

UNIVERSITY COMMUNITY PLANNING GROUP*

Notice of Executive Committee Monthly Meeting

University Towne Center – Forum Hall

Time: 6:00 p.m. – 9:00 p.m.

Tuesday, October 10, 2006

AGENDA

(FINAL) Times approximate – Please Print Agenda and bring to meeting

- 6:00
1. **Call Meeting to Order – Chair**
 2. **Pledge of Allegiance followed by Moment of Silence**
 3. **Agenda: Call for additions/deletions: Adoption**
 4. **Approval of Minutes: April, May, June, July, September 2006**
 5. **Announcements – Chair**
15 minutes
- 6:15
6. **Reports:**
Councilman Scott Peters Office – Madeleine Baudoin
Representative Susan Davis – Noelle Dorman
Planning Department – Dan Monroe
Membership Secretary – Milt Phelgy
UCSD Update – Milt Phelgy
20 minutes
- 6:35
7. **Public Comment: Non-Agenda Items – 3 minutes per speaker**
20 minutes
- 6:55
8. **Banner District for Golden Triangle Chamber – John Walsh**
The Golden Triangle Chamber has been recommended for a grant through the City of San Diego's Small Business Enhancement Program (SBEP) to promote and improve communities of small business owners. To assist the Chamber the SBEP will be helping us increase the size and quantity of our newsletter. Request to approve the Chamber to place 20 Banners at the entrances to the Golden Triangle: 5, 805, 52, La Jolla Village drive, Genesee Ave., Executive Drive.
10 minutes – Presentation
10 minutes – Discussion / **ACTION**
- 7:25
9. **Salk Institute Master Plan Update – Process 5**
Mark Rowson, Latitude 33
Request to construct 210,182 sq.ft. building for a laboratory, residential quarters and day care. Requires amendments to existing Coastal Development/Hillside Review/Conditional Use Permits. The proposed project would result in full build out of the Salk Institute per the UC plan. 6th review completed 11/2005. 1st draft EIR staff screen check completed 12/2005. The UCPG requested more information regarding design guidelines and architectural detail.
15 minutes – Informational
10 minutes – Questions
- 7:50
10. **Bridge Pointe Phase IV SCR – PTS# 100396**
Scott Cairns and Jon B. Ohlson, Smith Consulting Architects; Mike Sanford, Equity Office Properties
SCR to PID/RPO 90-0892 for a 3-story office building over sub-level parking, final phase of development. 2nd review due September 2006
15 minutes – Informational

10 minutes – Questions

- 8:15 **11. Draft Environmental Impact Report – Project No. 6563/SCH No. 2003091106 Monte Verde: University Community Plan Amendment, Costa Verde Specific Plan Amendment, Vesting Tentative Map, Planned Development Permit, Site Development Permit, Public Right of Way and Easement Vacations, and Right of Entry Permit**
Report of Sub-Committee; Draft Letter of comments to be submitted on October 11, 2006 to E. Shearer-Nguyen, Environmental Planner. The purpose of the UCPG comment letter is to provide comments on the sufficiency of the DEIR 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.

15 minutes – Informational

15 minutes – Discussion / ACTION

- 8:45 **12. Old/New Business**

- 9:00 **13. Adjourn**

*The UCPG is the only recognized Community Planning Group for University City.

*The UCPG was formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City Staff and other governmental agencies on land use matters.

*The UCPG is an elected board of resident and business representatives and is maintained by members of University City community. UCSD and MCAS-Miramar members serve at pleasure of appointing authority.

UCPG – Tentative Schedule

November Agenda – UC High Presentation; Monte Verde Presentation – Action Item

The Executive committee meets at 6:00 p.m. on the SECOND Tuesday of EACH month at Forum Hall, UTC Westfield Shopping Center, above the Wells Fargo Bank.

The public is cordially invited, and will be given an opportunity to be heard on matters before the Executive Committee. Time is also set aside to receive public comment relating to land use issues in the UC community, which are not on the agenda, not to exceed 3 minutes each.

General membership application forms are available during the meeting and upon request from the UC Library on Governor Drive. Membership is free, but must be renewed every 4 years. Regular elections to the Executive Committee from the general membership are held annually in March.

Copies of this agenda are posted on the community bulletin board at the University City Library, 4155 Governor Drive.

For agenda information and/or scheduling, please call Chair Linda N. Colley 858-453-0435 or Email lcolley1@san.rr.com

To request an agenda in alternative format, a sign language or oral interpreter, or Assistive Listening Devices (ALDs) for the meeting, please call the City of San Diego at 619-235-5200 at least five working days prior to the meeting.

October 11, 2006

Ms. E. Shearer-Nguyen, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Draft Environmental Impact Report – JO 420908 – Monte Verde

Dear Ms. Shearer-Nguyen:

The purpose of this letter is to provide comments on the sufficiency of the DEIR 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.

The University Community Planning Group's (UCPG) comments are as follows.

- The DEIR fails to address or disclose that the Owner/developer of the properties in Costa Verde gave up entitlements for extra dwelling units with the expiration of the Development Agreement. The DEIR cannot count trips of units that were not constructed and their entitlements have expired. Each project must stand on their new site plans and increased counts. Zoning does not guarantee entitlements. Zoning does not give rights to property owners unilaterally. The DEIR does not identify or provide any facts concerning the Development Agreement.
- Overall the DEIR fails to adequately disclose the details of the proposed project.
- The DEIR fails to adequately describe the vast difference in height between these buildings and the surrounding community.
- The DEIR fails to adequately describe the outdoor public space size and location and the specific impacts of noise, shadows and the wind tunnel effect.
- While the DEIR identifies significant non-mitigable impacts, it fails to identify the projects additional significant non-mitigable impacts.
- In the City's letter to Bruce McIntyre on July 6, 2005, the City stated "The EIR should place major attention on reasonable alternatives to the proposed project that avoid or mitigate the project's significance." The DEIR did not adequately address the city request for "major attention" to a reasonable alternative.

RE: 3.0 Project Description

The DEIR (Pg. 3-2) states "The 800 residential units would include 62 lofts, 274 one-bedroom units, 247 two-bedroom units, 199 three-bedroom units, and 18 town homes

which would range from one to three-bedrooms. All units discussed above may include a den, and three-bedroom units may become four-bedroom units.”

The number one concern of the community remains the bulk and scale of this proposed project. The DEIR Project Description does not accurately describe the proposed project. The DEIR is inadequate because it does not identify and analyze all possible impacts and possible scenarios regarding the bulk and scale of the proposed project.

The DEIR underestimates the greatest number of potential new residents, which underestimates and understates the parking and traffic impacts. Exactly how many rooms will these 800 units have and how many people will be accommodated?

The project plans are ambiguous because the greatest number of potential square footage that this project could utilize is not identified or analyzed. The analysis of the Project Description should be based on the worse case scenario with regards to all impacts at build-out.

All of the analysis that follows the Project Description in the DEIR is based on underestimated data because all units may include a den that could be used as a bedroom, and three-bedroom units may become four-bedroom units.

Given that all the units are relatively large and may include a den that could be converted to a bedroom, and/or that three-bedrooms may become four-bedroom units, and that the development may be a combination of for-rent apartments and for-sale condominiums, the DEIR must address this scenario because the potential impacts are significant.

The DEIR is inadequate because it does not address or analyze in detail the impact of converting the approved hotel to residential, which will greatly increase the bulk and scale of the project relative to the ADTs. The DEIR is insufficient because it does not compare the approved hotel land use to the proposed 4 residential towers.

The DEIR cites the recent approval of the La Jolla Crossroads project with two 32 story building as justification for its proposal to build two 32 story and two 35 story buildings. In doing this, the DEIR itself gives proof of the growth inducing and cumulative impacts of the Monte Verde projects that the DEIR denies exist.

The DEIR fails to acknowledge or describe the impacts that will certainly occur when other developers point to approval of the Monte Verde towers to justify their requests for increases in density and height for their projects. The inevitable pressure from other developers to follow Monte Verde’s example will mean that the already unmitigable significant impacts of Monte Verde on the character of the community, traffic, parks, and library services will all be multiplied over time.

Furthermore, in pointing to the La Jolla Crossroads buildings as an example, the DEIR fails to point out that the La Jolla Crossroads development is at the edge of the

community near the 805 freeway, where its bulk and scale impacts are less imposing on the community at large.

In stark contrast, the Monte Verde project is in a core area of the community where its bulk and scale will have an overwhelming impact on the character of the community. The DEIR further fails to give the elevation of the land at La Jolla Crossroads towers and fails to mention that the UCPG opposed the La Jolla Crossroads project.

Finally, the DEIR fails to mention that while the La Jolla Crossroads high rises are 350' tall, the four Monte Verde towers are 390-395' tall.

The DEIR (Pg. 5.1-16) states “The Specific Plan allows for development of up to 2,600 dwelling units, 178,000 square feet of retail/commercial, and a 400-room hotel.” It also states (Pg. 5.1-18) “As discussed above, the Specific Plan allows up to 2,600 dwelling units, 2180 of which have already been constructed or are under construction. Because all other lots within the Specific Plan have been built out, the project site is the only lot left where additional residential uses could occur.”

The DEIR does not identify or cite any City regulation that allows for the transfer of units to the proposed project site. Why is the proposed project allowed to transfer ADTs to the small project site to enable it to increase the number of residential units? The DEIR does not address the impact that the proposed development will have on the 4.77 acre with respect to its relative small size which represents less than 10% of the total 54 acre site. The proposed increase in residential units per transfer of unused units is substantial and demonstrates almost a 15% increase to the 54 acre site.

RE: 4.0 History of Project Changes

The DEIR (Pg.4-1) states “Due to concern about building heights from the UCPG as well as FAA, the applicant has reduced the building heights from a maximum of 42 stories to the current maximum of 35 stories.”

The height of the proposed 4 towers with regard to the “Wind Tunnel” effect was a major community concern raised during the environmental review of the project. The DEIR does not identify this community project concern or analyze this possible impact on the environment. The “Wind Tunnel” effect needs to be studied in the DEIR because the potential loss of public open space between the towers due to the created wind will have a significant effect on the environment and the proposed project as it may hinder some open space unusable that is required to be provided. The “Wind Tunnel” effect has the potential to directly, cumulatively and permanently impact open space and the neighborhood character.

RE: 5.1 Land Use

The proposed uses and densities, combined with other planned development in the University City community, are representative of a high-density urban node and, thus, would not combine to result in a significant cumulative land use impact.

According to the University Community Plan (UCP) (Pg. 190) Housing types should encourage diversity, “However, the mix should be master planned under the PRD Permit process, and amendments to these PRDs should not be made to homogenize the project in response to short-term market trends.”

Pg. 7-1 of the DEIR states “While the proposed land use density changes could theoretically encourage similar actions within University City, the practical growth inducing effect of these changes is minimized by the fact that University City is nearly completely built out. Secondly, the shortage of housing in the San Diego region is already acting to influence residential development and increase densities. Thus, the pressure to increase housing in the region already exists.”

The City’s Strategic Framework Element states (Pg.23) “This Element does not encourage or mandate a specific amount of growth.”

The DEIR states the geographic area for cumulative analysis (Pg. 6-6) “is defined by I-5 to the west, the I-5/I-805 merge to the north, I-805 to the east and SR 52 to the south”.

Given these boundaries the DEIR does not sufficiently identify the current housing inventory nor does it analyze the possible impacts of the proposed Plan Amendment. The DEIR needs to provide numbers of current existing residential units and show the analysis done that concludes that this proposed project amendment would not have significant cumulative effects to the community.

The North University City area currently accommodates the housing density with apartments, condos and some single homes, the DEIR does not address whether the community has or has not met its fair share limit of the region’s growth. The DEIR needs to provide current statistics regarding existing housing in the project area and the surrounding area.

One of the primary goals of the proposed project is to “Respond to the region’s housing shortage and predictions of rapid population growth in San Diego by accommodating the City’s and the community’s fair share of the region’s growth.”

The Strategic Framework Element states (Pg. 33) “It is a strategy for each neighborhood to consciously determine where and how new growth should occur, and requires that new public facilities be in place as growth occurs. It builds upon existing neighborhoods while retaining their unique character by intensifying and enhancing their community centers. The strategy seeks to target growth in village areas, but is not linked to a particular rate of growth.”

The UCP states (Pg. 190) with regards to density/units that “60 percent would be townhouse and garden apartments and 19 percent would be located in high density structures.”

The DEIR does not identify or analyze the current density or housing inventory, nor does it compare those findings to “the community’s fair share of the region’s growth.” The DEIR does not analyze the change in percent of housing that this plan amendment would generate and there is no comparison to the current housing inventory. The DEIR does not provide statistics on the housing shortage in North University City within the project boundaries.

The DEIR (Pg. 6-6) states “The effect of the project on land use would not be cumulatively considerable as the site is planned for development.”

The proposed project requests to change the development intensity table to allow higher density on the site. The current UCP has a density of 48 du/ac which for the purposes of land use planning is categorized as 45-75 du/ac.

The DEIR (Pg. 7-1) states “In addition to allowing for more residential units in the plan area, the proposed density of 168 units per acre would be substantially greater than the maximum of 75 units per acre currently allowed by the University Community Plan.”

The proposed project is requesting a plan amendment and thus the cumulative effects would affect the land use by changing it from Visitor-Commercial to Residential. The DEIR does not sufficiently analyze the plan amendment change from Visitor-Commercial to Residential.

The DEIR does not analyze sufficiently the increase in density from 48 units per acre to the conclusion reached of 55 units per acre. This increase is substantial and demonstrates almost a 15% increase to the 54 acre site. The DEIR does not address the impact that the proposed development will have on the 4.77 acre with respect to its relative small size which represents less than 10% of the 54 acre site. The DEIR needs to address the density change with relation to cumulative effect given that the UCP’s high-density urban node range is currently 45-47 du/ac. Because this is a Plan amendment, the analysis must be in-depth.

Also, given that the DEIR acknowledges that traffic and circulation will have a cumulative effect which will be significant, the DEIR needs to address how that impact does or doesn’t directly affect the requested density and land-use change.

The DEIR (Pg. 5.4-10) states “The proposed project would increase the community population by 768 new residents which would require 2.15 acres of population-based park land, 3 percent of a community recreation center and just over 2 percent of a community swimming pool complex per City General Plan park standards.”

The DEIR (Pg. 7-1) states “The project would foster population growth and the construction of additional housing by adding 800 dwelling units. The project could house up to 1,832 residents.”

The Architectural Site Plan Level 1, Entry, Sheet #A1.2 provided by Design Lead, LLP, dated February 17, 2006 states “All units might include a den area.” It also states, “3-bedroom units might include a den or become a 4-bedroom unit.” The net usable residential square footage for this proposed project is 1,268,500 sq.ft.

Given the fact that the DEIR states “768 new residents” and then states “could house up to 1,832 residents,” the DEIR needs to clarify these calculations since they contradict each other. The DEIR needs to provide the formula(s) used for adding new residents to the community. Also, because the Architectural Site Plan provided by the proposed project states that “3-bedroom units might include a den or become a 4-bedroom unit,” the DEIR needs to address this change with regards to the number of potential new residents. This change could reasonably change the calculation of the number of parking spaces needed on the project site. 3-bedroom units require 2.5 parking spaces; it is reasonable to know how many parking spaces are required for 4-bedroom units.

It also would be reasonable for the DEIR to clarify the Visitor parking. The project unit total is 800, the total number of cars is therefore 1,851.75, the total number of cars for the site parking plan is 1,852, the total residents parking is 1,645, and the visitors parking is calculated at 15% totaling 209. These figures are based on required parking in a Campus Impact Zone.

15% of 1,852 is 279 not 209. The Site Parking Plan A1.17 states 257 for visitor parking. These figures need to be clarified and the formula used to arrive at them needs to be provided.

RE: 5.2 Traffic and Circulation

The DEIR (Pg. 5.1-3) lists two of the UCP’s three development intensity goals which establish guidelines for the intensity of development in University City. The third goal of the UCP (Pg. 164) which is not listed in the DEIR or discussed states “Provide a workable circulation system which accommodates anticipated traffic without reducing the Level of Service below “D”.

The UCP (Pg.163) states that the “basis for regulating the intensity of development is the finite traffic capacity of the projected circulation system (freeways and surface streets).”

It also states (Pg. 164) “The development intensity allocations in Table 3 are not intended as a development right, but are subject to other considerations such as site and building design, zoning requirements and other limitations such as the Navy easements, the Comprehensive Land Use Plan for Miramar, etc.”

The UCP (Pg. 163) continues the discussion regarding land use and development intensities, "In addition to helping to ensure a workable circulation system, the Land Use and Development Intensity Table is meant to ensure a balance of land uses in the community. Projects which differ significantly from the land uses or development intensities in Table 3 as determined by the Planning Director will be found to be inconsistent with the community plan."

The DEIR does not discuss or analyze the UCP's goal of a workable circulation system nor does it list it as a goal that pertains to the proposed project. It does discuss a shuttle system which will be available only to residents. The DEIR (Pg.3-14) states "The applicant would provide a free shuttle service for the proposed project, which would likely consist of one shuttle bus for use by residents of the entire Costa Verde Specific Plan area as well as the La Jolla Crossroads development to the east of the proposed project." It also states "The shuttle route may be altered to better suit the needs of project residents."

The September 1, 2006 letter from Garden Communities to Tim Daly in response to Eight Project Assessment Letter indicates that on August 30, 2006, the Applicant's traffic consultant, Kimley-Horn and City staff agreed on Condition #4, page 2, as follows:

"The application shall provide one 16-passenger bus operating five days a week with half-hour frequency to provide free service to UCSD, Scripps Hospital, Sorrento Valley Transit Station, etc. (mimicking SANDAG's proposed Super loop route) for the Costa Verde Specific Plan residents until such time as it may be replaced or augmented by SANDAG's Super loop satisfactory to the City Engineer."

The DEIR does not address the public benefit of this shuttle which is designed only for residents of the project. This shuttle is not really public transportation and it can, and will be, replaced or augmented by the proposed Super Loop when it comes on line. The shuttle is not a public benefit; it is an exclusive project benefit.

The DEIR does not include or discuss the "[Ensure] implementation of Council Policy 600-34, Transit Planning and Development" which is applicable to development intensity and the proposed project.

The DEIR (Pg. 2-9) states "As the proposed project would not increase the number of automobile trips generated by the development, the project would not affect air quality planning assumptions of the RAQS and the SIP because these documents are based on traffic levels for build out of each Community Plan Area."

If the above statement is true, then why on page 2 under the Traffic and Circulation section does it say that "A total of four ramps would be significantly impacted in the horizon?" And "...impacts to nearby freeway ramps would remain significant and not fully mitigated."

The DEIR (Pg. S-3) states "The hotel alone would result in fewer trips added to the local roadways."

The DEIR does not explain or sufficiently analyze why, if the proposed project does not generate increased numbers of trips, then why are there cumulative impacts to intersections and freeway ramps with the impacts to nearby freeway ramps remaining significant and not fully mitigated. The DEIR also states (Pg. S-3) “The hotel alone would result in fewer trips added to the local roadways,” and the DEIR does not address this information.

RE: 5.3 Visual Effects/Neighborhood Character

The DEIR (Pg. 6-6) states “While the proposed building heights would exceed those of the surrounding area, no other similar height buildings exist or are proposed in the area. Therefore, while a direct significant impact has been identified, the project would not result in a significant cumulative impact on visual effects/neighborhood character.”

According to the UCP (Pg. 190) “High-rise development should be compatible in scale to the surrounding areas, particularly to other high-rise structures.” The DEIR (Pg. 5.1-22) states that “The closest buildings to the project site are the Towers at Costa Verde to the southwest, which are two, 16-story residential towers.” The proposed project towers are 32-story and 35-story towers. (Pg. 1)

In the Urban Design Element of the UCP (Pg. 33) states “The University community at the turn of the century is envisioned as a spacious, park-like community with buildings and land uses of strong identity both visually and functionally.” It also states “Sun and view enjoyment will continue to be prime design considerations.” (Pg. 35)

The DEIR (Pg. 3-5) states “The modern style of architecture is intended to be consistent with existing Costa Verde projects.” Figure 3.2.2. Is a picture of the proposed towers.

The Strategic Framework Element (adopted 10/2002) states (Pg. 33) “A high quality of urban design will achieve the maximum possible integration with the surrounding community fabric and the transit system.”

The DEIR does not address sufficiently the visual impact and/or integration as it relates to the existing and surrounding neighborhood. The DEIR does not analyze the transitional elevation of the proposed project to the current residential housing already on the 54 acre site. The DEIR does not compare the height of existing housing but compares the proposed project with high or medium rise commercial buildings. The DEIR does not sufficiently illustrate how these proposed towers are “consistent” with the existing Costa Verde projects. The DEIR does not identify how the bulk and scale are consistent with the surrounding area.

RE: 5.4 Public Facilities and Services

The DEIR (Pg. 2-7) states “This project would be consistent with the City of Villages because it would provide multi-family residential in an existing urban node that has a significant amount of existing or planned employment sources.”

The DEIR (Pg. 2-7) states “Furthermore, it would provide much needed multi-family residential and enhance an urban node, as well as meeting goals of several UCP elements such as urban design, residential, noise and safety”.

The DEIR (Pg. 2-10) states “the project site does not have the ability of a full first alarm assignment, which consists of three engines and two trucks, to reach the site in a prescribed time due to their distance from the project area. In addition, the engine company at the Eastgate Mall site is over workload capacity in number of incidents handled per year, which necessitates outlying engine companies from distant stations to provide service to this area”.

The DEIR does not identify or analyze how many multi-family residential units exist currently in this urban node, nor does it identify or analyze how many employees actually live in the area, would live in the area versus those who commute because the cost of housing is so high.

The DEIR does not sufficiently explain how “safety” would be enhanced by this Plan Amendment to add additional density. Currently there is only one fire station located at Eastgate Mall, and it does not have the equipment to put out a fire in a 390 or 395 foot tall building. The DEIR does not identify how this will be mitigated. Building a new fire station without the needed equipment or staff will not mitigate the need. The FBA could finance the building of a new fire station, but it does not pay for equipment and staff. Without appropriate equipment and staffing the safety of the public and resident cannot be mitigated.

The DEIR addresses that there is “only 0.6 officers per 1,000 population” (pg. 2-11) and “the City’s average response time is 7.3 minutes for emergency calls and 13.1 for Priority one calls.” (pg. 2-11)

The DEIR does not sufficiently analyze the possible impacts of how the safety of these added residential units above the adopted community plan would be attainable given the current statistics. The DEIR does not supply the data to review regarding Emergency services and Police protection to establish what impact this plan amendment to add density would have on the vital public services. The DEIR does not identify this public service as being able to be mitigated. It does not address the impact that the adequate lack of these services will create in the urban core and cumulatively.

The UCP (Pg. 14) states that “The “quality of life” in new neighborhoods through provision of adequate public facilities at time of development.” The DEIR does not sufficiently analyze the possible impacts of the lack of adequate public facilities at the

time of development, and the DEIR states that no new public facilities are foreseeable or attainable concurrently.

The DEIR (Pg. 6-6) states that “While libraries, wastewater services, and parks and recreation would exceed capacity as a result of the project, the project would be required to pay appropriate development fees. Thus, no direct or cumulative impacts would occur.”

The DEIR incorrectly concludes that no significant impact is identified on the library services, even though the data it presents show that the UCP is already drastically deficient in library services and that this project would worsen that situation.

The DEIR states that the UCP area already falls 12,000 square feet short of the city’s goal of .7 square feet of library space per resident, which is a huge shortfall. The DEIR fails to state either what the current square footage is or what the current population is.

The DEIR states that the project’s additional residential units would increase this deficit by 1,282 square feet, to 13,282. Then it simply dismisses this impact by claiming that residents will use some other library near their work or school.

The purpose and objective of the proposed project is to provide a variety of multi-family residential types to serve students, military, seniors, and professional and office workers, and to promote smart growth goals by locating high-density residential uses near commercial, office, educational and retail uses. The idea is that residents will live and work in the same area.

The purpose and objectives of the proposed project are contradicted in the DEIR. The DEIR (Pg. 5.4.-10) states “Residents will often use the library most convenient to them, likely one near work or school, and not necessarily the closest one to their home.” The DEIR also states (Pg. 5.9-10) “Several features of the project would reduce mobile-emissions. They include the shuttle, the improved pedestrian access through the site, and the location of the project in a mixed-use area, allowing people an opportunity to live, work, and shop within walking distance.”

The question that the DEIR does not adequately address is whether the proposed project’s purpose is to provide residential housing so people can live and work in the community, or is the project creating an opportunity for people to live, work, and shop?

The DEIR states that the provision of adequate libraries is a facilities financing issue, and project applicants are required to pay FBA fees. In fact, there are no projects in the FBA that will increase the square footage of library space in the UCP. The DEIR does not address the fact that the City of San Diego has drastically cut back on the staffing of existing libraries, and there are no current prospects that it could staff any additional library facilities.

The DEIR (Pg. 3-6 and 3-14) states “The project would have a number of recreational opportunities for residents.”

The UCP states (Pg. 230) “Urban plazas in the Towne Centre, at UCSD and in other community centers can also provide a place for recreational activities.”

The DEIR (Pg. 5.4-4) states “The University City area currently has a 45.66-acre deficit of population-based parkland.”

The DEIR (Pg. 5.4-4) also states “However, the resourced-based parks and open space area do not satisfy population based park standards, and there are no future plans to provide such facilities.”

The Cycle Issues Report dated August 9, 2006, #6 states “In view of the site limitations of the proposed subdivision, the 6.95 acres of park land will not be required to be sited within the development. Instead, in-lieu park fees shall be paid equivalent to the cost for land acquisition, design and construction of 6.95 contiguous, usable acres (maximum 2% grade for active recreation) of park land and facilities located within the half mile service radius prescribed in the General Plan for population-based park land and facilities.”

The Cycle Issues Report also states (#7) “This park land requirement shall not be satisfied by open space shown in the proposed site design to serve as pedestrian circulation or by private recreation amenities provided for the development.”

The Cycle Issues Report, #8 states “Additionally, the sub divider is required to provide a pro rata share of the cost of a community recreation building and a community swimming pool, to be paid as park fees at the time of issuance of building permits. These fees are to be determined by the Park Planning and Development Division based on current construction costs at time of permit issuance.”

The DEIR does not sufficiently address any of the Cycle Issues Report conditions for the project. The DEIR does not sufficiently address the issue of paying development fees and exceeding capacity as a result of the project. Given the fact that there are no future plans to provide such facilities, direct and/or cumulative impacts would occur. Given the large deficit within the University City community, the DEIR does not address or analyze ways the proposed project will benefit the community at large. Recreational areas are provided by such institutions as The University of California where community members can utilize facilities by paying a fee. The DEIR does not address or identify a parcel of land that can be purchased to fulfill the 6.95 acre requirement.

The DEIR (Pg.3-14) states “The Costa Verde Specific Plan requires the project to provide 140 square feet of open space per unit, for a total of 112,000 square feet of open space.” It further states “Of the 140 square feet of open space per unit, the Specific Plan requires a minimum of 100 square feet of usable open space per unit, therefore the project would provide a total of 80,000 square feet of usable open space.”

The DEIR (Pg. 5.1-8) states “The Community Plan does not designate any portion of the residential building site for open space.”

The UCP may not designate open space requirements for the proposed project but the Costa Verde Specific Plan does have requirements.

Volume IA, Appendices for the DEIR, Appendix B.2, Costa Verde Specific Plan Draft Amendment (Pg. 12) states “The north-south and east-west promenades will lead to the center of the site. The central area containing the community open space, food court and mall is intended to be the activity center of the project. The area will have sunny and shaded eating areas, umbrella tables and color landscaping. It will be marked by a strong vertical architectural element to act as the visual focal point of the interior axis streets and promenades and it will be visible from the surround public streets.”

The DEIR does not adequately address the public open space for this project. It does not state where exactly the required pocket park or civic green are located within the project site. No noise contours are given in the DEIR nor is the shadow or wind tunnel component addressed. Of the 80,000 square feet of usable open space required, the DEIR incorrectly shows private balconies and private use terraces as open space. If enclosed recreation areas and common use terraces are not accessible to the public, then they cannot be used as open space.

The UCP (Pg. 225) discusses open space indicating that it can “serve a wide range of functions in the community” including “the control of urban form or design, and scenic or aesthetic enjoyment.” The DEIR does not address this provision of the UCP in any detail.

RE: 5.5 Paleontology

The DEIR (Pg. 6) states “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 resources.”

The DEIR (Pg. 6) states “With implementation of these actions contained in Mitigation Measure 5.5-1, the project’s direct impacts on paleontological resources would be mitigated to below a level of significance.”

The DEIR (Pg. 5.5-1) states “The site is also underlain by the Scripps Formation, underlies approximately 25 percent of the site. The Scripps Formation is generally known to contain fossil marine invertebrates and has a high fossil-bearing potential. The project site is also underlain by a small amount of compacted fill.”

The DEIR (Pg. 5.5-1) states “Development of the project could impact significant paleontological resources.” It also states “Grading plans for the project would lower the Scripps Formation by 80 to 100 feet and would move approximately 176,250 cubic yards

of this formation. The Lindavista Formation would be lowered by 80 to 100 feet and would involve excavation of approximately 293,750 cubic yards of material.”

Given the fact that substantial grading (176,250 cubic yards of dirt and 293,750 cubic yards of dirt) and the Scripps Formation has a high potential for significant paleontological resources to be unearthed, it is unclear why a “site specific records search” (Pg. 5.5-3) will only be completed after project approval but prior to the start of construction. The DEIR needs to address any pertinent information concerning the probability of discovery during grading activities.

The DEIR does not adequately address or analyze the potentially significant paleontological impacts. The Mitigation, Monitoring, and Reporting program is designed to deal with the probabilities of discovery during construction. The DEIR does not identify areas to be monitored or analyze the possible impacts on the environment sufficiently prior to project approval.

The DEIR in order to be thorough and extremely attentive to accuracy and detail needs to complete and discuss a site specific records search as well as stating any information regarding existing known soil conditions (native or formation). The DEIR needs to address prior to the Final EIR conditions such as depth of excavation in detail and site graded to bedrock, presence or absence of fossil resources that may reduce or increase the potential for resources to be present.

The DEIR cannot state correctly that “[P]otential impacts to paleontological resources would be reduced to below a level of significance through implementation of the following mitigation measure” (Pg. 5.5-2) because the DEIR does not verify or discuss prior to project approval the identification and analysis of potential impacts.

RE: 5.6 Noise

The DEIR noise analysis concludes that the ground-level open space is above the noise levels in excess of the City’s 65dB(A) CNEL standard for exterior residential usable areas (without mitigating noise barriers, which would be required to be 5 foot tall walls to be effective). In combination with shadowing and the wind tunnel effect this may be very significant, because the project would essentially render publicly accessible spaces unusable (45,000 ft.², which includes the fourth level terraces). This cannot possibly be compensated by the open space available to the residents at the upper levels of the buildings (private balconies), and the roofs of the buildings (35,000 ft.²). As a result, at grade the project would be a forbidding and unpleasant environment.

RE: 5.7 Biological Resources

With regards to the offsite sewer improvement the DEIR (Pg. 7) states “With implementation of Mitigation Measures 5.7-1 through 5.7-7, direct impacts to sensitive habitats would be reduced to below a level of significance.” The DEIR (Pg. 8) further

states “Implementation of Mitigation Measures 5.7-8 through 5.7-11 would reduce direct impacts to sensitive species to below a level of significance.”

It is apparent that the DEIR assumes that Mitigation Measures will restore the disturbed area(s). Since the DEIR (Pg. 5.7-2) states “It should be noted that the Diegan coastal sage scrub located along the north and western borders of Rose Creek are part of a previous restoration project, then the DEIR must address and analyze the success of the previous restoration project. In addition, the Diegan coastal sage scrub located at the southeastern corner of the study area is a restoration area.”

The DEIR acknowledges that a previous restoration area currently exists in the proposed project area but it fails to analyze the success and/or failure of previous restoration.

Because eleven vegetation communities, 82 plant species, five sensitive plant species, fourteen species of birds, the majority of habitat onsite categorized as wetland, and the fact that Rose Canyon functions as a wildlife corridor, the DEIR is insufficient because it does not address or analyze in detail how these environmental existing conditions will be protected and furthered by the Mitigation Measures proposed.

The DEIR not only needs to adequately address the issue of whether the proposed project would result in impacts to sensitive habitats or wildlife corridors, but it needs to measure how well past mitigation has protected this area.

The DEIR (Pg. 5.7-9) states “The desert cottontail was the only mammalian species detected onsite, likely due to the fact that most native mammal species are primarily nocturnal and not easily observed during diurnal surveys.” Since it is important to know exactly how many wildlife species could be affected by this project, the DEIR is deficient because no surveys were done at the appropriate time, dusk or evening. No explanation for this is given in the DEIR.

The DEIR (Pg. 5.7-17) states “No focused protocol surveys were performed for the coastal California gnatcatcher, however previous surveys in the area identified two male/female pairs approximately 0.5 mile west of the study area in Rose Canyon therefore, the gnatcatcher detected onsite is suspected to be a dispersing juvenile.”

The DEIR is insufficient because no focused protocol surveys were performed and the DEIR does not state the reasons why these surveys were not done which would have updated the current conditions of the project area.

The DEIR (Pg. 5.7-28) states “A small population of decumbent goldenbush is located within the construction easement of Alignment #3, near Manhole #5.” The DEIR also states “Decumbent goldenbush does not have a federal or state listing; however, it has a CNPS rating of List 1B, which is classified as rare or endangered in California and elsewhere. However, decumbent goldenbush is too common in San Diego County (primarily within mid and south county) to warrant a CNPS listing status, and should be deleted (Reiser 2001). In addition this variety is not addressed within the Jepson Manual

(Hickman 1993). Therefore, the loss of a small population consisting of seven plants is not expected to be a significant loss.”

The DEIR does not adequately define the location of the decumbent goldenbush within San Diego County. Is the project area located in the mid or south county; or is it considered north county?

Whether or not the decumbent goldenbush should be deleted or not from the CNPS listing is not relevant to the DEIR study. The DEIR’s purpose is to analyze whether the proposed project would result in a reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals.

The DEIR does not adequately study or analyze whether or not the reduction of seven plants is significant or not. The DEIR assumes because the status of this species is poorly understood and additional taxonomic work is necessary to assess the different varieties that a more in depth analysis is not necessary.

The DEIR (Pg. 5.7-10) states “According to SANDAG GIS data, the offsite sewer is part of a Core Resource Area. Rose Canyon functions as a wildlife corridor supporting movement of individuals from within Rose Canyon to open space eastward and into San Clemente Canyon and vice versa (Figure 5.7-4).” The DEIR (Pg. 5.7-22) also states “Installation of the sewer across the tributary drainage under Options 2B (1) or 2B (2) could affect wildlife movement to and from Rose Canyon.” The DEIR (Pg.5.7-22) further states “Although the tributary leading into Rose Creek supports movement of individuals, from the tributary to Rose Canyon, the tributary is bound to the north by residential development and thus is not considered to be located within the main wildlife corridor.”

The above statements contradict each other. Because “the impact of the offsite sewer on the MHPA area is considered significant” (DEIR, Pg. 5.7-21), the DEIR must be accurate with statements made when trying to mitigate or avoid significant impacts.

RE: 5.8 Historical Resources

The DEIR (Pg. 5.8-1) states “The project site is a graded, paved lot, and there are no cultural resources onsite, therefore no analysis of the project site was prepared.”

With reference to the existing conditions and history of Rose Canyon, the DEIR states (Pg. 5.8-1) “Governor Gaspar de Portola and Friar Francisco Junipero Serra were the first European explorers of Rose Canyon and in 1769, noted that there was a large Native American population in the area.”

The DEIR (Pg. 5.8-2) states “This site (CA-SDI-4956) appears to have been destroyed by the development of University City High School.”

The DEIR (Pg. 5.8-2) states “This site (CA-SDI-8087) appears to have been destroyed by urban development.”

Given the fact that a large Native American population was known to live in the area and that the project site will remove 593,000 cubic yards of soil, and that historical sites have already been destroyed in the area, the DEIR is insufficient because it assumes that, because the project site is a paved lot, that no cultural resources could be found onsite. The DEIR needs to identify and analyze historic maps to determine if early historic resources exist or existed on the project site

With regards to the offsite sewer improvements associated with the project, (DEIR, Pg. 5.8-6) “[A]rchaeological site CA-SDI-12556 remains largely undisturbed.” The DEIR (Pg. 5.8-6) states “In order to minimize disturbance to the resource, the sewer line would be installed by jacking and boring beneath the railroad line and site CA-SDI-12556.” The DEIR also states, “The final determination as to the impact of the relocation of the sewer on this archaeology site cannot be determined until final design. In the absence of precise information relating to the effect of jacking and boring on CA-SDI-12556, it is assumed the impact would be significant given the fact the site is considered significant under CEQA Guidelines.”

The DEIR is insufficient in that it puts off until after project approval the data recovery program which will include only up to 15 percent of the area to be impacted and that the area in which data recovery occurs shall be based on the final sewer improvement plans. The DEIR is insufficient because the qualified archaeologist will not review the final construction plan to determine the area of potential impact until the project is approved.

The DEIR does not verify or discuss prior to project approval the identification and analysis of potential impacts of the relocation of the sewer because determination cannot be realized until final design. The identification and analysis of potential impacts of the relocation of the sewer is essential given the fact that the DEIR (Pg. 5.1-19) states “Historical Resource Regulations are intended to preserve, protect, and if needed, restore the historical resources of San Diego.” Further, historical resources include important archaeological sites and traditional cultural properties even if limited encroachment is allowed. The DEIR does not identify or analyze sufficiently whether or not the relocation of the sewer will be limited in nature or substantial.

The DEIR (Pg. 5.1-20) states “Development may be permitted to encroach into areas containing important archaeological sites if necessary to achieve a reasonable development area, with up to 25 percent encroachment into any important archaeological site allowed.”

The DEIR is insufficient with regards to acceptable encroachment because it does not define “reasonable development” and the necessary measures to mitigate for the partial potential loss of the resource as a condition of approval using a Neighborhood Development Permit or Site Development Permit is not studied prior to project approval.

RE: 5.9 Air Quality

The Giroux report on pages 18 and 19 forecast lower levels of ROG and CO emissions in 2011 and 2012. These forecasts are not addressed in detail in the DEIR and more analysis is needed to substantiate the above forecast. The DEIR is insufficient because the health effects related to, aggravation of respiratory and cardio-vascular disease, irritation of the eyes, impairment of cardio-pulmonary function, and plant leaf injury are not fully and completely discussed or analyzed.

The DEIR is insufficient because the conclusions left out the Air Quality significant impacts of CO and ROG based on questionable traffic assumptions. Any additional traffic trips will cause further degradation of air quality and will be detrimental to the health of current and future residents, workers and visitors. No financial overriding considerations can mitigate the health of all residents in the University City community.

The DEIR (Pg. 5.9-8) states “Onsite diesel-powered construction equipment would create gaseous and particulate tailpipe emissions that are not regulated by smog control rules such as for on-road sources. Recent new rules for off-road equipment have been adopted, but they apply to future new equipment purchases and not to the historical off-road equipment likely to be used during site grading for the proposed project.”

The DEIR (Pg. 5.9-8) states “Emissions from onsite heavy equipment operations would not exceed the daily emissions activity significance thresholds.”

The DEIR (Pg. 5.9-9) states “PM-10 emissions would approach, but not exceed the thresholds.”

The DEIR is inadequate because it does not acknowledge that the use of alternative fueled equipment could be used to reduce emissions even more. The DEIR does not require that 90-day-low-NOx tune ups for off road equipment be required during grading and construction which would reduce emissions. The DEIR does not limit the allowable idling to five minutes for trucks and heavy equipment which would reduce emissions. These requirements would result in air emissions reduction that would limit the short term impacts of exhaust. The DEIR is insufficient with these regards because it does not address these controls or their possibility. Combined daily emissions during grading and construction that would be generated by the proposed project and the proposed sewer project improvement need to be examined in more detail because approaching but not exceeding the thresholds is significant.

With regards to finishing the buildings which include application of paint and outdoor architectural coatings, the DEIR is insufficient because a detailed description of compliance with the VOC coating limitations is not given. The DEIR (Pg. 5.9-10) states “Although ROG emissions are shown to exceed the daily threshold, adherence to Rule 67 would reduce emissions to less than the threshold.” Rule 67 is not stated in the DEIR.

Does Rule 67 require that the project applicant prepare a paint phasing plan stipulating that a maximum of 100 gallons of low VOC paint be applied to the dwelling units per day?

Does Rule 67 require using pre-coated building materials? Does it require using high pressure-low volume (HPLV) paint applicators with fifty percent efficiency? And does it require using lower volatility flat paint with 100 grams of ROG per liter or less?

RE: 5.10 Hydrology

The Hydrology section of the DEIR (Pg. 5.10-5) states “The existing storm drain plans indicate a design flow of 8.9 cfs through the project site; therefore development of the site would increase the peak runoff rate by roughly 9.7 cfs.”

The proposed project will discharge additional pollutants into an already impaired water body, and yet the DEIR fails to sufficiently analyze the extent of the increased pollutant discharge created by the proposed project and the cumulative effect on the environment.

RE: 5.11 Water Quality

The DEIR (Pg. 5.11-1) states “Surface water quality in the Miramar HA is considered to be poor due to urban runoff related to automobile discharge of hydrocarbons (oil and grease) as well as antifreeze, tire rubber and heavy metals from brake linings. However, the surface water is not considered seriously degraded.”

The DEIR (Pg. 5.11-1) states “The Miramar HA ultimately drains into Mission Bay. Mission Bay is listed on the EPA’s 303(d) list of impaired waterways. In addition, the mouth of Rose Canyon was listed for eutrophic and lead indicators.”

The DEIR sites the above existing conditions but does not define or adequately discuss the verbiage “poor”, “impaired waterways” or why the “surface water is not considered seriously degraded.” The DEIR does not evaluate these current conditions with regards to the proposed projects addition of automobiles and how the additional automobiles will impact the environment.

With regards to the Basin Plan (Pg. 5.11-2) which provides water quality objectives and identifies beneficial uses for surface waters within the Miramar HA, the DEIR states “The only potential beneficial use for ground water in the vicinity of the project is industrial service supply.” It then states, “In addition to the beneficial uses for surface water within the project area, the ultimate destination of surface runoff from the project, Mission Bay, has a number of beneficial uses including an emphasis on recreation and wildlife resources including marine life.”

The DEIR states that Mission Bay is an impaired waterway and that the only potential use for ground water in the project vicinity is industrial service supply.

The Random House Webster's College Dictionary (Copyright 2000) defines "ground water" as "the water beneath the surface of the ground, the source of spring and well water (Pg. 581)." The DEIR defines "surface water" as urban runoff related to rain but it does not define "ground water" nor does it discuss this condition. These two terms are not synonymous for they do not imply the same idea. Ground water is not part of the Basin Plan water quality objectives. The DEIR discusses surface water beneficial uses not ground water but the DEIR concludes that there is a potential ground water beneficial use in the project vicinity.

Further, the DEIR (Pg. 5.11-2) concludes "beneficial uses" for surface water within the project area, yet does not identify them. The DEIR does recognize that the "ultimate destination of surface runoff" is Mission Bay which apparently has a number of beneficial uses "including an emphasis on recreation and wildlife resources including marine life" even though the DEIR acknowledges Mission Bay is an impaired waterway.

The DEIR (Pg. 5.11-6) states "Long-term use of the property would generate potential water pollutants related to the use of pesticides and herbicides on landscape areas, trash and automobile by-products such as oil, grease, brake linings and fuel. These materials would be picked up in runoff and discharged into downstream areas and, ultimately Mission Bay, where they would contribute to existing water pollutant levels which adversely affect humans, plants, and animals associated with the bay."

The DEIR (Pg. 5.11-7) states "Significant long-term water quality impacts would be precluded through adherence to State and City water quality standards and implementation of the controls identified in the project's Water Quality Technical Report (Appendix L)."

These mandated controls do not preclude the creation of runoff pollution. If they did, Mission Bay would not be considered an impaired water body today. The DEIR fails to sufficiently analyze the extent of the increased pollutant runoff created by the proposed project and the cumulative effect on the environment.

RE: 5.12 Geologic Conditions

The DEIR (Pg. 5.12-5) states "Although the relative risk of geologic hazards at the project site are indicated to be nominal or low, the scope and location of the project warrant an evaluation as contained in this section."

The DEIR (Pg. 5.12-5) states "The project site and offsite sewer area are considered to be in a seismically-active area, as is most of southern California, and is likely to be subjected to moderate to strong seismic shaking during the life of the project. No active, potentially-active or inactive faults are known to exist on the site or in the immediate vicinity, and none were observed during the field investigation."

According to Geocon, Inc., which is the geotechnical consultant for the proposed project, states (Pg. 1 May 17, 2005 Report) "The study area for the offsite sewer line extends

approximately 3,200 feet to the north, 4,000 feet to the south, 1,400 feet to the east, and 850 feet to the west.”

The DEIR (Pg. 5.12-5) states “Located approximately three miles west of the site and 2.5 miles from the offsite sewer improvement, the Rose Canyon Fault is the closest known active fault.” The DEIR also states “The results of the seismicity analysis indicate that Rose Canyon Fault Zone is the dominant source of potential ground motion at the site. The Rose Canyon Fault has a maximum credible (upper bound) Magnitude of 7.2 and is considered to be representative of the potential for seismic ground shaking within the property.”

According to the study conducted by Geocon, Inc. (Pg. 4 May 17, 2005 Study) “Earthquakes that might occur on the Rose Canyon Fault or other faults within the southern California and northern Baja California area are potential generators of significant ground motion at the site.” The report also states “The results of the seismicity analyses indicate that the Rose Canyon Fault is the dominant source of potential ground motion at the site.”

The DEIR is insufficient with regards to the evaluation of the relative risk(s) of geologic hazards because the DEIR contradicts facts. The project site and offsite sewer area are in a seismically-active area (Rose Canyon Fault) and the DEIR determined that the project site was not in the immediate vicinity of a potentially-active fault.

The DEIR is insufficient because it does not analyze the effects of a 7.2 magnitude earthquake on the proposed project, nor does it compare the proposed development in accordance with the Community Plan for a 400-room hotel. The proposed project intends to build 4 towers ranging from 32 to 35 stories whereas the approved community plan would be a 14 story hotel. The DEIR does not address at all the building structure differences when discussing if the proposed project exposes people or property to geologic hazards such as earthquakes.

The City’s significance thresholds and geologic impacts (DEIR, Pg. 5.12-6) does state that potential significant impacts to “people” and “structures” needs to be analyzed. There is no such analysis, the DEIR only states (Pg. 5.12-6) “Expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards.”

In order for the proposed project and/or its alternatives to be adopted in place of the development in accordance with the approved Community Plan, the significant potential impacts such as earthquakes which require the decision maker to make the finding that the overall project is acceptable despite significant impacts because of specific overriding considerations must be measured, analyzed, and substantiated in the record. This criterion cannot be met because the DEIR does not address how the significant effect of an earthquake might be avoided or mitigated sufficiently. There is no discussion in the DEIR with regards to proper engineering design and utilization of standard construction practices.

Even though it is recognized that seismic design of the proposed structures should be performed in accordance with the Uniform Building Code (UBC) guidelines currently adopted by the City of San Diego, the purpose of the DEIR is to identify and analyze the possible impacts on the environment and ways in which the significant effects of the proposed project might be avoided or mitigated.

The final determination as to the impact of an earthquake cannot be determined until final design which is put off until project approval even though the DEIR ascertains that the potential exists.

The DEIR (Pg. 5.12-6) states “The potential for liquefaction and seismically-induced settlement exists for the southern portion of the offsite sewer area within the alluvium.”

The DEIR (Pg. 5.12-7) states “Liquefaction could occur in alluvium located along the southern portion of the offsite sewer line.”

According to Geocon, Inc. (Pg. 1 May 17, 2005 Report) “Based on our review of referenced documents and observations during our site reconnaissance, the offsite sewer study area is underlain by alluvium and formational materials of the Lindavista and Scripps Formations.”

The Geocon, Inc. report states (Pg.5 May 17, 2005 Report) “Liquefaction typically occurs when a site is located in a zone with seismic activity, onsite soil is cohesionless, groundwater is encountered within 50 feet of the surface, and soil relative densities are less than about 70 percent. If all four previous criteria are met, a seismic event could result in a rapid pore-water pressure increase from the earthquake-generated ground accelerations. The potential for liquefaction and seismically induced settlement occurring within the site soil exists at the southern portion of the site within the alluvium.”

Given that the DEIR acknowledges that the offsite sewer study area is underlain by alluvium and that the potential for liquefaction exists at the southern portion of the site within the alluvium, the DEIR does not sufficiently or specifically address any mitigation, monitoring, and/or reporting that would ensure that the potential direct impacts of an earthquake would be less than significant.

RE: 5.13 Light, Glare and Shading

The DEIR fails to quantify the extent to which the open space that needs to be provided by the Project (112,000 ft.² total, 80,000 ft.² usable) is shadowed by the buildings -- the buildings are tall and the space between them is narrow (viz the so-called pocket park!); therefore, it is likely that the usability of this open-space will be significantly interfered with by the shadow cast by the buildings. The DEIR needs to provide a calculation of the total time that this space will be exposed to the sun during the day. This analysis needs to be provided for all project alternatives, 35 stories, 30 stories, and 21 stories. The usability

of the open-space will also be significantly affected by the air movement (wind tunnel effect) around and between the tall buildings. These two effects, shadowing and excessive wind disturbance, combined, will render the required usable open space unusable. This combined effect needs to be investigated in depth. The wind tunnel effect in combination with the noise impacts will degrade the open space requirement making the project unable to meet the City's requirement of usable, public open space.

RE: 5.14 Energy Conservation

The Monte Verde EIR "Table of Contents" (Pg. i) lists Energy Conservation as 5.14, yet there is no Energy Conservation section in the DEIR hard copy provided, thus the UCPG Executive Committee is unable to review and comment.

RE: 6.0 Cumulative Impacts

The DEIR (Pg. S-39) states "Cumulative impacts found not to be significant: Land use, water quality, visual effects/neighborhood character, noise, air quality, geologic conditions, paleontological resources, hydrology, energy conservation, light, glare and shading, biological resources, and historical resources. Project would result in direct impacts to some of these, but be mitigated to below significance."

The Draft EIR fails to acknowledge and glosses over the cumulative impacts that this proposed project and alternatives will have to the neighborhood character due to the excessive heights of these buildings as in contrast to the surrounding buildings. This will forever change the character of North UC.

The Draft EIR glosses over the fact and ignores that this project will add hundreds of new residents in an area that already falls short of the City standard in neighborhood parks and library services.

The Draft EIR glosses over the cumulative impacts that the 5-12 year construction of this project will have on this community as to traffic, as many of the traffic issues will be unmitigated. It fails to address construction traffic in regards to the completion of the Sewer project on Genesee Ave.

RE: 7.0 Growth Inducement

This project will permit densities which far over exceed what is allowed in the UCP which is 45-75 du/acre to 168du/acre. This will open the door for further density increases which this community can not handle. This area already has high density. The DEIR fails to address this.

In conclusion, if the EIR is to be used in selecting an alternative, then Findings and a Statement of Overriding Considerations, if appropriate, should be presented for each project alternative studied in conjunction with the distribution of the Final EIR. The Findings should include the cost and funding source (example: Fire Stations) associated

with each alternative since cost and funding will undoubtedly be major factors in determining the feasibility and selection of the project alternative to be implemented.

The UCPG Executive Committee looks forward to receiving the Final EIR, Findings, and Statement of Overriding Considerations on behalf of the UC community. If you have any questions concerning this letter, please contact Linda Colley, Chair of the UCPG at (858-453-0435) or via email at lcolley1@san.rr.com.

Sincerely,

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