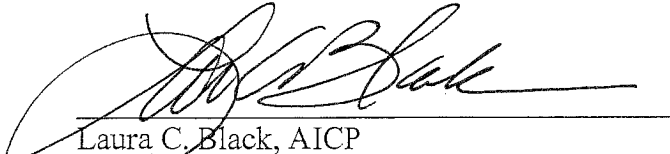
INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on February 24, 2014 and Resolution No. R-308756

Planned Development Permit No. 1153095
Date of Approval: February 24, 2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

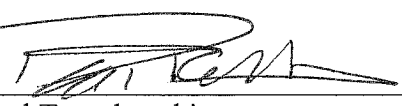



Laura C. Black, AICP
Development Project Manager

NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

HSPF La Jolla Commons III Investors LLC
Owner/Permittee

By  

Paul Twardowski
Senior Managing Director

NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.

ACKNOWLEDGMENT

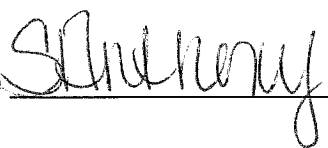
State of California
County of San Diego)

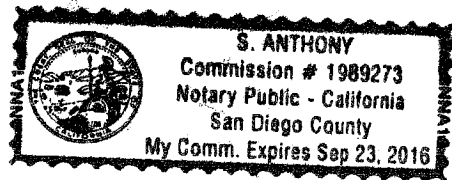
On March 12, 2014 before me, S. Anthony, Public Notary
(insert name and title of the officer)

personally appeared Laura C. Black,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



ORIGINAL

State of California)
County of San Diego)

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

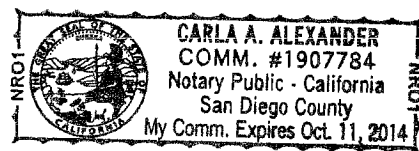
On March 11, 2014 before me, Carla A. Alexander, notary public,
(here insert name and title of the officer)

personally appeared Paul Twardowski

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Carla A. Alexander

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document

titled/for the purpose of PDP NO. 1153095

WC III Project No. 324553 (MMRP)

containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-Fact
☐ Corporate Officer(s) _____ Title(s)

- ☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☒ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐ _____

ORIGINAL

Item 200
Sub item C
Monday 2/24/14

RESOLUTION NUMBER R- 308756DATE OF FINAL PASSAGE FEB 24 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING PLANNED DEVELOPMENT
PERMIT NO. 1153095 FOR LA JOLLA COMMONS III
PROJECT NO. 324553 [MMRP].

WHEREAS, HSPF La Jolla Commons III Investors LLC, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit, an amendment to Planned Development Permit No. 252591, to construction one of three options: option one – a 15-story, 223,900 square foot (with both subterranean and above grade parking) office building; option two – an 11-story, 165,780 square foot hotel building (above subterranean parking) (264 hotel room maximum); and option three – a 13-story, 285,960 square foot office/hotel building (above subterranean parking) (175 hotel room maximum) known as the La Jolla Commons III project, located at 4727 Executive Drive, southeast corner of Executive Drive and Judicial Drive, and legally described as Lot 3 of the resubdivision of La Jolla Commons, in the City of San Diego, County of San Diego, according to Map No. 15848, filed in the Office of the County Recorder on November 22, 2011, in the CV-1-2 and IP-1-1 Zones, the Community Plan Implementation Overlay Zone (CPIOZ Type A), the North University City Facilities Benefit Area (FBA), the Parking Impact Overlay Zone (Campus Impact Area) within the University Community Plan area; and

WHEREAS, on January 30, 2014, the Planning Commission of the City of San Diego considered Planned Development Permit (PDP) Permit No. 1153095, and pursuant to Resolution No. 4579-PC voted to recommend to the City Council their approval; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

WHEREAS, the matter was set for public hearing on February 24, 2014, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 1153095:

PLANNED DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is located within the University Community Plan (UCP) and is consistent with the City's General Plan, adopted in 2008. The proposed development contains three options of constructing office, hotel, or a combination of office and hotel in a single high-rise tower, approximately 13 stories tall. The project site is designated for high density residential, visitor and office commercial, and scientific research uses in the UCP. The project site is located in Subarea 29 and 31 in the Land Use and Development Intensity Table of the Development Intensity Element of the UCP. The goals of the Development Intensity Element include creating an Urban Node with high density mixed-use development in the University Town Center area, developing an equitable allocation of development intensity among properties based on the concept of the "urban node", and providing a workable circulation system.

The proposed development does not propose to include a residential component and is requesting a Community Plan Amendment to eliminate residential use from the La Jolla Commons campus. Within the past ten years, approvals of three amendments to the University Community Plan have resulted in the conversion of non-residential land to residential and commercial mixed-use land. These amendments have created the potential for development of approximately 1,200 additional residential units within close proximity to the project site. The reduction of 86 residential units at the project site would not result in a net decrease of residential units within the University Community. The Urban Node has been achieved at the La Jolla Commons campus to date with the pedestrian linkage and high intensity high-rise commercial office uses. The proposed hotel and/or office uses are consistent with the Urban Node objectives of high intensity mixed use development with the University Community. Therefore, the proposed development will not adversely affect the applicable land use plans.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development as currently designed will not be detrimental to the public health, safety, and welfare. The proposed development contains three options of constructing office, hotel, or a combination of office and hotel in a single high-rise tower, approximately 11 to 15 stories tall. The proposed development will construct necessary sewer and water facilities to serve the occupants. The proposed development will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMPs) maintenance and will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate with Construction Activity. The proposed building will be reviewed by City staff for compliance with all relevant and applicable building, electrical, mechanical, and fire codes to assure the structures will meet or exceed the current City regulations.

The proposed development has been reviewed by City staff and is consistent with the City's policies and requirements. Further, the project is being processed with the Sustainable Expedite Program. The existing Tower I office building, achieved Leadership in Energy and Environmental Design (LEED) CS Gold status and Tower II, currently under construction, has been designed to be the largest net zero energy office building in the United States. The LEED-CS target for Tower II is Platinum. The proposed development, which would be the third (and final) tower on the La Jolla Commons campus, will be designed to similar sustainable standards with an emphasis on studying new sustainable technologies and considering the implementation of those technologies sustainable design. Additionally, the permit controlling the development contains conditions addressing the project compliance with the City's regulations and policies, and other regional, state, and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Compliance with these regulations and project conditions would result in a development that will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The proposed development complies with the relevant regulations of the Land Development Code. Conditions of approval require compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Planned Development Permit No. 1153095 and Vesting Tentative Map No. 1153096. The project proposes a total of three (3) deviations from the Land Development Code. These deviations provide for a project that meets the purpose and intent of the University Community Plan. The project site is located in Subarea 29 and 31 in the Land Use and Development Intensity Table of the Development Intensity Element of the UCP. The goals of the Development Intensity Element include creating an Urban Node with high density mixed-use development in the University Town Center area, developing an equitable allocation of development intensity among properties based on the concept of the "urban node", and providing a workable circulation system.

A deviation is being requested for the maximum building height of the proposed building. The minimum height proposed is 225 feet, where 45 feet is allowed. Maximum height limits for each

project scenario shall comply with the building corners approved by Marine Corps Air Station (MCAS) Miramar: the northeast corner shall not exceed 577 feet mean sea level (MSL); the northwest corner shall not exceed 597 feet MSL, the southeast corner shall not exceed 582 feet MSL and the southwest corner shall not exceed 602 feet MSL. The two towers currently located on the La Jolla Commons campus are 13 stories tall, approximately 199 feet above grade, and the proposed building will be consistent with the established height on the La Jolla Commons campus. In order to incorporate an urban node development for the La Jolla Commons campus, the building height deviation is being requested.

A deviation is being requested for the required front and street setbacks. The project proposes an average front setback of 25 feet, where 10 feet maximum is required, and proposes a maximum street setback of 12 feet, where 10 feet maximum is required. The main arterial adjacent to the project is La Jolla Village Drive. The University Community Plan envisioned La Jolla Village Drive as an attractive parkway recognized for its landscaping, art, fountains, and night illumination. Allowing the building to set back beyond the 10 foot maximum front and street side setback will provide the opportunity for a landscaped frontage, achieving the vision of La Jolla Village Drive consistent with the University Community Plan.


A deviation is being requested for the required building articulation. The project proposes a single plane where 6 planes are required for a façade that extends greater than 100 feet. The proposed project will provide visual interest with changes in glass types, materials, and façade features, but will not be able to meet the required building articulation per the CV-1-2 Zone. The planned features of visual interest for the proposed project will allow the opportunity to compliment the two existing building facades on the La Jolla Commons campus. If the proposed building was built precisely to the requirements of the CV-1-2 Zone, the building would appear dissimilar and inconsistent with the other two existing buildings on the campus.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Planned Development Permit No. 1153095 is granted to HSPF La Jolla Commons III Investors LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
2/4/2014
2/12/2014 Cor. Copy
Or.Dept:DSD
Doc. No. 708606_2

Passed by the Council of The City of San Diego on FEB 24 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 24 2014.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308756

ORIGINAL

Passed by the Council of The City of San Diego on February 24, 2014, by the following vote:

YEAS: LIGHTNER, FAULCONER, GLORIA, COLE, KERSEY, ZAPF,
SHERMAN, ALVAREZ, & EMERALD.

NAYS: NONE.

NOT PRESENT: NONE.

RECUSED: NONE.

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT

as interim Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: GIL SANCHEZ, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. R-308756, approved by the Council President as interim Mayor of The
City of San Diego, California on February 24, 2014. The date of final passage is February
24, 2014.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: , Deputy

ORIGINAL

Item 200
Sub item D
monday 2/24/14

RESOLUTION NUMBER R- 308757

DATE OF FINAL PASSAGE FEB 24 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING VESTING TENTATIVE MAP NO.
1153096 FOR LA JOLLA COMMONS III PROJECT NO. 324553
[MMRP].

WHEREAS, HSPF La Jolla Commons III Investors LLC, Subdivider, and Leppert Engineering Corporation, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 1153096, amendment to Vesting Tentative Map No. 340259, for the La Jolla Commons III Project that requests the construction of one of three options: option one – a 15-story, 223,900 square foot (with both subterranean and above grade parking) office building; option two – an 11-story, 165,780 square foot hotel building (above subterranean parking) (264 hotel room maximum); and option three – a 13-story, 285,960 square foot office/hotel building (above subterranean parking) (175 hotel room maximum). The project site is located at 4727 Executive Drive, southeast corner of Executive Drive and Judicial Drive, in the CV-1-2 and IP-1-1 Zones, the Community Plan Implementation Overlay Zone (CPIOZ Type A), the North University City Facilities Benefit Area (FBA), the Parking Impact Overlay Zone (Campus Impact Area) within the University Community Plan area. The property is legally described as Lots 1 through 5 of the resubdivision of La Jolla Commons, in the City of San Diego, County of San Diego, According to Map thereof No. 15848, filed in the Office of the County Recorder on November 22, 2011; and

WHEREAS, the Map proposes the Subdivision of a 12.34 acre site into five (5) lots to reflect moving the westerly lot line of existing Lot 4 westerly approximately 4.6 feet so that the existing parking structure is entirely within Lot 4; alter the lot lines for Lot 5 adjacent to

Executive Drive to acknowledge the prior street vacations and adjust the line between Lots 2 and 3 to ensure that the currently proposed building is entirely within Lot 3; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491 (b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on January 30, 2014, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1153096, and pursuant to Resolution No. 4579-PC, the Planning Commission voted to recommend City Council approval of the map; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on February 24, 2014, the City Council of the City of San Diego considered Vesting Tentative Map No. 1153096, amendment to Vesting Tentative Map No. 340259, pursuant to San Diego Municipal Code section 125.0440 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 1153096:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)). The proposed subdivision modifications involve adjustments of existing lot lines for the existing five (5) lots. These adjustments are internal to the La Jolla Commons subdivision and do not impact the public right-of-way. The proposed development is consistent with the policies, goals, and objectives of the University Community Plan. The site is located in an Urban Node in a sub regional employment center in proximity to public transit. The site is across from existing residential with more units remaining to be developed. The proposed uses within the project allow for additional employment with office use and the potential for mixed use with development of a hotel. Both uses are encouraged in the high intensity mixed use Urban Node of the University Community Plan. The design of the proposed development will compliment the two existing office buildings at the La Jolla Commons subdivision.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code. The proposed development complies with the relevant regulations of the Land Development Code. Conditions of approval require compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Planned Development Permit No. 1153095 and Vesting Tentative Map No. 1153096. The project proposes a total of three (3) deviations from the Land Development Code. These deviations provide for a project that meets the purpose and intent of the University Community Plan. The project site is located in Subarea 29 and 31 in the Land Use and Development Intensity Table of the Development Intensity Element of the UCP. The goals of the Development Intensity Element include creating an Urban Node with high density mixed-use development in the University Town Center area, developing an equitable allocation of development intensity among properties based on the concept of the “urban node”, and providing a workable circulation system.

A deviation is being requested for the maximum building height of the proposed building. The minimum height proposed is 225 feet, where 45 feet is allowed. Maximum height limits for all project scenarios shall comply with the building corners approved by Marine Corps Air Station (MCAS) Miramar: the northeast corner shall not exceed 577 feet mean sea level (MSL); the northwest corner shall not exceed 597 feet MSL, the southeast corner shall not exceed 582 feet MSL and the southwest corner shall not exceed 602 feet MSL. The two towers currently located on the La Jolla Commons campus are 13 stories tall, approximately 199 feet above grade, and the proposed building will be consistent with the established height on the La Jolla Commons campus. In order to incorporate an urban node development for the La Jolla Commons campus, the building height deviation is being requested.

A deviation is being requested for the required front and street setbacks. The project proposes an average front setback of 25 feet, where 10 feet maximum is required, and proposes a maximum street setback of 12 feet, where 10 feet maximum is required. The main arterial adjacent to the project is La Jolla Village Drive. The University Community Plan envisioned La Jolla Village Drive as an attractive parkway recognized for its landscaping, art, fountains, and night illumination. Allowing the building to set back beyond the 10 foot maximum front and street side setback will provide the opportunity for a landscaped frontage, achieving the vision of La Jolla Village Drive consistent with the University Community Plan.

A deviation is being requested for the required building articulation. The project proposes a single plane where 6 planes are required for a façade that extends greater than 100 feet. The proposed project will provide visual interest with changes in glass types, materials, and façade features, but will not be able to meet the required building articulation per the CV-1-2 Zone. The planned features of visual interest for the proposed project will allow the opportunity to compliment the two existing building facades on the La Jolla Commons campus. If the proposed building was built precisely to the requirements of the CV-1-2 Zone, the building would appear dissimilar and inconsistent with the other two existing buildings on the campus.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)). The site was mass graded between 2002 and 2006 for high intensity use and specifically for vertical high rise structures, consistent with the original entitlements for the La Jolla Commons subdivision. The formational material, coupled with some deep fill, allow vertical development and a number of foundation types that will work for the site. The acreage of the site and proximity to I-805 and La Jolla Village Drive allows for well positioned vertical development coupled with open space that is all within close proximity to transit and freeway access. The technical studies reviewed for the proposed development concluded that the site is physically suitable for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)). The development was previously analyzed under Planned Development Permit No. 252591 and Vesting Tentative Map No. 340259 (Project No. 79804); approved by Planning Commission in June 2006 and subsequently mass graded. The prior development contained residential use which is proposed to be removed within this development as part of the Community Plan Amendment. The project site is designated for high density residential, visitor and office commercial, and scientific research uses in the University Community Plan (UCP). The project site is located in Subarea 29 and 31 in the Land Use and Development Intensity Table of the Development Intensity Element of the UCP. The goals of the Development Intensity Element include creating an Urban Node with high density mixed-use development in the University Town Center area, developing an equitable allocation of development intensity among properties based on the concept of the “urban node”, and providing a workable circulation system. The Urban Node has been achieved at the La Jolla Commons campus to date with the pedestrian linkage and high intensity high-rise commercial office uses. The proposed hotel and/or office uses are consistent with the Urban Node objectives of high intensity mixed use development with the University Community. All other uses are the same for the current development. There are no sensitive habitats, species or water courses located on the site. Additionally, the proposed development includes the Addendum to Environmental Impact Report (EIR), Project No. 324553, Environmental Impact Report No. 99-0762/SCH No. 200003197, which properly analyzed potential impacts associated with the proposed development. No new mitigation will be required for the proposed development. In terms of sustainability and concerns for the environment, the first office tower built achieved LEED-CS Gold Certification and the second office tower, currently under construction, will be the largest net zero energy office building in the United States. A LEED-CS Platinum level of certification

is being pursued for that project. The third tower, the subject of this development, will be designed to achieve a similar caliber of sustainability.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)). The proposed development as currently designed will not be detrimental to the public health, safety, and welfare. The proposed development contains three options of constructing office, hotel, or a combination of office and hotel in a single high-rise tower, approximately 11 to 15 stories tall. The proposed development will construct necessary sewer and water facilities to serve the occupants. The proposed development will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMPs) maintenance. The proposed development will comply with all requirements of the State Water Resources Control Board and Municipal Storm Water Permit, Waste Discharge Requirements for Discharges of Storm Water Runoff Associate with Construction Activity. The proposed building will be reviewed by City staff for compliance with all relevant and applicable building, electrical, mechanical, and fire codes to assure the structures will meet or exceed the current City regulations. The proposed development has been reviewed by City staff and is consistent with the City's policies and requirements. Further, the project is being processed with the Sustainable Expedite Program. The existing Tower I office building achieved Leadership in Energy and Environmental Design (LEED) CS Gold status and Tower II, currently under construction, has been designed to be the largest net zero energy office building in the United States. The LEED-CS target for Tower II is Platinum. The proposed development, which would be the third (and final) tower on the La Jolla Commons campus, will be designed to similar sustainable standards with an emphasis on studying new sustainable technologies and considering the implementation of those technologies sustainable design. Additionally, the permit controlling the development contains conditions addressing the project compliance with the City's regulations and policies, and other regional, state, and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Compliance with these regulations and project conditions would result in a development that will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)). The design of the development is such that it will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed development as demonstrated by the City Engineer. A number of easements exist throughout the La Jolla Commons Campus, including a tunnel structure that bisects the site, which houses effluent and reclaimed water infrastructure, which has been constructed to where the access is convenient from an open air service yard. Utility easements exist within the La Jolla Commons Campus; however, support structures have been built over sewer infrastructure to provide adequate structural support to allow structures to be built over the infrastructure. Two easements are being modified with the proposed Vesting Tentative Map. An easement for access for maintenance of public sewer facilities has been modified due to this current campus building configuration. An easement for a 42" sewer easement has been modified to the correct, and final, location on the map. All easements granted to the City over the property have been left in place or have been relocated and improved in a manner that allows for public access that is better than

access formerly provided by the unimproved easements, as reflected on the Vesting Tentative Map.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1). The design and proposed improvements for the subdivision are consistent with California Government Code Section 66473.1 and San Diego Municipal Code Section 125.0440(g) regarding the design of the subdivision for future passive or natural heating and cooling opportunities. The proposed subdivision and associated project have the potential for passive cooling design, where an air economizing strategy is implemented. The air economizing strategy would increase the volume of outside air at seasonally appropriate times to reduce the burden on the building's cooling system. This practice reduces the energy demand on the building and potentially further enhances occupant comfort by providing more fresh air to the building environment. The proposed building shape of a compact square or L and the use of highly efficient glass and envelope materials will assist in the insulation of the interior from solar heat gain as well as air infiltration. Passive heating techniques being considered include the use of filtered ceiling plenum air mixing with primary cooler discharge air to meet the comfort of the occupant's space. The use of plenum air reduces the demand on the building's heating system during cooler months. Additional strategies such as photo-voltaic embedded glass and vacuum glass are being studied and may be considering in the final building design. The second office tower, currently under construction within the subdivision, consists of an under floor air system throughout the building as well as high efficiency glass.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3). The proposed subdivision is an existing urbanized area and the subdivision as a whole is less intense than what was approved in previous entitlements. Therefore, the burden on public services and availability for fiscal and environmental resources had been considered for a larger scale than what will ultimately be built. That is due in large part on the height constraints in place relative to MCAS Miramar. With respect to housing needs, the proposed subdivision includes the elimination of the currently approved 86 residential units from the University Community Planning area. Residential growth has been significant in the University Community Planning area and there are still a number of units in the pipeline to be built including 309 units at La Jolla Crossroads (directly across the street), 250 units at University Towne Center and 560 units at Monte Verde. The currently proposed project within the subdivision consisting of office, hotel, or a combination of those two uses will provide the residents in the Community with enhanced employment opportunities in an existing sub regional employment center per the General Plan's Economic Prosperity as well as reduced traffic to travel to the project based on proximity to public transit. The hotel use would serve the existing office sector in accommodating visiting business clientele in addition to increasing employment opportunities in the service sector.

The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and heard public testimony to determine the effects of the proposed subdivision on the housing needs of the region and; that those needs are balanced.

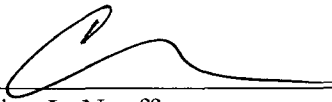
against the needs for public services and the available fiscal and environmental resources and found that elimination of residential uses at this specific site will not impact the housing needs anticipated for the University Community Planning area.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 1153096, is hereby granted to HSPF La Jolla Commons III Investors LLC, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
2/24/2014
Or.Dept:DSD
Doc. No. 708618

Attachment: Vesting Tentative Map Conditions

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. 1153096
LA JOLLA COMMONS III - PROJECT NO. 324553 [MMRP]
AMENDMENT TO VESTING TENTATIVE MAP NO. 340259

ADOPTED BY RESOLUTION NO. R-308757 ON FEB 24 2014

GENERAL

1. This Vesting Tentative Map will expire February 24, 2017.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 1153095.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

Project No. 324553
VTM No. 1153096

AIRPORT

6. Prior to recordation of the Final Map, the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING

7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
9. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

10. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
11. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
12. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet

thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

GEOLOGY

13. Prior to the issuance of a grading permit, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports," satisfactory to the City Engineer.

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.

- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24003787

Project No. 324553
VTM No. 1153096

Passed by the Council of The City of San Diego on FEB 24 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 24 2014.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT

as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By 

Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308757

Item 200
Sub Item A
Monday 2/24/14

RESOLUTION NUMBER R- 308754

DATE OF FINAL PASSAGE FEB 24 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO CERTIFYING ADDENDUM TO ENVIRONMENTAL
IMPACT REPORT NO. 99-0762, AND ADDENDUM NO. 79804;
ADOPTING THE MITIGATION MONITORING AND
REPORTING PROGRAM FOR LA JOLLA COMMONS III
PROJECT NO. 324553.

WHEREAS, on August 27, 2013, HSPF La Jolla Commons III Investors LLC submitted an application to Development Services Department for a Community Plan Amendment, Planned Development Permit, amendment to Planned Development Permit No. 252591, and Vesting Tentative Map, amendment to Vesting Tentative Map No. 340259, for the La Jolla Commons III (Project); and

WHEREAS, on November 14, 2000, the City Council adopted Resolution No. R-294147, certifying Environmental Impact Report (EIR) No. 99-0762, a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, on June 15, 2006, the Planning Commission adopted Resolution No. PC-4064 certifying Addendum No. 79804, a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final Environmental Impact Report No. 99-0762/SCH No. 2000031097 and Addendum No. 79804 if such Addendum meets the requirements of CEQA; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the as follows:

1. That the information contained in the final EIR No. 99-0762/SCH No. 2000031097 and Addendum No. 79804 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project.
2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the EIR No. 99-0762/SCH No. 2000031097 and Addendum No. 79804 for the Project.
3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in EIR No. 99-0762/SCH No. 2000031097 and Addendum No. 79804 or that any significant effects previously examined will be substantially more severe than shown in the EIR No. 99-0762/SCH No. 2000031097 and Addendum No. 79804.

4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.


5. That pursuant to State CEQA Guidelines Section 15164, only minor technical changes or additions are necessary, and therefore, the City Council adopts Addendum No. 324553, with respect to the Project, a copy of which is on file in the office of the City Clerk.

6. That pursuant to CEQA 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 City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

7. That City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
2/4/2014
Or.Dept: DSD
CC No. Doc. No. 716266

Attachment: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

COMMUNITY PLAN AMENDMENT NO. 1153094

PLANNED DEVELOPMENT PERMIT NO. 252591

VESTING TENTATIVE MAP NO. 1153095

LA JOLLA COMMONS III - PROJECT NO. 324553

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Addendum to Environmental Impact Report No. 99-0762/SCH No. 2000031097, Project No. 324553, shall be made conditions of Community Plan Amendment No. 1153094, Planned Development Permit No. 1153095, Amendment to Planned Development Permit No. 252591, and Vesting Tentative Map No. 1153096, Amendment to Vesting Tentative Map No. 340259, as may be further described below.

The La Jolla Commons III project shall be required to comply with all mitigation measures outlined within the Mitigation, Monitoring and Reporting Program of the previously certified EIR 99-0762/SCH No. 2000031097 and the project specific subsequent technical studies required. The following MMRP identifies measures which specifically apply to this project.

A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the “Environmental/Mitigation Requirements” notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder’s Representative(s), Job Site Superintendent, and the following consultants: **Qualified paleontological monitor**

Note: Failure of all responsible Permit Holder’s representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 317590 and/or Environmental Document Number 317590, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD’s Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying

proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc).

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution, or other documentation issued by the responsible agency: Not Applicable.
4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Paleontology	Paleontology Reports	Paleontology Site Observation

Waste
Management

Waste Management Reports

Waste Management Inspections

Bond Release

Request for Bond Release Letter

Final MMRP Inspections Prior to Bond
Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Passed by the Council of The City of San Diego on FEB 24 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 24 2014.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT

as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308754

R311142.01
02-17-2022

EXHIBIT A
LEGAL DESCRIPTION
REZONING

The Land referred to herein below is situated in the City of San Diego, County of San Diego, State of California, and is described as follows:

Lots 1 through 5 of La Jolla Commons III, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 16247, filed in the office of the County Recorder for San Diego County on December 28, 2017 as File No. 2017-7000533 of Official Records.

Excepting therefrom that portion of said Lot 5 Northerly of the Southerly Right of Way of Executive Drive.

Containing an area of 9.968 acres, more or less.

Subject to covenants, conditions, reservations, restrictions, rights-of-way and easements, if any, of record.

As shown on Exhibit B attached hereto and by this reference made a part hereof.



RUSSELL H. HANSON, PLS 8873





JUDICIAL DRIVE

EXECUTIVE DRIVE

LOT 2
MAP NO. 16247

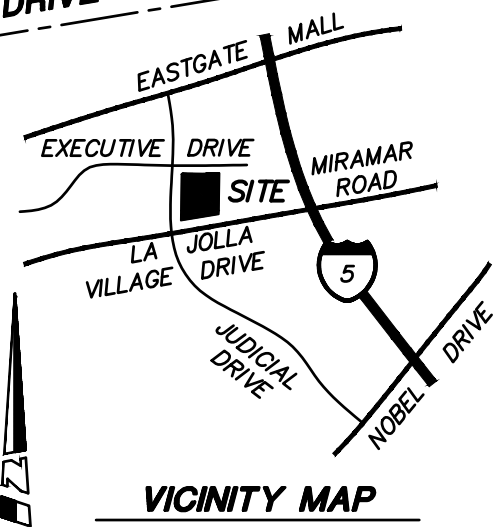
LOT 5
MAP NO. 16247

LOT 4
MAP NO. 16247

LOT 3
MAP NO. 16247

LOT 1
MAP NO. 16247

LA JOLLA VILLAGE DRIVE



VICINITY MAP

NOT TO SCALE

HUITT-ZOLLARS

Huitt-Zollars, Inc. Irvine
2603 Main Street, Suite 400, Irvine, CA 92614
Phone (949) 988-5815 Fax (949) 988-5820

APPROVED BY

Russell H. Hanson

2/17/2022

SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION

EXHIBIT 'B'
REZONING

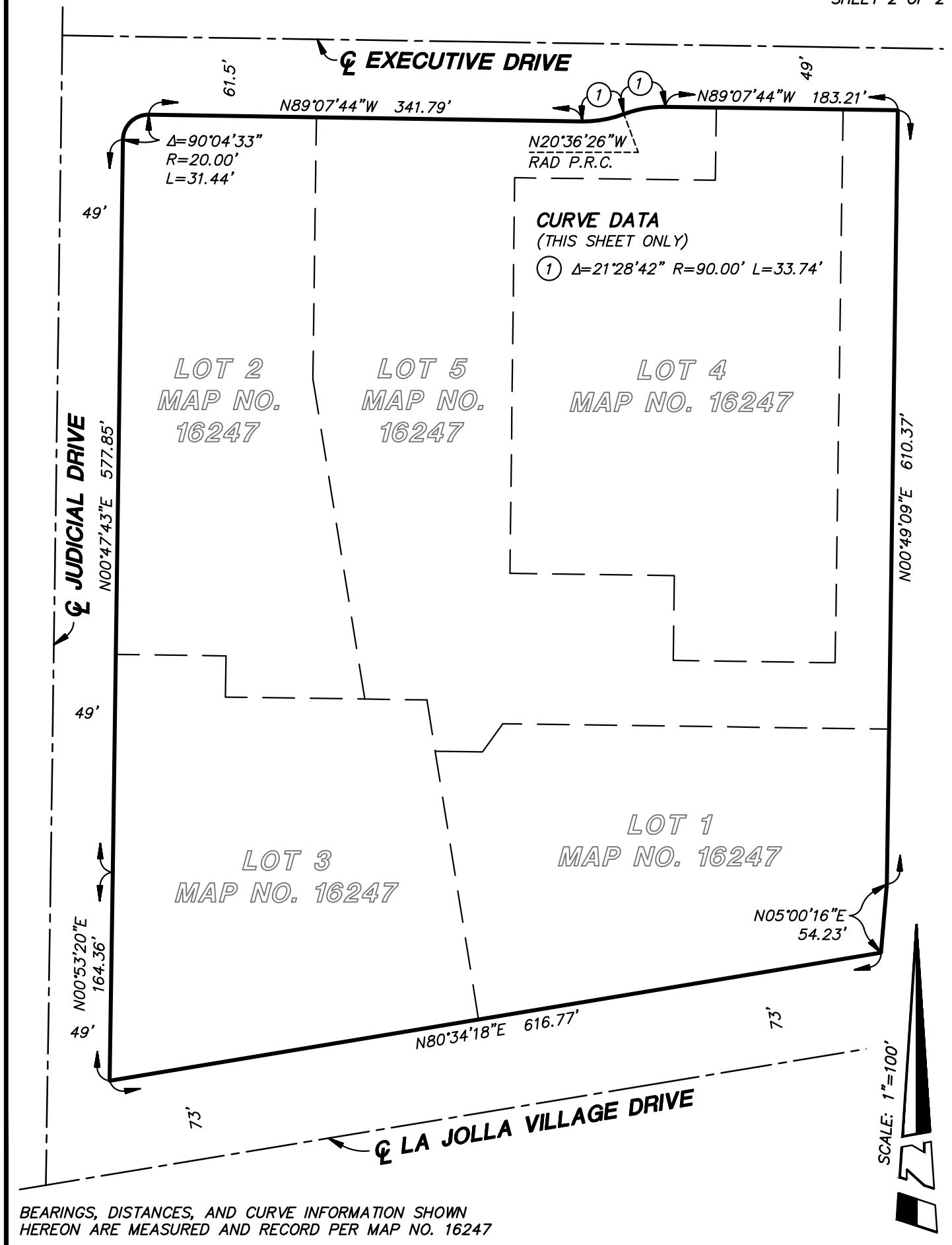
SCALE 1"=150'

DRAWN BY MB

CHECKED BY RHH

DATE 2/17/2022

JOB NO. R311142.01



From: [Chris Nielsen](#)
To: [Galvez III, Oscar](#)
Cc: Clifton.Williams@lw.com
Subject: [EXTERNAL] La Jolla Commons Rezone PTS 698279
Date: Thursday, February 10, 2022 1:28:59 PM
Attachments: [image001.png](#)

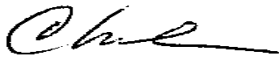
****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Hello Oscar,

At its meeting on February 8, 2022, the University Planning Group recommended approval for PTS 698279, La Jolla Commons Rezone, by a vote of 13 Yes, 0 No, 1 Abstain, and 0 recusals, with the Chair not voting.

Please let me know if you require anything further by the UCPG for this project.

Thank you,



Chris Nielsen
UCPG Chair

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	FORM
			DS-318
			October 2017

Approval Type: Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit ☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☒ Other Rezone

Project Title: La Jolla Commons Rezone **Project No. For City Use Only:** _____

Project Address: 4707, 4727, 4747, 4750 & 4757 Executive Drive, San Diego, CA 92121

Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☒ Limited Liability -or- ☐ General - What State? DE Corporate Identification No. AAT La Jolla Commons 3, LLC - 3595417
☐ Partnership ☐ Individual AAT La Jolla Commons, LLC - 7428573

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.


Property Owner

Name of Individual: AAT La Jolla Commons, LLC and AAT La Jolla Commons 3, LLC ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 3420 Carmel Mountain Road, Suite 100

City: San Diego State: CA Zip: 92121

Phone No.: (858) 350-2600 Fax No.: (858) 350-2620 Email: jgammieri@americanassets.com

Signature:  Date: November 1, 2021

Additional pages Attached: ☐ Yes ☒ No


Applicant

Name of Individual: AAT La Jolla Commons, LLC and AAT La Jolla Commons 3, LLC ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 3420 Carmel Mountain Road, Suite 100

City: San Diego State: CA Zip: 92121

Phone No.: (858) 350-2600 Fax No.: (858) 350-2620 Email: jgammieri@americanassets.com

Signature:  Date: November 1, 2021

Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: _____ ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☒ No