

UNIVERSITY COMMUNITY PLANNING GROUP

Meeting Minutes
Virtual Meeting Via Zoom
December 13, 2022

Directors present, directors absent

Chris Nielsen (CN) (Chair), Roger Cavanaugh (RC) (Vice Chair), Neil de Ramos (NR), Joann Selleck (JS), Isabelle Kay (IK), Rebecca Robinson (RRW), Jon Arenz (JA), Amber Ter-Vrugt (ATV), Anu Delouri (AD), Kristin Camper (KC), Petr Krysl (PK), Carol Uribe (CU), Andrew Parlier (AP), Georgia Kayser (GK), Karen Martien (KMar), Andrew Wiese (AW), Linda Bernstein (LB), Fay Arvin (FA), Carey Algaze (CA), Steve Pomerence (SP), Sasha Treadup (ST), Nancy Graham (NG-City of SD Planning).

- 1. Call the Meeting to Order: Chris Nielsen, Chair.** Chair CN at 6:05 pm
- 2. Agenda: Call for additions / deletions: Adoption.**
 - *Adopted by acclamation*
- 3. Approval of Minutes: November 8, 2022.**
 - *Adopted by acclamation*
- 4. Announcements: Chair's Report and CPC Report**
 - CN: The November CPC meeting unanimously approved an action item recommending that the city council pass a resolution allowing meetings in person, by zoom, or a hybrid of the two. The city attorney's office has said that the council has the power to do this. We urge both CMs from D1 and D6 to support this. Second, CPC unanimously passed an action item recommending council support one free appeal of a project through the entire appeals process, per year, by CPGs. We think this will be supported by a majority of council members.
 - For the January UCPG meeting, the long-delayed Torrey Pines ADA/utilities item may finally be heard. We will appoint an election subcommittee and propose continuing the use of the two libraries for dropping off ballots during the week prior to the UCPG meeting on March 14, 2023.
 - We will also continue the discussion of Green Building Design and the Climate Action Plan begun in November. Roger Cavanaugh will give a brief preview of the discussion now.

- RC: Last meeting we addressed issue looking at technology to support meeting the Climate Action Plan goals. These goals are pretty ambitious and call for net zero carbon by 2035. The discussion will include the “nuts and bolts”, rethinking policies/assumptions to get to those goals, and the aspirational goals. Technology moves fast and an example is 5G technologies – the carriers say this will change the world we live in but there is no safety data on this. Do we really want this? A University in Texas is exploring 6G roll out in 2030. We are behind the curve when it comes to technology. We’ll also talk about introducing the concept of eco district, think about pieces we would put together to go into an eco-district.

5. Presentations:

Councilmember Kent Lee: Kent Lee / Sheldon Zemen

- Kent Lee: I have had a chance to attend most of UCPG meetings in the last year and am honored to be serving as councilmember in district 6, covering University City. We are hitting the ground running - we just got out of a council meeting and are headed to another event but wanted to stay on as long as I could. For those who don’t know me, my name is Ken Lee, I’m a resident of Mira Mesa, serving on planning group for last 10 years. It is important that our office has a pulse on what is going on in the University City community. Excited to introduce you to members of the team tonight, including my Director of Communications, Alex Villafuerte.
- One of the big items of interest at City Council is how we deliver infrastructure within communities. Whatever happens with the community plan, if we do not deliver on the infrastructure, we will not be meeting our responsibilities to residents. So, we will see how this gets approached in the budget and capital improvement projects and we want to hear from you and the priorities you have in mind. In mid-January there will be an opportunity to update the budget. I understand councilmember Cate had worked with Councilmember LaCava to capture key priorities for UC so we don’t want to miss the opportunity to implement these priorities as part as our budget memo.
- Our community representative Sheldon Zemen is a most experienced community representative. He has served in multiple council offices and is a University Community resident as well.
 - Sheldon: It is a pleasure working for University City and for Kent. I have been a community representative for 7 ½ years in Tierrasanta,

Linda Vista, Clairemont, and Mira Mesa. I have lived in San Diego all my life – the weather the best in the world and the City is the best in the world.

- There will be a water shut down upgrading the systems on the 9200 to 9400 of Town Center, 4500 and 4600 Executive Drive, La Jolla Village Drive, East Gate Mall from 12/16 at 8pm to 12/17 at 7am.
 - Barry Bernstein: Congratulations to Kent. Sheldon, we hope you'll be able to keep close eye on the Pure Water Project specifically what has been done so far and what it will do to traffic and impact to first responders.

Plan Update Subcommittee: Andy Wiese, Chair

- AW: Reminder that the subcommittee will not meet in December. At the November meeting we discussed and took comments on potential land use scenarios for community plan update which included a scenario A – a staff preferred scenario and scenario B which reflected comments received from the subcommittee and community members. The city took comments from the group and wanted to have time over the holiday to work on those comments and come back with refined land use scenarios in January. This reflects the iterative process that the community has requested and are hopeful that it will include land use scenarios that receives buy in from community and the majority of the members of the subcommittee. Next Plan Update meeting is set for January 17th.
 - JS: between now and next meeting what should we be doing in terms of support or communicating our thoughts?
 - AW: City has not asked for any support, but members of community are welcomed and encouraged to submit comments on features of the plan.

Mayor Todd Gloria: Matthew Griffith/Michaela Valk

- CN: New rep will be Michaela Valk, not present.

CIP Subcommittee: Georgia Kayser

- GK: Will provide update during action item

6. Public Comment: Non-Agenda Items (2-minute limit).

- None

7. Action Item: AB361 provisions for ongoing UCPG virtual meetings. A vote will be required each month to authorize the next meeting to be held virtually. Public health reasons must be cited.

- CN: My personal opinion is whether its covid, flu or RSV, it is not a great time to meet in person. Understand that the governor hasn't changed the status of the emergency. If anyone has a different opinion, let's discuss it now.
 - Motion by PK to approve a virtual meeting for January / 2nd ATV
 - *Motion Approved: Yes- 16, No – 0, Abstain -0*

8. Action Item: Preparation of a UCPG comment letter for the Draft EIR for Project PTS 624751, Towne Centre View. Land Use Plan Amendment, Site Development Permit (SDP), Coastal Development Permit (CDP) & NDP amending SDP #2758 & CDP #117798, Tentative Map with Public Right Of Way and Easement Vacations for the construction of a research and development and office campus with six buildings totaling 1,000,000 SF located at 9908, 9881, 9893, and 9897 Town Centre Dr. Clif Williams, Latham & Watkins, Stephanie Saathoff, the Clay Co., and Emilie Colwell, T&B Planning, will be present to answer questions on behalf of BioMed.

- CN:
 - Subcommittee was formed in late 2020 for this project's EIR. The subcommittee has met twice in last 2 weeks to review draft EIR and has formulated a draft list of comments. The intention tonight is not to wordsmith the letter, but to update the list of comments. We will wordsmith outside of UCPG meeting forum. We can keep, remove, add, or modify comments on this list.
 - It is important to follow the form and function in the draft EIR and make comments responsive to specific sections in the EIR.
 - Comments are due by close of business on Friday, January 6th via email but the sooner we submit our comments the better.
- AW:
 - AW presented the collected comments to the group and indicated he has some revisions to these comments that he will present at the end.
 - Landscape Plan:
 - Comment offers praise for landscape plan and suggests approval of the landscaping plan with native plant landscaping throughout, but suggests removing one invasive species on the plant palette (Pampas Grass).
 - MHPA:

- Provides support for the project to convey almost 4 acres of open space to City into MHPA
- Range of feasible alternatives:
 - None of the feasible DEIR alternatives proposed reducing the parking and/or removing the parking structure.
- Comment on visual impact of project
 - Removal of parking garage would preserve public views of the ocean from Towne Centre Drive. The vista was called out in community plan of 1987 as a scenic resource on p. 221.
- Parking comments:
 - Recommend reducing the number of parking spaces – city has ambitious climate action goals and mode shift towards bicycle, transit, and pedestrian. This project is proposing to park the site using the old, unsustainable ratio. Should push the city to reduce automobile travel
 - Paid parking: TDM indicates project would have paid parking to reduce vehicle use, but employers could still compensate employees for parking.
- Mode share:
 - Project should meet CAP targets for 2020/2035. If individual projects don't meet the targets for 2020/2035 then the aggregate will not meet those targets either. All projects should strive to meet the 2020 and 2035 goals.
- Solar panels
 - Includes the possibility of solar but should study to ensure solar is happens.
- All electric buildings
 - Should explain why the project is not all electric.
- Sustainable building itself
 - Proposes LEED Silver status, comments suggesting why higher LEED status is not proposed (e.g., LEED Gold/Platinum).
- Biological resources:
 - It is a 1M sf. project, surrounded by habitat and MHPA with glass walls and 3,000 employees surrounded by open space area and critical habitat.
 - Edge effects: Consider appropriate fencing and signage that should prevent unauthorized access into the MHPA
 - Light impacts: Fully shielded outdoor lighting into MHPA lands. Indoor lighting to be shielded at night.

- Habitat fragmentation: Fencing should keep people out but allow wildlife to move through
 - Impacts to sensitive rare threatened species, immediately adjacent to site should be studied in addition to the project itself. Includes Gnatcatcher, barrel cactus, Nuttall's Scrub Oak, Wart Stemmed Ceanothus.
 - Vernal pool impact – evaluate and avoid impact to vernal pool in MHPA
 - Impact to fuel modification – confirm no brush management will take place in MHPA.
 - Study Invasive species
 - Evaluate bird strikes
 - Noise impacts – adjacent to MHPA, amplified events outdoors should be avoided and written into the lease with tenants
 - Prohibit lethal removal of snakes that enter the project site.
 - Avoid use of rodenticide
- Discussion of presented comments:
 - RC: In 2019, an Orange County group has successfully worked with the parks department to eliminate the use of toxic pesticides which can injure small animals. Suggest looking into the use of nontoxic pest control and fertilizers. Can make an introduction.
 - PK: Kudos to the subcommittee, impressive report. Hope the comments will be taken into account.
 - Jeff Dosick: When Clif made his presentation last month – there were questions about the Blue Line trolley between Nobel and Campus Pointe along Genesee Avenue which is the only N/S route for bicyclists. We have Bike lanes disappearing into right turn lanes. The design will never be utilized by those who want to commute because it is so dangerous.
 - CN: I will work with Jeff to refine comments. Suggest doing an individual comment letter.
 - AP: There are legal requirements governing parking spots. Is the comment about parking intended to say there should a min/max of only legally required parking spaces. Or request to change legal requirement?
 - AW: tends towards the latter - the project is parked at the City's minimum. We could frame the comment as how can they meet the mode shift with this parking to meet climate action goals.

- a. AP: I would encourage the planning group to consider whether this is the correct forum. Argue that comment might be better served with alternative transit projects.
 - i. AW: Some of the revisions and suggestions I have may address those comments.
- ATV:
 - Thank AW and echo AP comments. One area raised in the subcommittee was with regard to parking. Hearing AW and others talking about Climate Action, but these comments are trying to leverage a project to have UCPG to work with city on some of those things. With regard to bird strike and parking/transportation restrictions written into lease agreements, I'm uncomfortable with that. On item #8 it is important to make sure we're referencing that these are biotech facilities with specific and specialized needs.
- JS:
 - 2 concerns – (1) construction on this small broken parcel was too much/too bulky for the site and (2) given the scenic value of the property, there was conversation that the public should be afforded access onto the property – was any of that considered? If so, how?
 - a. CN: The buildings have not been designed yet. West of parking structure provides some access as a lookout.
- Aidan Lin:
 - Thank everyone who has worked on project. This project has the possibility to positively impact students. This project is consistent with planning authority and has gone through the necessary steps of review. We need more employment in the area. Support and recommend it move forward.
- IK:
 - Acknowledge hard work and excellent drafting by subcommittee. Looking back using google earth at history of the site – there was an intact mesa top, then entire thing was graded and it was paved in 2016. But before that there were settling ponds since 2011. I believe that rather than parking garage, the project should dedicate more of the site restoration desperately needed. It doesn't mean it can't be restored to functional open space. Gnatcatcher population nearby.
 - a. Clif Williams: There are 2 sites –one is the existing that has the buildings on it currently and one is part of larger

40-acre property that went from Towne Center then went down into the canyon where creek is. The site gave up 30 acres and dedicated it to the city as open space. The next portion over includes an area dedicated around it for open space and there is another part of the project that has a conservation easement over it. So, each project has given away acreage (9 acres, 30 acres, 7 acres, +/-) in conservation land. So, each site dedicated a significant amount of open space.

i. IK: What about the settling ponds in 2011?

1. Peter Jones: Those are retention basins filled up since MTS left, we went through to upgrade.

a. IK: at the end of peninsula, it should be considered as corridors to help with connectivity

i. Clif: The site is surrounded by retaining walls that define the site, The approved plan paves the entire site, but the proposed plan enhances native landscape and reduces the paving by 40%

• Nicole Lillie:

- Support the project, student at UCSD. It is essential that San Diego prioritizes more climate friendly development and this new development must go somewhere. After looking at EIR and exec summary, it is clear UTC is best space for new development and office space, right next to the mid-coast trolley.

• Kelly Lyndon:

- Resident of South UC and have lived here 15 years but this is the first time to come to meeting. Happy to see many comments are related to sustainability, happy to see recommendation for all electric construction with exception for gas needed for lab. In discussions with friend in the industry, Biotech labs don't need ordinary gas. Suggest removing the exception and having it be truly an all-electric building

- Kerry Santoro:
 - It is important to remember environmental analysis looks at impacts created by the project – have some concerns about some of the comments made during the meeting. Specifically, in regard to the invasive species management – run risks encouraging projects to go into the MHPA to remove invasives could create more damage than good.
- KM:
 - The parking and bike infrastructure/mode share have a mitigation requirement that requires they monitor VMT for 5 years after project is built. It is appropriate to bring up the minimum parking requirements being high and ask how they will meet those mitigation measures.
- Bill Beck: AW – how many people working here? 3,000. Do our comments include what that impact might be?
 - AW: it has been included in the spirit of comment in mode share/parking.
 - a. Bill Beck: Traffic has been horrendous. Going to add 3K more people, will create heavy impacts. Something should be mentioned about that
- CA:
 - I share a lot of the same sentiments as ATV, AP, and Kerry Santoro regarding the appropriateness of some of the comments. I'm looking forward to Andy's comments, since it sounded like he had some proposed edits that might address these concerns, but I would like to ask the applicant team if are there any comments that you would like to provide more information on or you would like us to take another look at? And I'm sure many of them will be addressed in the FEIR process but wanted to give the opportunity to mention any if you like?
 - a. Clif: None really are problematic; this is the opportunity to get the comments from you all so we can address all of them in writing so we are happy to accept the comments that you have tonight.
- Debbie Knight:
 - DIER estimated construction time is 68 months, which means it will be 2028-29 before the project is finished. To be forward looking, the Climate Action Goals is totally appropriate and one of the reach goals is electrification of buildings. It is

appropriate to have the DEIR study that. Appreciate the comment of not needing natural gas. The lack of solar panels being included is concerning. Solar panels should be a key thing. The City passed plan update for Mira Mesa which failed to meet climate action mode share goals – it's the largest community that has failed to meet it. Parking at a reduced level an appropriate question. Project has a huge impact from driving so extremely important to raise. Disagree that the obligations shouldn't be dictated in the agreements – if not, then how will anything be implemented? DEIR needs to address how the employers subsidizing parking will be addressed since it will undercut the mode share. Intrusion into MHPA is huge issue here. How will you keep people out of MSCP and how will you do it? Bike infrastructure, thank Jeff Dosick for those comments and the DIER must disclose the speculative nature of the bike lanes and the lack of funding because its nonexistent with no prospects for it being existing.

- Redline Revisions to Letter Based on Discussion:
 - AW presented redlines to the comment letter with his proposed edits and incorporating the feedback from the group:
 - a. Transportation comments:
 - Reiterate the goal of the project is to promote alternative transportation
 - Given distance from transit, project should reduce single vehicle mode share and explain how the project can meet project and city level mode share goals under the Climate Action Plan with the existing parking ratio.
 - Recommend study of impacts to remove parking garage in the corner or reducing the number of parking spaces.
 - b. Parking Comments:
 - Remove recommendation to write requirements into lease agreements with tenants
 - Already takes into account TDM enforced at the tenant level – ask question to explain how TDM program prevents reimbursing for paid parking
 - c. Mode Share:

- i. Revised to state “explain the mode share for the project and the mitigation measures for TDM and how it will contribute to mode share and if not meeting explain why not.”
 - Buffered Bike Lanes Towne Centre Drive:
 - a. Relies on bike facilities not even planned yet but are part of draft community plan with no mechanism for funding. Evaluate VMT/mode share/TDM if no safe bike infrastructure. Could study impact of adding a bike lane.
 - Rooftop panels:
 - a. Explain why its not designed with rooftop solar at the beginning.
 - All Electric
 - a. Evaluate impacts of designing building to be fully electric
 - LEED:
 - a. Explain why not higher LEED and study impact of higher LEED standard.
 - ESL:
 - a. Parking garage impact along slope at corner of parking structure.
 - Coastal Zone:
 - a. Confirm coastal zone issue
- Motion to adopt as amended by AW/2nd by ST
 - *Motion Approved Yes – 12, Abstain -1(NdR), Recuse -1(JA)*

9. Action Item: Determination of when the UCPG should make a final project recommendation for the Towne Centre View project.

- CN: Applicant asking for UCPG to make a final project recommendation for the Towne Centre View project in January
 - Stephanie Saathoff: Request is to come back before the planning group on January 10th, we anticipate having the responses to your comments from this evening by then. We expect to be in a place to share our responses that we’re providing to the city by then. The planning group recommendation is the first step that would allow us to be scheduled with Planning Commission and then go onto Land Use and Housing Committee and ultimately City Council hearing.
- Debby Knight:

- I don't recommend this to the planning group – we should see answers to comments – often other comments important to be able to view.
 - ATV:
 - Recall on other projects that we have voted once we have a comment letter so I'm curious about the process we've done historically, but I don't see harm in placing it on the agenda to keep on track with the schedule.
 - KM:
 - I would love to hear the responses to questions, but I'm not comfortable approving project until final EIR
- Motion to NOT place project on agenda in January and wait for final EIR to add to agenda by AW/ 2nd KM
 - *Motion Approved - Yes -9 No-2(CA,AP), Recuse -2(NdR, JA), Abstain-1(ATV)*
- Clif acknowledged they would honor the vote but asked clarifying question regarding the intent/meaning of the motion since the “final EIR” may be further out and dependent on a lot of filing/paperwork. The applicant team is trying to get responses to the planning group comments and he understands that the planning group wants those response before making a decision. It would be possible to come in February if all responses are in?
 - AW: Yes, goal is not to delay but to have the information before us to make a decision.

9. Action Item: Determination of a preferred method of voting for project lists from the UCPG, including CIP submissions to the City and project lists for our councilmember. Georgia Keyser, CIP Chair, presenting.

- GK: Prepared short presentation to recommend voting process for CIP and budget priority list. It would be helpful if we had an easy voting process. To date, the process has been that community members submit CIP and budget priority list to UCPG and the group has a discussion before the top 5 or 6 are submitted.
 - The proposal is to have a list of projects with description and estimated budget. UCPG would discuss those projects and budget priorities it in meeting and then the group would vote ranking their most preferred CIP from 1 to N with the most preferred CIP as 1. The scores from board members can be added; the lowest point score project would be ranked number 1, the next lowest score would be number 2, and so forth. The results would be shared at the next monthly UCPG meeting.
 - The goal is that this voting process would allow for discussion, create transparency, and enables us to quickly turn our recommendations around when funds become available.
 - CN: One of the advantages of this process it that we don't always know when we will be asked for a list of projects so this will help

us do that. For example, CM Lee has asked for a budget priority list to be submitted next month

- ATV: thank you for taking this on, a lot of work appreciate what you've put in, compliment to you
 - Bill Beck: future CIP and budget list or is the budget list set?
 1. CN: Budget list is set.
-
- Motion to approve method of voting by GK / 2nd: ATV
 - *Motion Approved: Yes-13, No-0, Abstain-0*

10. Adjournment: Next Meeting will be January 10, 2023, via zoom.

December 22, 2022

Rachael Ferrell

Development Services Department

1222 First Avenue, MS-501

San Diego, CA 92101

DSDEAS@sandiego.gov

Dear Ms. Ferrell,

Please accept the attached letter from the University Community Planning Group as a comment for the Draft Environmental Impact Report SCH No. 2021040044, November 2022, for Project No. 624751 “Towne Centre View”.

This comment letter is submitted electronically. Please acknowledge receipt of the attached comment letter.

Sincerely,

Chris Nielsen, UCPG Chair

University Community Planning Group

Comments for the Towne Centre View Draft Environmental Impact Report

SCH No. 2021040044, November 2022

Project No. 624751

Approved December 13, 2022, by the UCPG

Submitted to the City of San Diego December 22, 2022

Notes for reading this comment letter:

Statements asking for a comment in the Final Environmental Impact Report are given in *bold italics*.

A statement reflecting a UCPG recommendation or support for an aspect of the Project are indicated by the phrase “**The UCPG recommends ...**” or “**The UCPG supports ...**”, given in **bold**.

Draft Environmental Impact Report Comments

1) Project Landscaping Plan.

The DEIR addresses landscaping in section 3 pages 8-9.

The UCPG strongly supports the project's use of native plants in project landscaping throughout the site. This is an important step toward preservation and enhancement of biodiversity and environmental resilience in the city and in its MHPA in particular.

The FEIR should evaluate the impact of removing Chinese Elm from the project plant palette Chinese Elm is invasive in open space areas of the University Community.

2) Conveyance of Open Space to City of San Diego.

The DEIR addresses the conveyance of Open Space in table 5.1-1 and section 5.4 on p 5.4-12 and 15.

The UCPG supports the establishment of conservation easements and conveyance of 3.9 acres of on-site MHPA to the city's MHPA through transfer in fee simple and/or dedication.

The UCPG recommends that the city Parks and Recreation Department Open Space Division Deputy Director approve the transfer and dedication of on-site MHPA to the city preserve.

The UCPG supports addition of open space easements and conveyance of 3.9 ac to City MHPA.

The UCPG recommends that dedication should take place as part of the approval of the project.

2a) Potential for Habitat Restoration

The DEIR discusses the conservation/dedication of 3.9 acres of onsite lands to the City of San Diego MHPA on p 5.4-12 and 15.

As these lands include disturbed plant communities and habitat lands require costs associated with maintenance and monitoring, the FEIR should consider the potential impacts on adjacent MHPA lands and adjoining sensitive species, including Coastal California Gnatcatcher, of restoring habitat and providing funding for maintenance and monitoring in the 3.9 acres identified for conservation and dedication as open space.

3). Range of feasible alternatives

The DEIR considers alternatives to the project in section 10; however, it does not consider the one option most likely to result in reduced automobile transportation, VMT and GhG while meeting the economic goals of the project: the reduction of available parking.

The FEIR should evaluate the impacts of a reduced parking alternative on VMT, GhG, and transportation mode share, including the potential removal or rescaling of the parking structure (504 parking spaces) in the SE corner of the site. It should explain why a reduced parking alternative was not studied, given concerns raised over the impact of the parking garage.

4) Visual Impacts

The DEIR discusses visual impacts in section 5.17.

The proposed parking will have significant and unmitigable visual, aesthetic, and scenic impacts by obstructing a public vista across nearly four miles of the State Coastal Zone, including the Sorrento Valley, Peñasquitos Lagoon and Pacific Ocean. This is one of the few – if not the only – publicly accessible views of the Ocean in the University Community east of Interstate 5 or outside of the Coastal Zone.

This vista and surrounding canyon vistas offered from public rights of way are listed as a “scenic resource” on page 221 of the *University Community Plan*, 1987.

To reduce impacts to scenic resources including public views of Coastal Zone, Ocean, and Sorrento Valley from the public right of way on Towne Center Drive, the FEIR should study a feasible alternative that does not include the proposed parking garage at the SE corner of the project site.

The FEIR should study in particular the impacts of such a “reduced parking alternative” on the “scenic resources” identified on page 221 of the University Community Plan.

5) Transportation/Mobility: Parking, see section 3.2.2.

The DEIR argues that a goal of the project is to “promote use of alternative modes of transportation” (ES-4).

However, the project proposes to use the same standard parking ratio for the project that has been responsible for the city’s inability to meet its mode share targets under the Climate Action Plan.

The DEIR indicates that the project will include 2,500 spaces for an estimated employment of 3,000 people, a ratio of 5:6 or 1 car per every 1.2 employees, the city minimum standard.

To meet City of San Diego Climate Action goals, the project should reduce single vehicle mode share to at least the level of CAP 2020 mode share targets.

Given its actual distance from accessible transit, the proposed Project and, absent reduced parking, the project will remain reliant on automobile transportation at ratios far exceeding Climate Action Plan targets (2020 or 2035), which reflect critical state and global needs.

The FEIR should evaluate the impact of removing the parking structure or otherwise reducing the number of parking spaces on transportation mode share.

The FEIR should explain how the project can meet project and city level mode share goals under the Climate Action Plan with the existing parking ratio.

5a) TDMs – Paid Parking

The DEIR addresses paid parking on page 5.2-30 as one of the required TDM measures. However, it does not address how the project should ensure that paid parking is not circumvented by tenants reimbursing employees for parking, which is a common practice.

On ES-11 the DEIR notes that its TDM plan “may be tailored to each tenant, and monitoring, reporting and penalties may be assessed to each tenant separately by the Permittee, although all monitoring, reporting and penalties shall remain the responsibility of the Permittee. TDM plan measures will be incorporated into tenant leases to ensure compliance.”

The FEIR should explain how the TDM program requirements will prevent tenants from circumventing the requirements of TDM plan mitigation by reimbursing employees for paid parking.

If the FEIR determines that paid and uncompensated parking cannot be enforced as a TDM, the FEIR should assess the impacts of the project on VMT, GhG and mode share without the alternative of paid parking as a TDM measure.

5b) Transportation – VMT standard

The DEIR addresses Vehicle Miles Traveled in table 5.1-1 and section 5.2-24 through 30.

The FEIR should evaluate the project with a VMT standard based on the city employee average VMT in addition to the regional employee mean average.

6) Transportation: Mode Share to meet CAP targets for 2020 and 2035

The DEIR addresses transportation impacts in section 3.2.2.

Given that the project will not even complete construction for 68 months – between 5-6 years – it is important that the Project meet the most forward-looking environmental standards and CAP goals (see p 3-16).

The San Diego Climate Action Plan emphasizes the need to shift transportation mode share city-wide through conformance with Climate Action Plan targets. This is especially critical for “Urban Village” employment hubs such as UTC. If projects in this transit rich area do not meet mode share goals, the city will not meet its CAP goals and it will fail beyond that to address the climate crisis that the CAP reflects. Reduced auto, and increased bicycle and transit mode share is essential to shifting mode share overall. The project should at minimum meet mode share goals for 2020. Given the expectation that the project will not be completed for a number of years, the FEIR should explain why it may not be appropriate to plan to meet mode share targets for 2035.

The San Diego Climate Action Plan highlights the importance of meeting mode share targets. For Mode Share Targets see: <https://www.climateactioncampaign.org/mode-share-report>, tables 1 and 2.

The FEIR should explain the expected transportation mode share for the project as designed, including with the TDM and other mitigation measures proposed.

The FEIR should explain how the project will contribute to the city meeting its mode share targets.

If the Project is not designed to meet CAP mode share targets, the FEIR should explain why, as a major project in the critical employment and transit area of University City, it will not meet those targets.

The FEIR should explain what steps the project would need to take to meet CAP mode share targets.

6a) Transportation Mode Share: Buffered Bike Lanes on Towne Centre Drive (see Section 3.2.2)

On p. 3-7, the DEIR relies on “Planned Bicycle Facilities” that are in a draft plan that has not been approved and if approved has no mechanism to be funded. The EIR cannot rely on bike facilities that are not currently planned and have little certainty of being built.

The DEIR further relies on “traffic calming measures” again proposed in a draft plan that has not been approved and when approved will have no mechanism to assure funding (3-8).

The DEIR also discusses dedication of transportation improvements on p 5.2-15

The FEIR should study transportation impacts on the basis of definite plans and funding.

Furthermore, there is no safe bike infrastructure on any of the major streets that would lead to the project, no approved plan for improving the bike infrastructure, and no plan in place for funding such infrastructure in the event it were approved in the future.

The FEIR should explain how the project will “promote use of alternative modes of transportation” (ES-4) and support transportation mode shift toward bicycle and pedestrian use without the addition of safe bicycle infrastructure on Towne Centre Drive.

The FEIR should evaluate VMT, GhG and mode share impacts of the project without bicycle infrastructure, and it should evaluate the impacts of the project on bicycle safety.

The FEIR should study the impact on VMT, GhG and mode share of adding class II and class III buffered bike lanes and traffic calming measures on Towne Centre Drive as part of project.

To help meet promote alternative modes of transportation, meet CAP mode share targets and shift mobility from reliance on automobile transportation, new alternative transportation facilities must be completed with the project. On-site bicycle facilities proposed in the various TDM measures will not be effective unless a safe, secure and up to date bicycle network is completed to reach the site from the rest of the city, including the mid Coast Trolley which is over 1.5 miles from the project.

6b) Transportation: Impacts on Level of Service and existing businesses and residents

The DEIR evaluates traffic impacts on level of service on p. 5.1-74.

The FEIR should evaluate and confirm impacts to level of service, and foreseeable impacts on residents and businesses on Towne Centre Drive (from north end to La Jolla Village Drive), Eastgate Mall and Executive Drive, and the intersections of these arterials with one another.

7) Add Rooftop Solar Panels

The DEIR discusses utilities on 5.15-5 and 9. It does not include discussion of rooftop solar on the 5 new buildings proposed on the site.

The FEIR should explain why the project is not designed to include rooftop solar panels and it should evaluate impacts of designing the buildings with the inclusion of rooftop solar panels.

8) All Electric Buildings.

The DEIR discusses utilities on 5.15-5 and 9.

The FEIR should evaluate impacts of designing the buildings to be fully electric.

9) Sustainable Building: LEED Gold

The DEIR notes that the project will achieve LEED Silver status, the minimum LEED rating, which is closely equivalent to what is required under state and local building code. (5.5-18)

The FEIR should evaluate the impacts of meeting a higher standard for sustainable building such as LEED Gold or Platinum and compare with impacts of LEED Silver.

10) Biological Resources

a). Edge effects - Unauthorized Entry

The CDFW notes in its scoping letter that appropriate fencing and signage should be used to prevent unauthorized access to the MHPA from the whole perimeter of the project site (CDFW, 5/5/21).

The DEIR addresses access to the MHPA on page 5.4-17 and in table 5.1.1 on p 5.1-58. It notes that the project would “deter” unauthorized access through the maintenance and construction of retaining

walls around much of the perimeter, however it does not discuss the use of fencing or other means to “deter” access in those areas without walls, much less to “prevent” it. These areas, especially the SDGE access road on the west edge of the site, are currently fenced and are the most likely location for unauthorized access. The FEIR should discuss them specifically.

The FEIR should explain how the project will prevent as well as deter human intrusion into the MHPA lands through unwalled areas, given the large number of people who use the outdoor features and amenities on the site. The FEIR should explain how this restriction will be maintained and enforced and what measures the project will take to report intrusions and mitigate for them.

The FEIR should confirm that project perimeter fencing will include the gate to the SDGE access road on the western edge of the site.

FEIR should confirm that gate will remain closed and locked for the future of the project, with access for SDGE only. This would maintain the current conditions on site.

b) Edge effects: Light impacts

The DEIR addresses lighting in section 3.2.4 on page 3-11 and in section 5.4.3, p 5.4-16.

The DEIR notes that “Night lighting exposes wildlife to an unnatural light regime that may adversely affect foraging patterns, increase predation risk, cause biological clock disruptions, and result in a loss of species diversity in habitat adjacent to the Project site.”

The FEIR should confirm that the project will use fully shielded outdoor lighting to prevent light overspill into MHPA/adjoining lands.

In addition, the FEIR should explain the impacts of interior lighting shining from the buildings after dark, which have the same impacts described on 5.4-16 above.

The FEIR should evaluate strategies to eliminate or mitigate impacts of indoor lighting on sensitive species including resident and migrating birds.

c) Direct impacts to Environmentally Sensitive Lands

The DEIR notes in section 2.5.4 that the City of San Diego Environmentally Sensitive Lands (ESL) Regulations are intended to protect, preserve and, where damaged, restore, the environmentally sensitive lands of San Diego and the viability of the species supported by those lands (Section 142.0101 of the San Diego Municipal Code).

The DEIR notes in table 5.1.1, page 5-1-63 that “steep hillsides, which qualify as ESL’s would not be impacted by the project.”

However, DEIR Figures 3-1 and 3-12 show that the proposed parking structure and pedestrian bridge will have direct impacts on ESL lands identified as having a greater than 4:1 slope. The proposed parking structure and pedestrian bridge are designed to extend into ESL lands.

The FEIR should confirm or correct the statement in table 5.1.1 and explain the expected impacts to ESL and mitigation as a result of the proposed parking structure and pedestrian bridge.

d). Habitat Fragmentation:

Recognizing that the project extends on a narrow finger of mesa top surrounded by MHPA lands through which wildlife move, the California Department of Fish and Wildlife (CDFW, Scoping Letter, 5/5/21) writes that to avoid habitat fragmentation of the MHPA, fencing around the site’s perimeter should be designed to keep people out, but to allow wildlife to move through it.

The DEIR addresses “wildlife corridors” in section 5.4.3 (5.4-6 and 5.4-15), but it *does not* address the CDFW concern with wildlife movement and habitat fragmentation or mitigation related to project fencing on the development site.

The FEIR should explain how the project will avoid habitat fragmentation and assess strategies to facilitate the movement of certain wildlife species across the project.

e). Direct and indirect impacts to sensitive, rare or threatened species *immediately adjacent to the Project site.*

The CDFW (Scoping Letter, 5/5/21) advises that the DEIR should include discussion of impacts to biological resources and rare and sensitive species in “adjacent areas that could also be affected by the Project.” And in “adjoining habitat areas... where site activities could lead to direct or indirect impacts off site.”

However, the Alden Biology Letter Report notes that the DEIR includes a “survey of existing resources on 20 acres to be developed”.

The FEIR should include a full survey of adjacent areas and adjoining habitat lands that could be affected by direct or indirect impacts of the project.

The project sits atop a mesa surrounded by MHPA lands on steep slopes that include a variety of rare and or sensitive species. Biological assessment and prior survey by CDFW reveal that a number of these species and habitat areas are immediately adjacent to and downhill of the project site. E.g., location of California Gnatcatchers, San Diego Barrel Cactus, and Wart Stemmed Ceanothus – reported within 40 feet of the project site. Given the circumstances and proximity of rare and sensitive species, the FEIR should discuss potential and foreseeable impacts to these species in adjacent and adjoining areas and specific mitigation for these impacts.

f) Focused surveys for sensitive species.

The DEIR discusses sensitive plants and animal species on p 5.4-4 through 6.

The CDFW (Scoping Letter, 5/21/22) also advises that the DEIR included focused surveys for selected sensitive species, and it lists a number of sensitive species known to exist or have existed recently in the area.

However, the DEIR, Biology Letter Report (BLR) notes that “No focused sensitive animal species surveys were conducted.” (BLR, 2) Rather the DEIR notes that a method “opportunistic” survey was adopted. 5.4-5

The FEIR should explain why no focused studies were conducted and the potential impact of this omission on sensitive species identified by CDFW and others with a high likelihood to exist on site or immediately adjacent to it.

One species known to live on the slopes immediately to the east and west of the site is the **Orange Throated Whiptail** lizard, an MSCP recognized species. See confirmed observations on iNaturalist:

https://www.inaturalist.org/observations?place_id=829&subview=map&taxon_id=194092).

The FEIR should include a focused assessment of sensitive species mentioned in the CDFW scoping comments, as well as a focused survey to assess impacts on the Orange Throated Whiptail lizard.

The significance of focused species analysis is illustrated by comment 10i below. BMZ2 includes a large mature Nuttall's Scrub Oak which is not identified in the BLR or figure 2-5.

g). Impacts to sensitive, rare or threatened species: California Gnatcatcher

The DEIR discusses sensitive animal species on p 5.5-5 and 6.

The DEIR identifies at least four California Gnatcatchers on and in the surrounding perimeter of the project site (Figure 2-5). The DEIR addresses the issue of construction impacts on California Gnatcatchers in the Biology Letter Report, (p 14-18)

Project construction is proposed to last for 68 months (ES-4), which could include at least 5 nesting seasons for California Gnatcatcher and other protected birds.

The FEIR should explain how the project will avoid impacts to these sensitive species while being able to progress over this period.

The UCPG recommends that the project should follow CDFW and City guidelines to avoid impacts of construction to nesting birds, including raptors and passerines such as the California Gnatcatcher.

Given the presence of California Gnatcatchers surrounding the site, **the UCPG recommends** that the project avoid construction during nesting season.

h). Direct and indirect impacts to sensitive, rare or threatened species: Impacts to San Diego Barrel Cactus

The DEIR discusses sensitive plants on p 5.5-4 and 5. It reveals at least 20 sensitive San Diego Barrel Cactus immediately to the west of the Project boundary and the proposed Brush Management Zone 2 in the SE corner area of the project adjoining Building E (Biology Letter Report, Figure 3, DEIR Figure 2-5).

The FEIR should confirm that there are no individual San Diego Barrel Cactus in this cluster of twenty that are on the project site, and it should disclose potential impacts and mitigation strategies to protect them.

The FEIR should explain how the project will avoid impacts to off-site Barrel Cactus that are within feet of the project and BMZ 2 boundaries and it should outline potential impacts and mitigation for impacts to Barrel Cactus off-site.

Good sense indicates that brush management on a steep and unmarked chaparral slope immediately adjacent to these identified species may very likely impact them. The DEIR claims that because these plants are outside the project boundary, “impacts to this species will not occur.” This claim is not fully creditable.

The FEIR should explain how the project will avoid impacts to sensitive species on the project/BMZ boundary and outline the potential impacts of immediately adjacent Brush Management activities and strategies intended to mitigate them.

This reinforces the recommendation of the CDFW that “the DEIR should include a discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or

proposed or existing reserve lands” (5)

The UCPG recommends that among its strategies, that the project should carefully identify the project boundaries and the edges of Brush Management Zone 2 on the southwest facing slopes including and adjacent to the Barrel Cactus to ensure that BMZ activities do not extend beyond the project site and have unintended impacts on sensitive species located immediately adjacent to or on the project boundary.

The FEIR should evaluate the impacts of withdrawing ‘Brush management’ zones to within the retaining walls of the project.

i). Impacts to sensitive, rare or threatened species: Nuttall’s Scrub Oak.

The DEIR discusses sensitive plants on p 5.5-4 and 5. It identifies a number of this species on and around the site. However, it does not identify at least one large Nuttall’s scrub oak in the BMZ2 at the SE portion of the site.

The FEIR should explain how the project will avoid impacts to Nuttall’s Scrub Oak in its Brush Management Zone 2 in the SE corner of the project site. This section of BMZ 2 includes a at least one large Nuttall’s Scrub Oak which is not shown in figure 3 of the Biology Letter Report.

In the DEIR, the BLR survey does not show this sensitive species in this location.

The FEIR should discuss potential impacts and mitigation for this sensitive species inside and adjacent to the proposed BMZ2.

j.) Impacts to sensitive, rare or threatened species: Wart Stemmed Ceanothus.

CDFW (Scoping Letter, 5/5/21) reports an observation of Wart Stemmed Ceanothus within 40 feet of the project site, however this species is not shown in the Biology Letter Report.

The DEIR discusses potential impacts to sensitive species identified by CDFW on p 5.4-4 and 5. The plant survey took place on May 30, 2020, after the general bloom period for Wart Stemmed Ceanothus, so it is not surprising that the species was not identified through this method. In the absence of a focused survey, the DEIR is not convincing that this species is not present on site or in the area immediately adjacent.

The FEIR should explain why it did not undertake a focused survey for this sensitive species and it should undertake to remedy this shortcoming including a discussion of impacts and mitigation if necessary.

The UCPG supports the recommendation of the CDFW (5/5/21) that the FEIR should survey lands adjoining the project site for this species and disclose potential impacts of the project and strategies to mitigate them.

k). Adjacent Resources – Vernal pool impacts

The FEIR should evaluate impacts to disturbed vernal pool in the MHPA lands immediately adjoining the site, east of the proposed parking garage, and it should outline steps to avoid and mitigate impacts. See pool visible in photo 29, (Figure 3, Biological Letter Report). This site should be surveyed for vernal pool species listed in attachment D of the Biological Letter Report.

The DEIR discusses wetland impacts on p 5.4-21, but it does not mention the disturbed vernal pool among its discussion of indirect effects on MHPA resources.

The FEIR should explain how excavation and the construction of a subterranean parking level in the Parking Structure (see ES-4) will avoid impacts to vernal pool habitat in the MHPA lands immediately to the east of the project boundary, a few feet from the proposed Parking Structure.

l). Impacts of Fuel Modification – Brush Management

The DEIR discusses Brush Management on pages 3-9 and 3-10 and 5.4-17-18.

The FEIR should confirm that no Brush Management activities will take place in the MHPA on or off the project site.

Given the proximity of sensitive species on site and in un-surveyed areas immediately adjacent to the project site, the FEIR should explain how brush management activities will impact sensitive species and habitats, such as Nuttall's Scrub Oak, Coastal Barrel Cactus and Scrub Oak Chaparral, and it should explain how brush management activities will be designed to avoid impacts to adjacent lands and species inside the MHPA.

To avoid impacts to sensitive species and habitats on the project site and immediately adjacent to it, the FEIR should assess the impacts of confining brush management activities to within the retaining walls surrounding the project site, and/or making modifications be made to retaining walls to allow removal of BMZ outside the walls.

m.) Impacts to Coastal Zone.

In the DEIR, the Biology Letter Report notes that “the project site is not within the Coastal Zone” (BLR, 3). However, Figure 3-1 shows that the northeastern portion of the site is inside the Coastal Zone. The DEIR notes that the project is within the Coastal Zone (5.1-14) and requires a Coastal Zone Permit.

The FEIR should correct this discrepancy and assess specific impacts of the project to the Coastal Zone on site and in adjoining Coastal Zone.

The FEIR should assess and report impacts on resources in the adjoining Coastal Zone.

n). Invasive Species – removal of existing invasive plants and prevention of future use

The City of San Diego General Plan states under Policy CE-G.1: Preserve natural habitats pursuant to the MSCP, that it is city policy to “Remove, avoid, or discourage the planting of invasive plant species.” (DEIR, 5.1-67).

The DEIR discusses landscaping and invasive plants in section 5.4.3, p 5.4-17. See also BLR, 15.

The DEIR notes that the project does not include any new invasive plant species in its landscape plan.

The FEIR should confirm that the Project will avoid using any invasive plant materials, including plants listed on CNPS list of invasive species.

However, the DEIR does not address existing invasive plants that are part of the current project which have escaped into adjoining ESLs.

The FEIR should address the foreseeable impacts of the existing invasive plants on the property and their impacts on adjoining sensitive lands, and it should seek to meet the letter and spirit of General Plan policy CE-G.1 by addressing steps to remove them.

This includes especially invasive plants in those areas marked as “ornamental” in Biology Letter Report, Figure 3, in particular highly invasive Pampas Grass which is widespread through this area as well as in the area described as BMZ2 along the west facing slope at the SE corner of the property.

In particular, the FEIR should address the impacts of existing Pampas Grass on the site and in adjoining lands down slope where it has escaped from this property, including potential steps to remove it.

The FEIR should evaluate the impacts on the MSCP and adjoining sensitive lands of removing the existing invasive plant species that exist on the project site and those which have escaped from the project site into adjoining public lands, which are part of the City MHPA.

These invasive plant impacts were caused by the management of this property, and they are the responsibility of the property owner to redress. They should be resolved with the completion of this project.

o). Bird Strikes:

The DEIR discusses bird strikes in section (10.3.6)

The FEIR should address steps to eliminate potential bird strikes.

The Project includes five buildings up to 95 feet in height on a narrow headland surrounded by City of San Diego MHPA. Adjoining lands are well frequented by MHPA covered species, including Cooper's Hawk, Harrier, and federally threatened California Gnatcatcher.

In the context of a discussion of bird strikes, the DEIR notes that because the project is not IN the MHPA it will “largely avoid direct impacts to sensitive biological resources that occur in the MHPA areas adjacent to the Project site.” (10.3.6)

Given that the project is surrounded by MHPA lands, and that birds, and other wild species do not recognize property lines, and that structures with significant glass features, especially those adjoining open space lands pose a well-known danger to bird species, this explanation is not credible.

The FEIR should explain how the project will avoid foreseeable bird strikes that will result because of the project’s design and location. This explanation should reflect the latest science.

The FEIR should address specific design features and impacts of project design that carefully follows the recommendations of the CDFW to avoid direct impacts to birds:

“Bird Safe Architecture: further avoidance of direct impacts to birds, particularly migratory species, can be achieved through incorporation of “bird safe” elements in architectural design. Elements such as glazed windows, well-articulated building facades, and minimal nighttime lighting are encouraged to reduce collisions of migratory birds with buildings. Large flat windows, reflective glass, and transparent corners are

strongly discouraged. CDFW recommends that the City follow as many of these guidelines as appropriate when considering structure design, as described in San Francisco's Standards for Bird Safe Buildings (the document can be found online at: https://sfplanning.org/sites/default/files/documents/reports/bird_safe_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%2011-30-11.pdf)."

p). Noise impacts

The location of the project in the midst of MHPA habitat preserve poses significant impacts to adjoining lands as a result of amplified events throughout the project area.

The DEIR addresses the issue of construction noise impacts on one species, California Gnatcatchers, in the Biology Letter Report, (p 14-18) and on page 5.4-18-20, 5.1-23, and 5.11-12. but it does not address noise impacts from project operations on other wildlife or the MHPA as a whole.

The FEIR should explain how the project will avoid noise impacts to adjoining habitat lands, including potential impacts from amplified events on site, and including how the project will enforce this restriction.

The FEIR should assess noise impacts and potential mitigation for the three Building Generators for Buildings A, B, C, and D, which are located on the outer edge of the project site adjacent to MHPA lands, including adjacency to the reported locations of threatened Coastal California Gnatcatchers. See Biology Letter Report p 14-15.

q). Non-lethal removal of snakes

The DEIR does not address this issue.

The FEIR should explain how the project will avoid lethal impacts to wildlife, including in particular snakes, which find their way onto the project site, and it should outline potential impacts and strategies to enforce non-lethal protocols for snake removal.

Lethal removal of snakes and other native wildlife that enter the project sites pose a significant threat to species populations in adjoining habitat lands. Development of an irrigated project with large numbers of people in the midst of MHPA lands ensure that wildlife, including reptiles, will enter the project site. Non-lethal removal of these creatures represents best practice in land and property management. This restriction should be written into lease agreements with tenants.

r). Avoid use of rodenticide

The DEIR addresses the potential impact of toxins related to the project on page 5.1-15 and 16. The Alden Biology Letter Report discusses the impact of pesticides and other toxins spreading beyond project boundaries, but the DEIR does not address the issue of rodenticides on MHPA habitats and protected species. (BLR, p 14)

As the CDFW Scoping Letter (5/5/21) indicates, the use of rodenticides for pest control poses a significant threat to native birds and wildlife as poisons used for rodent control cascade into natural food chains, killing not only rodents but protected birds and other species. Best practices for land, habitat and property management include the avoidance of rodenticides for rodent control.

The FEIR should assess potential impacts of rodenticides and other pesticides on wildlife and explain how it will prevent lethal impacts to raptors and other predatory native wildlife as a result of pest/rodent control. It should explain how the project will enforce this avoidance with tenants over time.

s.) Potential for Hazardous materials on site

The DEIR discusses toxic materials as a result of the project on p 5.1-15 and 16. However, it does not address the potential for existing toxics on the site or their impacts on project tenants and surrounding wildlife.

Site surveys and aerial photographs reveal that the site has recently been used for a variety of activities including truck spray downs and clean outs that may have washed hazardous materials onto the site, including temporary water retention basins that may have previously been used to collect this wastewater.

The FEIR should assess the potential for hazardous materials or waste existing on site as a result of the site's former uses, and it should assess the impacts of these materials on the project and its tenants. This includes especially settling ponds, retention basins, project cleanout sites, and materials storage areas.

Approved December 13, 2022, by the UCPG

Andrew Wiese, UCPG Board Member

Chris Nielsen, UCPG Chair

APPENDIX:

DEIR Comment Bullets by Andrew Wiese for UCPG Discussion

Proposed DEIR comments:

Towne Centre View Draft Environmental Impact Report

UCPG TCV Subcommittee: Collected Comments.

1) Project Landscaping Plan.

The DEIR addresses landscaping in section 3 pages 8-9.

The UCPG strongly supports the project's use of native plants in project landscaping throughout the site. This is an important step toward preservation and enhancement of biodiversity and environmental resilience in the city and in its MHPA in particular.

The UCPG recommends that the project plant palette remove Chinese Elm.

2) Conveyance of Open Space to City of San Diego.

UCPG supports the establishment of conservation easements and conveyance of 3.9 acres of on-site MHPA to the city's MHPA through transfer in fee simple and/or dedication.

UCPG recommends that the city Parks and Recreation Department Open Space Division Deputy Director approve the transfer and dedication of on-site MHPA to the city preserve.

UCPG supports addition of open space easements and conveyance of 3.9 ac to City MHPA.

The dedication should take place as part of the approval of the project.

3). Range of feasible alternatives:

The UCPG agrees with the California Department of Fish and Wildlife (CDFW) in its scoping comment letter of 5/5/21 that the TCV EIR should include a range of feasible alternatives to ensure that alternatives to the Project are fully considered and evaluated.

The UCPG recommends that these alternatives include **a reduced parking option that *eliminates or substantially rescales the parking structure in the SE corner of the project.*** This option would address impacts to visual resources, transportation, and assure that the project successfully contributes to the city's critical climate action goals.

4) Visual Impacts

The FEIR should study a feasible alternative designed to reduce impacts to public views of Coastal Zone, Ocean, and Sorrento Valley from Towne Center Drive.

UCPG recommends that the FEIR should study project alternatives that do not include the proposed parking garage at the SE corner of the project site.

The proposed parking will have significant visual, aesthetic, and scenic impacts by obstructing a scenic vista across nearly four miles of the State Coastal Zone, including the Sorrento Valley, Peñasquitos Lagoon and Pacific Ocean. This is one of the few – if not the only – publicly accessible views of the Ocean in the University Community east of Interstate 5 or outside of the Coastal Zone.

This vista and surrounding canyon vistas offered from public rights of way are listed as a “scenic resource” on page 221 of the *University Community Plan*, 1987.

The FEIR should study project alternatives that avoid un-mitigatable impacts to scenic views of Sorrento Valley, the Ocean, and Coastal Zone from the public right of way on Towne Center Drive.

5) Transportation/Mobility: Parking

The Project should reduce the proposed number of parking spaces. The DEIR indicates that the project will include 2,500 spaces for an estimated employment of 3,000 people, a ratio of 5:6 or 1 car per every 1.2 employees.

Reduction of parking is the single most concrete step that project can take in reducing actual automobile reliance and vehicle miles traveled as a result of this project.

Given its actual distance from accessible transit, the proposed Project is likely (absent reduced parking) to remain reliant on automobile transportation at ratios far exceeding Climate Action Plan targets (2020 or 2035), which reflect critical state and global needs.

Therefore, the FEIR should reduce the number of proposed parking spaces and evaluate project designs with alternative parking ratios designed to encourage alternative (non-automobile) modes of transportation including minimum parking ratios.

The DEIR addresses paid parking on page 5.2-30 as one of the required TDM measures. The project should ensure that paid parking is not circumvented by tenants reimbursing employees for parking. ***This restriction should be written into lease agreements with tenants.***

6) Transportation Mode Share: Meet CAP targets for 2020 and 2035

Project should plan to meet the Mode share targets for 2020 AND 2035 as set forth by the City of San Diego Climate Action Plan.

The CAP illustrates the need to shift transportation mode share city-wide through conformance with Climate Action Plan targets. This is especially critical for “Urban Village” employment hubs such as UTC. If projects in this transit rich area do not meet mode share goals, the city will not meet its CAP goals and it will fail beyond that to address the climate crisis that the CAP reflects. Reduced auto, and increased bicycle and transit mode share is essential to shifting mode share overall. The project should at minimum meet mode share goals for 2020. Given the expectation that the project will not be completed for a number of years, the FEIR should explain why it may not be appropriate to plan to meet mode share targets for 2035.

The San Diego Climate Action Plan highlights the importance of meeting mode share targets. For Mode Share Targets see: <https://www.climateactioncampaign.org/mode-share-report>, tables 1 and 2.

7) Add Rooftop Solar Panels

The Project should include the installation of photo-voltaic panels on rooftops, as well as parking areas and other structures.

8) All Electric Buildings.

Design buildings to be fully electric with the exception of gas utilities necessary for laboratory tenants.

9) Sustainable Building: LEED Gold

UCPG recommends that the project meet at minimum LEED Gold status.

10) Biological Resources

a). Edge effects - Unauthorized Entry

Appropriate fencing and signage should be used to **prevent unauthorized access** to the MHPA from the whole perimeter of the project site. This comment reinforces that scoping comment of the CDFW (5/5/21).

aa) Light impacts:

The DEIR addresses lighting in section 3.2.4 on page 3-11.

The FEIR should confirm that the project will use *fully* shielded outdoor lighting to prevent light overspill into MHPA/adjoining lands.

The project should eliminate or mitigate indoor lighting shining at night from the interior of buildings. Consider automatic indoor shades to prevent night lighting from attracting nighttime bird strikes, especially during migration.

b). Habitat Fragmentation:

The UCPG agrees with the CDFW (5/5/21): To avoid habitat fragmentation of the MHPA, fencing around the site's perimeter should be designed to **keep people out, but to allow wildlife to move through** it.

c). Direct and indirect impacts to sensitive, rare or threatened species *immediately adjacent to the Project site.*

The FEIR should include a full survey of **adjacent areas** and **adjoining habitat lands** that could be affected by direct or indirect impacts of the project.

This survey should include specific assessment of species mentioned in the CDFW scoping comments, as well as **Orange Throated Whiptail** lizard, which exists on the slopes immediately to the east and west of the site.

The project sits atop a mesa surrounded by MHPA lands on steep slopes that include a variety of rare and or sensitive species. Biological assessment and prior survey by CDFW reveal that a number of these species and habitat areas are immediately adjacent to and downhill of the project site. E.g., location of California Gnatcatchers, San Diego Barrel Cactus, and Wart Stemmed Ceanothus – reported within 40 feet of the project site. Given the circumstances and proximity of rare and sensitive species, the F-EIR should discuss potential and foreseeable impacts to these species **in adjacent and adjoining areas** and specific mitigation for these impacts.

This reinforces the comment of CDFW (5/5/21) that the DEIR should include discussion of impacts to biological resources and rare and sensitive species in **“adjacent areas that could also be affected by the Project.”** And in **“adjoining habitat areas... where site activities could lead to direct or indirect impacts off site.”**

The Alden Biology Letter Report notes that the DEIR includes a **“survey of existing resources on 20 acres to be developed”**.

d). Impacts to sensitive, rare or threatened species: California Gnatcatcher

The project should follow CDFW and City guidelines to avoid impacts of construction to nesting birds, including raptors and passerines such as the California Gnatcatcher.

Given the identified presence of at least four California Gnatcatchers on the surrounding perimeter of the project site, the UCPG recommends that the project avoid construction during nesting season.

e). Direct and indirect impacts to sensitive, rare or threatened species: Impacts to San Diego Barrel Cactus

The DEIR reveals at least 20 sensitive San Diego Barrel Cactus immediately to the west of the Project boundary and the proposed Brush Management Zone 2 in the SE corner area of the project adjoining Building E (Biology Letter Report, Figure 3).

The FEIR should ensure that there are **no individual San Diego Barrel Cactus in this cluster of twenty that are on the project site**, and it should disclose potential impacts and mitigation strategies to protect them.

The FEIR should outline potential impacts and mitigation for impacts to Barrel Cactus off-site that are within feet of the project and BMZ 2 boundaries. Good sense indicates that brush management on a steep and unmarked chaparral slope immediately adjacent to these identified species may very likely impact them. The DEIR claims that because these plants are outside the project boundary, **“impacts to this species will not occur.”** This claim is not fully creditable.

The FEIR should outline the potential impacts of immediately adjacent Brush Management activities and strategies intended to mitigate them.

This reinforces the recommendation of the CDFW that “the DEIR should include a discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or

proposed or existing reserve lands” (5)

In the SE area adjoining the identified population of Barrel Cactus, the project **should carefully identify the project boundaries and the edges of Brush Management Zone 2** to ensure that BMZ activities do not extend beyond the project site and have unintended impacts on sensitive species located immediately adjacent to or on the project boundary.

The UCPG recommends that the Project revise and withdraw ‘Brush management’ to within the retaining walls of the project.

f). Impacts to sensitive, rare or threatened species: Nuttall’s Scrub Oak.

Avoid impacts to Nuttall’s Scrub Oak in Brush Management activities. The proposed Brush Management Zone 2 in the SE corner of the project site includes Nuttall’s Scrub Oak which is not shown in figure 3 of the Biology Letter Report. FEIR should discuss potential impacts and mitigation for this sensitive species inside the proposed BMZ2.

g.) Impacts to sensitive, rare or threatened species: Wart Stemmed Ceanothus.

CDFW reports an observation of Wart Stemmed Ceanonthus within 40 feet of the project site, however this species is not shown in the Biology Letter Report.

UCPG supports the recommendation of the CDFW (5/5/21) that the FEIR should survey lands adjoining the project site for this species and disclose potential impacts of the project and strategies to mitigate them.

i). Adjacent Resources – Vernal pool impacts

Evaluate and avoid impacts to disturbed vernal pool in the MHPA lands immediately adjoining the site, east of the proposed parking garage. See pool visible in photo 29, (Figure 3, Biological Letter Report). This site should be surveyed for vernal pool species listed in attachment D of the Biological Letter Report.

j. Impacts of Fuel Modification – Brush Management

The DEIR discusses Brush Management on pages 3-9 and 3-10.

The FEIR should confirm that **no Brush Management activities will take place in the MHPA** on or off the project site.

Given the proximity of sensitive species on site and in un-surveyed areas immediately adjacent to the project site, UCPG recommends that **brush management activities be confined to the retaining walls surrounding the project site**, and/or that **modifications be made to retaining walls to allow removal of BMZ outside the walls.**

k). Invasive Species – removal of existing invasive plants and prevention of future use

The Project should avoid using any and all invasive materials, including plants listed on CNPS list of invasive species.

In addition, the Project should commit to **removing the existing invasive plant species** that exist on the project site and those which have escaped from the project site into adjoining public lands, which are part of the City MHPA.

These invasive plant impacts were caused by the management of this property, and they are the responsibility of the current property owner to redress. They should be resolved with the completion of this project.

This includes especially invasive plants in those areas marked as “ornamental” in Biology Letter Report, Figure 3, in particular highly invasive Pampas Grass which is widespread through this area as well as in the area described as BMZ2 along the west facing slope at the SE corner of the property.

Remove Pampas Grass: All Pampas Grass on site and in adjoining lands down slope where it has escaped from this property should be removed as a condition of this project.

1). Bird Strikes:

The project should eliminate potential bird strikes.

The Project includes five buildings up to 95 feet in height on a narrow headland surrounded by City of San Diego MHPA. Adjoining lands are well frequented by MHPA covered species, including Cooper's Hawk, Harrier, and federally threatened California Gnatcatcher.

Project design should carefully follow the recommendations of the CDFW to avoid direct impacts to birds:

“Bird Safe Architecture: further avoidance of direct impacts to birds, particularly migratory species, can be achieved through incorporation of “bird safe” elements in

architectural design. Elements such as glazed windows, well-articulated building facades, and minimal nighttime lighting are encouraged to reduce collisions of migratory birds with buildings. Large flat windows, reflective glass, and transparent corners are strongly discouraged. CDFW recommends that the City follow as many of these guidelines as appropriate when considering structure design, as described in San Francisco's Standards for Bird Safe Buildings (the document can be found online at: https://sfplanning.org/sites/default/files/documents/reports/bird_safe_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%202011-30-11.pdf).

m). Noise impacts

Because of the location of the project in the midst of MHPA habitat preserve, the project should avoid amplified events throughout the project area to avoid noise impacts on adjoining habitat lands. This restriction should be written into lease agreements with tenants.

n). Non-lethal removal of snakes

The project should prohibit lethal removal of snakes that enter the project site. Development of the project in the midst of MHPA lands ensure that wildlife, including reptiles, will enter the project site. The project should commit to non-lethal removal of these creatures. This restriction should be written into lease agreements with tenants.

o). Avoid use of rodenticide

To prevent lethal impacts to raptors and other predatory wildlife, the project should commit to avoid the use of rodenticides for pest control. This restriction should be written into lease agreements with tenants.

