I. ADOPTION OF THE ADDENDUM TO THE SCIENCE RESEARCH PARK ENVIRONMENTAL IMPACT REPORT

Pursuant to Title 14, California Code of Regulations, Section 15074, the Board of Regents of the University of California ("The Regents") hereby certifies that the Gemini Sciences, Inc./La Jolla Institute for Allergy and Immunology Building ("The Project"), Addendum #1 to the Science Research Park (SRP) Environmental Impact Report (EIR), has been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. ("CEQA"), and that the SRP EIR was certified by the Chancellor of the University of California, San Diego on July 25, 2002 (SCH # 1999081028). Addendum #1 to the certified SRP EIR has been presented to The Regents, and The Regents have reviewed and considered the information contained in Addendum #1 and the SRP EIR prior to approving the Project. The Regents hereby finds that the Addendum reflects the independent judgment and analysis of the University, and adopts Addendum #1 to the SRP EIR.

II. FINDINGS

The following Findings are hereby adopted by The Regents pursuant to Title 14, California Code of Regulations, and Section 15074, in conjunction with the Approval of the Project, which is set forth in Section III, below.

A. Background

The SRP has been designed with five building lots in a campus-like layout on an approximately 30-acre site on the eastern edge of campus, three shared perimeter parking lots, open space, and landscaped areas. Total buildable area on each lot ranges from 80,000 to 130,000 gsf comprising a total development capacity range of 400,000 to 500,000 gsf on approximately 15 acres. The remaining 15 acres support the streets, terraces and walkways, parking and open space. The first proposed tenant of the SRP is Gemini Sciences, Inc./La Jolla Institute for Allergy and Immunology (Institute). The Institute proposes to construct and own a 130,000-gross square foot (gsf) building on Lot 1 of the SRP. Lot 1 encompasses approximately 3.4 acres and is located within the northeastern portion of the SRP site. The Institute would be a non-UCSD scientific research facility with significant linkages to UCSD’s School of Medicine research and instructional program, which is consistent with ground lease requirements outlined in the SRP Final EIR. The bulk of the building (70,000 square feet) would house bioscience research laboratories, research support space, a vivarium, assembly/common areas, administrative space, and public spaces associated with La Jolla Institute of Allergy and Immunology. Gemini Science, Inc. would use approximately 20,000 square feet of the building as a pilot plant manufacturing facility for cell production. The Gemini Science, Inc. program...
would include research and administrative components. Approximately 20 to 30 percent of the space occupied by Gemini Science, Inc. would consist of administrative office space utilized for partnering and licensing activities in the United States by Kirin, Gemini Science’s parent company, for management of administrative responsibilities of Gemini Sciences, Inc., and in conjunction with clinical studies of drug candidates conducted by Kirin. The research component would focus on research activities of drug discovery programs similar in nature to those of the La Jolla Institute for Allergy and Immunology. The proposed building is expected to be occupied by late 2004.

B. Environmental Review Process

The potential environmental effects of proposed building development were analyzed in the EIR for the Science Research Park (SCH # 1999081028), which was certified by the UCSD Chancellor on July 25, 2002. The EIR assessed the potential environmental effects of mass grading and infrastructure development of the site as well as the phased development on the five lots within the park.

The Draft EIR public review period was April 18 through June 3, 2002. Public comment was received from the United States Marine Corps and the City of San Diego. In addition, a public hearing on the Draft EIR was held on May 5, 2002, during which comments were received from executive committee members of the University Community Planning Group. The campus evaluated the oral testimony received at the public hearing as well as the written comments received during the comment period and prepared written responses. The responses are contained in the final EIR.

Pursuant to state law and University procedures for implementation of the California Environmental Quality Act (CEQA), Addendum #1 to the SRP EIR was prepared for the Gemini Science, Inc./La Jolla Institute for Allergy and Immunology Building Project. The proposed Addendum is tiered from the 2002 SRP EIR certified by the UCSD Chancellor in conjunction with the approval of Infrastructure development at the SRP; a Notice of Determination was filed with the State Clearinghouse on July 31, 2002.

Addendum #1 evaluated whether the project will result in any new environmental impacts not previously analyzed in the SRP EIR. None of the conditions or circumstances that would require preparation of a Subsequent or Supplemental EIR pursuant to Public Resources Code 21166 or CEQA Guidelines Section 15162 and 15163 exists in connection with the Institute lease. The Addendum found no substantial changes in existing circumstances, no new information of substantial importance that would result in new significant effects, and thus concluded that no changes to conclusions of the SRP EIR were necessary, and no further analysis is warranted.
C. Relation of the Project to the 2002 SRP EIR

The Project is consistent with and implements a portion of the 2002 SRP EIR. The SRP EIR is tiered from the 1989 LRDP EIR that contains measures to mitigate the impacts of proposed campus development and applicable measures were incorporated into the tiered focused SRP EIR. The 1989 LRDP EIR mitigation measures that are incorporated into the SRP project include: short-term construction impacts would be kept to a minimum by placing appropriate restrictions on congestion, potential CO hot spots, noise and dust which have been incorporated into the general conditions for all campus construction contracts (measures 3.4.2.1, 3.4.2.2, 3.3.2.2 and 3.3.2.4); short and long-term erosion control plans would be developed to address construction related erosion control (3.8.2.2); compliance with hazardous materials laws and regulations (3.6.2.4a); geotechnical review (measure 3.7.2.1 and 3.7.2.2); paleontological monitoring during grading and excavation (measure 3.10.2.1); and design review to ensure conformance with applicable campus planning principles, policies and guidelines (measures 3.4.2.4 and 3.12.1).

The SRP EIR evaluated the program level effects of SRP project development. The following mitigation measures were proposed to reduce impacts to Air Quality, Biological Resources, Hydrology/Water Quality, and Noise to levels below significance or to avoid impacts altogether. These measures will be implemented as lot specific development moves forward. In summary, these measures include: certification that air toxics regulatory requirements are met (3.2-2), certification of compliance with UCSD laboratory protocols and NIH bio safety principles (3.3-2), and certification of proper handling and disposal of hazardous waste (3.3-3); tree removal activities to avoid nesting season (3.5.3a), respecting or mitigating for work in setbacks during the nesting season (3.5.3b), proper disposal of landscape clippings due to site maintenance (3.5-4a), and biologist to review plant palette for each lot specific development plan (3.5-4b); licensed engineer to design storm drain system and erosion control plans (3.7.1 and 3.7.2), comply with NPDES storm water discharge requirements, long term maintenance, and water quality testing (3.7-3a), incorporation of infiltration areas or devices (3.7-3b), minimize generation of urban contaminants in landscaping (3.7-3c), and implement street sweeping program (3.7-3d); and follow noise performance standards for building mechanical equipment (3.8-5).

The 2002 SRP EIR identified potentially significant environmental impacts resulting from implementation of the SRP development concept, and included mitigation measures to reduce the impacts of such development to levels below significance. Addendum #1 clarifies and provides design specifics such as conforming height and setback requirements, and consistency of the research program with the assumptions in the SRP EIR. Based on the analysis provided in the Addendum for development of the first lot at SRP, the University concluded that the proposed project is fully consistent with the building program described in the SRP EIR and the project would not have new significant environmental impacts that were not already identified, analyzed and mitigated as identified in the SRP EIR.
D. **Additional Findings**

1. **Incorporation by Reference**

These Findings incorporate by reference in their entirety the text of Addendum #1 and the Final 2002 SRP EIR and the Findings adopted by the Chancellor in connection with Approval in July 2002, the 1989 LRDP, the 1989 LRDP EIR, and the Findings and Overriding Considerations adopted by The Regents in connection with its Approval of the 1989 LRDP. Without limitation, this incorporation is intended to elaborate on the scope and nature of Project and cumulative development impacts, related mitigation measures, and the basis for determining the significance of such impacts.

2. **Mitigation Monitoring and Reporting Program**

The proposed project is fully consistent with the 2002 SRP EIR and the project would not have significant impacts on the environment because the University has agreed to mitigation measures identified in the previously certified 2002 SRP EIR.

3. **Record of Proceedings**

Various documents and other materials constitute the record of proceedings upon which The Regents bases its findings and decisions contained herein. Most documents related to this Project and the custodian of the administrative record are located at the UCSD Physical Planning, 10280 North Torrey Pines Road, Torrey Pines Center South, Suite 340, La Jolla, California 92093-0965.

The Regents hereby finds that, upon consideration of the record as a whole, there is no evidence before it that the Project has a potential for any new adverse effects on wildlife resources, or the habitat upon which the wildlife depends. The project site is located on an area that has been previously disturbed or developed. No threatened, endangered or special status animals, and no habitat necessary to sustain such animals, have been found on the Project site. Because the Project will have no impacts on wildlife as defined in Section 711.2 of the Fish & Game Code, the Project will not contribute to potential cumulative development impacts to such wildlife. The Regents hereby further finds, on the basis of substantial evidence in the record as a whole, that the presumption of adverse impacts to wildlife described in Section 753.5, Title 14, California Code of Regulations, has been rebutted.
E. Summary

Based on the foregoing Findings and the information contained in the record, The Regents has made one or more of the following Findings with respect to the Project:

1. The Project will incrementally contribute to, but will not increase the severity of significant environmental impacts previously identified in the SRP Final EIR.

2. All SRP EIR mitigation measures relevant to the Project, as identified in Addendum #1, as well as all components of the Project described in Addendum #1, are made a condition of the Projects’ approval.

3. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible through SRP FEIR mitigation measures adopted in connection with the UCSD Chancellors’ approval of the 2002 SRP EIR.

4. The Project will not result in environmental effects that were not adequately examined in the SRP FEIR.

III. APPROVALS

The Regents hereby takes the following actions:

A. Adopts Addendum #1 for the Project as described in Section I, above.

B. Approves, incorporates, and makes a condition of the Project all elements of the Project and relevant 2002 SRP EIR mitigation measures identified in the Final SRP EIR.

C. Adopts the Findings in their entirety as set forth in Section II, above.

D. Having approved Addendum #1, independently reviewed and analyzed the Addendum and the 2002 SRP EIR, conditioned the Project as described above, and adopted the Findings, The Regents hereby approves the design and groundlease of the Gemini Sciences, Inc./La Jolla Institute for Allergy and Immunology Building Project.