

RESOLUTION NUMBER R- _____

ADOPTED ON _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 624751/SCH No. 2021040044, ADOPTING FINDINGS, AND ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM NO. 624751 [MMRP] FOR THE TOWNE CENTRE VIEW PROJECT- PROJECT NO. 624751.

WHEREAS, on January 29, 2019, BRE-BMR Towne Centre Science Park LLC, a Delaware Limited Liability Company, submitted an application with the City of San Diego for a General Plan and University Community Plan Amendment No. 2607746, Planned Development Permit No. 2607763 [amendment to Planned Industrial Development Permit 96-7756], Site Development Permit No. 2237939 [amendment to Site Development Permit No. 2758], Neighborhood Development Permit No. 2582527, Coastal Development Permit No. 2237940 [amendment to Coastal Development Permit No. 117798], Vesting Tentative Map No. 2507560, Public Right-Of-Way Vacation No. 2507558, and Easement Vacation No. 2508994 for the Towne Centre View project (Project); and

WHEREAS, the issue was heard by the City Council on _____; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego (Council); and

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

WHEREAS, the Council has considered the issues discussed in Environmental Impact Report No. 624751/SCH No. 2021040044 (Report) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Council that it is certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to

implement the changes to the Project as required by this Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By: _____
[NAME]
Deputy City Attorney

ATTACHMENT(S): Exhibit A, Findings
 Exhibit B, Mitigation Monitoring and Reporting Program

EXHIBIT A

Towne Centre View Project
Environmental Impact Report
SCH No. 2021040044; Project No. 624751

California Environmental Quality Act (CEQA)
Findings of Fact

March 2023

DRAFT CANDIDATE FINDINGS
for
TOWNE CENTRE VIEW
Project No. 624751
SCH No. 2021040044

I. INTRODUCTION

a. Findings of Fact

The following Candidate Findings (Findings) are made for the Towne Centre View Project (Project No. 624751) (Project). The environmental effects of the Project are addressed in the Final Environmental Impact Report (EIR) (SCH No. 2021040044) dated March 10, 2023, which is incorporated by reference herein.

The California Environmental Quality Act (California Public Resources Code Sections 21000, et seq., and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, Sections 15000 et seq. (CEQA Guidelines), hereinafter collectively (CEQA), require that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof, unless such public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can or should be adopted by that other agency; or
3. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

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

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (Section 15093(a) of the CEQA Guidelines). When the lead agency approves a project which will result in the

occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final EIR and/or other information in the record. The Project would not result in significant and unavoidable impacts; therefore, a statement of overriding considerations is not required.

The Findings have been submitted by the City of San Diego (City) Development Services Department as "Candidate Findings" to be made by the decision-making body. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Candidate Findings. It is the role of staff to independently evaluate the proposed Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

b. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents and other evidence, at a minimum:

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

c. Custodian and Location of Records

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

II.

II. PROJECT SUMMARY

a. Project Objectives

The objectives of the Towne Centre View Project include the following:

1. Maximize base sector employment uses in the Subregional Employment Area consistent with the General Plan's Economic Prosperity Element policies by increasing the allowable intensity of employment uses in the University community where major transportation and transit infrastructure are planned and currently exist;
2. Develop a prominent single-site campus with sufficient scale and amenities that encourages large, regional, base-sector employers to locate and expand in the Subregional Employment Area of the University community;
3. Encourage the retention and creation of middle-income employment by facilitating the expansion of high technology business facilities in the Subregional Employment Area;
4. Maximize employment opportunities in Prime Industrial Lands while complying with the Airport Land Use Compatibility (ALUC) Plan for Marine Corps Air Station (MCAS) Miramar, and respecting the surrounding environmentally sensitive lands (ESLs) by locating development on previously developed and existing disturbed areas;
5. Implement energy-efficient and sustainable building practices and landscape practices, including efficient use of reclaimed water available from existing City infrastructure; and
6. Develop a project that reduces 100-year storm event peak discharge rates.

b. Project Description

The Project proposes a GENERAL PLAN AMENDMENT/COMMUNITY PLAN AMENDMENT to the University Community Plan to increase the intensity in Subarea 11 to 1,000,000 square feet (sf); a PLANNED DEVELOPMENT PERMIT to amend PID 96-7756 for Eastgate Acres and because of required

deviations to the San Diego Municipal Code; a SITE DEVELOPMENT PERMIT because there are Environmentally Sensitive Lands (ESLs) on site, the Project is within the ALUC Overlay for MCAS Miramar, and the Project is within the Community Plan Implementation Overlay Zone (CPIOZ) Type A; a NEIGHBORHOOD DEVELOPMENT PERMIT for the alternative method of calculation for the ALUC Overlay Zone; a COASTAL DEVELOPMENT PERMIT to amend CDP No. 117798 because the northern portion of the Project area is within the non-appealable area of the Coastal Overlay Zone, and the Project would subdivide the site in the Coastal Overlay Zone from the area where vertical development would be constructed; a VESTING TENTATIVE MAP to subdivide and configure the property to accommodate the proposed development, to subdivide the areas in the Coastal Overlay Zone from the area outside the Coastal Overlay Zone, and to provide necessary easements; EASEMENT VACATION for existing public easements; and PUBLIC STREET VACATION for the western terminus of Towne Centre Drive, west of Westerra Court and acquisition.

The partially developed Project site is located north of the current terminus of Towne Centre Drive, generally between I-5 to the west and I-805 to the east. The Project site in its entirety encompasses 33.55 acres and is currently associated with the following addresses: 9855/9865/9875/9885 Towne Centre Drive. The parcels are designated Prime Industrial Lands and are located in the Subregional Employment Center in the City's General Plan. The Project is consistent with the land use policies of the General Plan, such as policy EP-A.3, which "Encourage[s] large regional employers to locate and expand in the Regional Center or Subregional Employment Areas," and EP-A.7 to "Increase the allowable intensity of employment uses in Subregional Employment Areas and Urban Village Centers where transportation and transit infrastructure exist." The parcels have a land use designation of "Scientific Research" and "Open Space" within Subarea 11 of the University Community Plan, and the Project is consistent with the projected job growth of 70,000 to 80,000 jobs within the Community Plan area by 2050. The Project site is within the IP-1-1 (Industrial Park) and Residential Single Unit (RS-1-7). The portion of the site that is zoned RS-1-7 (approximately seven acres) would remain undeveloped. The Project is subject to the Airport Influence Area Overlay, Coastal Overlay Zone, CPIOZ-A, Fire Brush Zones, Very High Fire Severity Zone, Parking Impact Overlay Zone, Prime Industrial Lands, Transit Priority Area, and FAA Part 77 Notification Area. The Project is also located in the Accident Potential Zone II (APZ II) and Transition Zone (TZ) of the MCAS Miramar ALUC Plan.

The Project consists of scientific research and development (R&D) uses that can accommodate approximately 1,000,000 sf of building area on the 26.5-acre southern portion of the Project site, and would preserve existing open space in the City's Multi-Habitat Planning Area (MHPA) within the Project site (approximately seven acres) and surrounding the Project site. Under existing conditions, the eastern portion of the Project site contains three scientific research buildings with approximately 192,365 sf of building area and 7,370 sf of covered courtyard. The Project would include demolition of the existing buildings and on-site improvements. Additionally, the Project would include the construction of five buildings (Buildings A through E), which would have an estimated gross floor area (GFA) of 999,386 sf, with an additional 1,027,650 sf of area excluded from the GFA consisting of balcony and roof deck, and a parking garage. Buildings A-D would have an overall building height ranging from 107.3 feet to 131.5 feet. Building E would have a building elevation of 389.0 feet at top of parapet. Below-grade parking structures would be provided generally in the southern portion of the Project site (primarily subterranean under proposed Buildings A-D). The parking garage would be up to 76 feet high (above grade) and would consist of six above grade levels and one partial below grade level. Various site improvements would also be constructed that include associated

utilities, internal circulation and access, hardscape (surface parking, driveways and walkways), retaining walls and landscaping.

The Project requires the following entitlements from the City:

General Plan Amendment (GPA)/University Community Plan Amendment (CPA)
Planned Development Permit (PDP)
Site Development Permit (SDP)
Coastal Development Permit (CDP)
Neighborhood Development Permit (NDP)
Vesting Tentative Map (VTM)
Public Street Vacation
Easement Vacation

III. ENVIRONMENTAL REVIEW PROCESS AND PUBLIC PARTICIPATION

The lead agency approving the Project and conducting environmental review CEQA, shall be the City of San Diego (the City). The City as lead agency shall be primarily responsible for carrying out the Project.

In compliance with Section 15082 of the CEQA Guidelines, the City published an NOP on April 5, 2021, which began a 30-day period for comments on the appropriate scope of the Draft EIR. At the time the NOP was published, a State of Emergency was in effect due to the COVID-19 pandemic. As such, in the interest of public health and safety, and in accordance with guidance provided from the Office of Planning and Research, the City did not hold an in-person scoping meeting. In lieu of a public scoping meeting to be held in person, a prerecorded presentation was made accessible to the public and available for viewing on the City's Website from April 5, 2021, through May 5, 2021 in addition to publication of the NOP. The purpose of these scoping activities was to seek input and concerns from the public regarding the environmental issues that may potentially result from the Project.

The City published the Draft EIR on November 22, 2022, in compliance with CEQA. Pursuant to CEQA Guidelines Section 15085, upon publication of the Draft EIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review and comment by the public. The City also posted a Notice of Availability of the Draft EIR at that time pursuant to CEQA Guidelines Section 15087. During the public review period, the City received comments on the Draft EIR. After the close of public review period, the City provided responses in writing to all comments received on the Draft EIR.

The Final EIR for the Project was published on March 10, 2023. The Final EIR has been prepared in accordance with CEQA.

IV. SUMMARY OF IMPACTS

Impacts associated with specific issues (e.g., land use, transportation, air quality, etc.) resulting from approval of the Project and future implementation are discussed below.

The Final EIR concludes that the Project would have **no significant impacts** and require no mitigation measures with respect to the following issues:

- Agricultural and Forestry Resources
- Historical Resources
- Mineral Resources
- Tribal Cultural Resources

The Final EIR concludes that the Project would have **less than significant impacts** and require no mitigation measures with respect to the following issues:

- Land Use
- Air Quality
- Biological Resources
- Energy
- Geologic Conditions
- Greenhouse Gas Emissions
- Health and Safety
- Hydrology
- Noise
- Paleontological Resources
- Population and Housing
- Public Services and Facilities
- Public Utilities
- Visual Effects and Neighborhood Character
- Water Quality
- Wildfire

Potentially **significant impacts of the Project would be mitigated to below a level of significance** with respect to the following issues:

- Transportation

The Final EIR concludes that the Project **would not result in any significant and unavoidable impacts**.

V. FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the Record of Proceedings. The Plans, Programs and Policies discussed in the Final EIR are existing regulatory plans and programs the Project is subject to, and analysis throughout the Final EIR demonstrates consistency.

a. Findings Regarding Impacts That Can Be Mitigated to Below a Level of Significance

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section

15091(a)(1), that changes or alterations have been required in or incorporated into the Project that mitigate, avoid, or substantially lessen the significant effects on the environment as identified in the Final EIR. The basis for this conclusion follows:

i. Transportation

Impact: The City's Transportation Study Manual establishes that a significant impact will occur for Commercial Employment projects with an employee vehicle miles traveled (VMT) per employee that is in excess of 15% below the regional mean VMT per employee (22.015 VMT per employee), or, stated otherwise, greater than 85% of the regional mean. The Project is expected to generate 32.6 employee VMT per employee, which exceeds the regional mean of 25.9 VMT per employee for the San Diego Region, resulting in a significant VMT impact.

Facts in Support of Finding: The Project would be required to reduce VMT per employee by 32.47% to reduce Project VMT to below a level of significance, which represents 22.015 VMT per employee. Pursuant to guidance from the California Air Pollution Control Officers Association (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* published in December 2021 (CAPCOA 2021), the Project would implement Mitigation Measure MM 5.2-1 listed below, which would reduce the Project's VMT to less than 15 % below the regional mean VMT per employee through implementation of a Transportation Demand Management (TDM) plan with measures T-6 through T-12 of the CAPCOA 2021 framework incorporated. As detailed below, Mitigation Measure MM 5.2-1 requires that the TDM plan include reduction measures, mandatory goals, a program manager to monitor implementation of the plan, and mandatory monitoring and reporting. Quantification of the individual mitigation measures T-6 and T-12 are found in the Transportation Impact Analysis for the Project at Appendix B1 of the EIR and are incorporated by reference herein. In addition, as noted in the Transportation Impact Analysis pages 14-17, "In order to support [the] level of effectiveness," calculated in detail in the TIA and "consistent with the best practices identified in the 2021 CAPCOA Handbook to ensure other transportation options, the project will provide the following supportive measures:" which are shown in the TIA and described as; 1) Pedestrian Improvements in CAPCOA 2021 measure T-18 which states that, "providing sidewalks and an enhanced pedestrian network encourages people to walk instead of drive,;" and 2) A Private Employee Shuttle to the University Town Centre Transit Centre, which is part of the calculation in variable C in the CAPCOA 2021 VMT reduction formula for measure T-12; and 3) Provide an on-site parking area designated for micro-mobility travel. As noted in the TIA at page 16, "SANDAG Mobility Guidebook at page 34 notes that bikeshare micromobility programs, "provide an affordable way to use bicycles for short-distance trips as an alternative to driving or as a means of connecting to transit;" and 4) Passenger Loading Zones, which "provide convenient and easy access for" micro-mobility vehicles, and "include the loading and unloading areas for car services such as Lyft and Uber as well as the Project shuttle;" and 5) Transit Encouragement Programs, where "Providing information creates commute optionality for employees and puts them on notice of transit in the area;" and 6) Access to services that reduce the need to drive, such as cafes, commercial stores, banks, post offices, restaurants, gyms, either onsite or within 1,320 feet (1/4-mile) of the structure/use. The TIA at page 16 states that "On-site restaurants, gyms, eating areas, and other ancillary amenities reduce the number of day-time trips from the Project site made during work hours and thus reduce overall VMT."

MM 5.2-1 A Transportation Demand Management plan (the “TDM Plan”) shall be implemented by the Permittee in order to reduce automobile trips and Vehicle Miles Traveled (“VMT”) generated by the proposed Project.

- a. **TDM Plan.** Prior to issuance of the first building permit, the Permittee will submit to the City of San Diego a TDM plan outlining the TDM measures, approach to implementation, expected VMT reductions and monitoring program. Prior to issuance of the first building permit, the TDM Plan must be approved by City of San Diego Development Services Department. If the Project is leased as a multi-tenant campus, the 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.
- b. **Elements of TDM Plan.** As outlined in the Project TIA included as Appendix B1, the following measures shall be included in the TDM Plan and implemented by the Permittee:
 - i. T-12 Price Workplace Parking
 - ii. T-6 Implement Commute Trip Reduction Program (Mandatory Implementation and Reporting)
 - iii. T-7 Implement Commute Trip Reduction Marketing
 - iv. T-8 Provide Ridesharing Program
 - v. T-9 Implement Subsidized or Discounted Transit Program
 - vi. T-10 Provide End of Trip Bicycle Facilities
 - vii. T-11 Provide Employee Sponsored Vanpool
 - viii. Supportive but unquantified VMT reduction measures per the Project TIA included as Appendix B1 such as T-44 Provide Shuttles (Gas or Electric) and Passenger Loading Zones
- c. **TDM Goals.** TDM measures, as outlined in the TDM Plan and evaluated in the VMT Assessment Memo (USAI, April 2022), shall be implemented to reduce the project site VMT by 32.47%. This is established based on the commercial employment VMT significance threshold of 15% below the SANDAG Series 13 Base Year 2012 regional mean VMT, 22.105 VMT per employee, and the Series 13 Year 2025 project VMT of 32.6 VMT per employee that would be expected from the 3,000 employees anticipated from the proposed 1 million square feet of research and development (R&D) use included in the Project site. According to the Local Mobility Analysis prepared for the Project site, the Project will be expected to generate approximately 8,000 vehicular trips per day based on the City of San Diego Land Development Code Trip Generation Manual (2003) which is a net increase of 6,461 daily vehicular trips over existing development.
- d. **Program Manager.** Within three (3) months following approval of the first occupancy permit, the Permittee shall designate an individual to act as the Program Manager (“PM”) for the Project, whose responsibility will be to implement the TDM measures, with on-going coordination with the City of San Diego Development Services Department.

- e. **Monitoring and Reporting.** No later than one (1) year following the issuance of the first occupancy permit of the final phase of the project if the Project is being completed in phases or after the final Occupancy Permit if the Project is being constructed in a single phase for one tenant, a monitoring and reporting report will be submitted to the City of San Diego Development Services Department. The effectiveness of the TDM Plan shall be evaluated using surveys and traffic counts. The Permittee shall coordinate with the City of San Diego with data collected and reported, which will include but may not be limited to:
- i. Calculating average vehicle occupancy
 - ii. Count of daily vehicle trips to and from the site
 - iii. Online survey of employees
 - iv. Intercept surveys at building entrances
 - v. Documentation of level of daily shuttle usage

Permittee shall submit the results of the data collection to the City of San Diego Development Services Department and shall state whether the TDM goals have been met. Such TDM surveys shall be conducted annually by the Permittee following the initial survey. If the TDM surveys show that the trip reduction objective is being met after a total of five annual surveys, the Permittee shall proceed with the TDM measures as implemented.

- f. **Failure to Meet VMT Reduction Goals.** In the event the first TDM survey indicates that the VMT goal has not been met, the Permittee shall meet with City of San Diego Development Services Department staff to review the measures in place and to develop modifications to the TDM measures and/or adopt additional TDM measures. If trip reductions are not being met, the City may require that the Permittee provide additional subsidies for transit passes, increase shuttle frequency, or other measures to ensure compliance. If these additional measures do not achieve the required results in two consecutive surveys, the Project will pay a penalty fee, equivalent to 5% of the Complete Communities: Mobility Choices Active Transportation Opt-In Fee, in place at the time of Project approval. The penalty shall be paid annually on January 1st of each year, until the project VMT reduction targets are met.

Finding: As detailed in EIR Section 5.2, the Project is expected to generate 32.6 employee VMT per employee, which exceeds the regional mean of 25.9 VMT per employee for the San Diego Region, resulting in a significant VMT impact. The Project would be required to reduce VMT per employee by 32.47% to reduce Project VMT to below a level of significance (this represents 22.015 VMT per employee, which is 15% below the regional mean VMT per employee). Pursuant to guidance from CAPCOA 2021, the Project would implement Mitigation Measure MM 5.2-1, which would reduce the Project's VMT to less than 15% below the regional mean VMT per employee. Therefore, with mitigation measure MM-5.2-1, the Project would not result in VMT exceeding significance thresholds identified in the City's Transportation Study Manual, and this impact would be less than significant.

Reference: These findings incorporate by reference the information and analysis included in Final EIR Section 5.2, Transportation.

b. Findings Regarding Impacts That Are Unavoidable

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), concludes that the Project would not result in any impacts that are unavoidable.

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

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to CEQA Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2) that the Project would not result in any significant impacts requiring mitigation measures that are within the responsibility and jurisdiction of another public agency.

VII. FINDINGS REGARDING ALTERNATIVES (CEQA 21081(a)(3) AND CEQA GUIDELINES 15091 (a)(3))

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

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

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), makes the following findings with respect to the alternatives identified in the Final EIR (Project No. 624751/SCH No. 2021040044):

Specific economic, legal, social, technological or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the Final EIR (Project No. 624751/SCH No. 2021040044) as described below.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.” The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

a) Alternatives under Consideration

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

1. No Project/No Development – Reuse of Existing Buildings Alternative

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a “no project” alternative, along with its impact. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the Project to the impacts of not approving it. Under the No Project/No Development – Reuse of Existing Buildings Alternative, the Project would not be implemented, and the site would remain in its current condition.

Potentially Significant Effects:

The No Project/No Development – Reuse of Existing Buildings Alternative would avoid the Project’s significant transportation (VMT) impacts; however, the Project’s impact would be reduced to a less than significant level through implementation of mitigation measure MM 5.2-1. Since this Alternative would have no construction activities, and would have reduced building area compared to the Project, this Alternative would have reduced impacts related to air quality, biological resources, greenhouse gas (GHG) emissions, historical resources, noise, paleontological resources, and visual effects/neighborhood character. The Project’s impacts related to these issues, however, would be less than significant with adherence to applicable regulatory requirements and/or compliance with the City’s standard conditions. This Alternative would have similar impacts to the Project (no impacts or less than significant impacts) with regard to geologic conditions, health and safety, population and housing, public services and facilities, public utilities, tribal cultural resources, water quality and wildfire. This Alternative would not require a General Plan/Community Plan Amendment, but would be less effective than the Project with regard to fulfilling the goals and policies of the General Plan and University Community Plan regarding intensification of uses and increased employment. This Alternative would not result in impacts to hydrology/drainage; however, the Project would reduce the amount of runoff from the Project site compared to existing conditions. Further, although not required, the existing buildings do not meet current energy standards; therefore, this Alternative would have greater impacts related to energy efficiency. This Alternative would not avoid any significant impacts resulting from the Project, as the Project’s impacts would be less than significant.

Findings and Supporting Facts:

The City finds that, although the No Project/No Development – Reuse of Existing Buildings Alternative would avoid significant transportation (VMT) impacts associated with the Project, the Alternative would not meet any of the basic objectives of the Project and would make the No Project/No Development – Reuse of Existing Buildings Alternative infeasible and this Alternative is, therefore, rejected on such grounds.

The No Project/No Development – Reuse of Existing Buildings Alternative would not meet any of the basic Project objectives listed above in Section II.a.

Reference: These findings incorporate by reference the information and analysis included in Final EIR Section 10.0, Alternatives.

2. No Project/Development Pursuant to Existing Entitlements

The No Project/Development Pursuant to Existing Entitlements Alternative reflects development of the site pursuant to existing entitlements consistent with the existing land use and zoning designations. This Alternative would include reuse the existing buildings with no new development in the eastern portion of the Project site, and construction of entitled development on the western portion of the Project site (approximately 15.2 acres, excluding the approximately 7.0-acre open space parcel in the northern portion of the Project site). The western portion of the Project site is entitled for 190,000 sf of regional and corporate headquarters office space and is completely disturbed from previous grading activities and from recent construction staging for the Mid-Coast Trolley construction.

The No Project/Development Pursuant to Existing Entitlements Alternative would involve 389,735 sf of development, including 192,365 sf of existing building area and 7,370 sf of existing covered building space, and 190,000 sf entitled on the western portion of the Project site. The existing and proposed development would be served by existing roadways and infrastructure, consistent with the Project.

Potentially Significant Effects:

The No Project/Development Pursuant to Existing Entitlements Alternative would result in similar or incrementally reduced impacts compared to the Project and would be subject to the same regulatory requirements for the respective topical issues. This Alternative would result in reduced impacts related to air quality, GHG emissions, noise, and visual effects compared to the Project; however, the impacts from this Alternative and the Project would be less than significant. This Alternative would result in less than significant impacts similar to the Project's impacts for the following topics: land use, transportation, biological resources, energy, geology and soils, health and safety, historical resources, hydrology, paleontological resources, population and housing, public services and facilities, public utilities, tribal cultural resources, water quality, and wildfire. As noted above, this Alternative would result in less than significant impact similar to the Project's impacts for transportation. While the development assumed under this Alternative was entitled prior to the requirement to evaluate VMT impacts and would generate less trips than the Project due to the reduction in building intensity, it is expected that this Alternative would also exceed the Regional Mean of 25.9 VMT per Employee for the San Diego Region, resulting in a significant

transportation VMT impact consistent with the Project and the mitigation to reduce this impact would be the same. However, given the development assumed under this Alternative is already entitled a Project-specific VMT analysis would not be required. This Alternative would require implementation of transportation improvements included as mitigation measures in the existing entitlements.

Findings to Support Facts:

The City finds that, although the No Project/Development Pursuant to Existing Entitlements Alternative would result in similar or incrementally reduced impacts compared to the Project, other considerations make the No Project/Development Pursuant to Existing Entitlements Alternative infeasible, and this Alternative is, therefore, rejected on such grounds.

The No Project/Development Pursuant to Existing Entitlements Alternative would meet most of the Project objectives, but not to the same extent as the Project. This Alternative would not: maximize base sector employment by increasing the allowable intensity of employment uses as effectively as the Project (Objective 1), encourage middle-income employment by facilitating the expansion of high technology business facilities in the Subregional Employment Area as effectively as the Project (Objective 3), maximize employment in Prime Industrial Lands as effectively as the Project (Objective 4), implement sustainable building practices as effectively as the Project (Objective 5), or reduce the 100-year storm water discharge rates on the Project site (Objective 6). Additionally, this Alternative would not meet the objective to develop a prominent single-site campus with scale and amenities that encourages large, regional, base-sector employers to locate and expand in the Subregional Employment Area of the University community (Objective 2).

Reference: These findings incorporate by reference the information and analysis included in Final EIR Section 10.0, Alternatives.

3. Reduced Building Area Alternative

The Reduced Building Area Alternative would involve the demolition of the existing buildings on site, redevelopment of the eastern portion of the Project site, and development of the western portion of the Project site, which remains undeveloped but was previously disturbed. Construction activities would be similar to the Project's, but the amount of grading would likely be reduced due to the elimination of subterranean podium parking. This Alternative anticipates the construction 695,000 sf of scientific research buildings, which is approximately 305,000 sf less than the Project, and approximately 305,000 sf more than the building area allowed by existing entitlements (389,735 sf of development). Under this Alternative, four buildings in the same location as the proposed Project Buildings A, B, C and E would be constructed, with reduced building area and reduced building height. Buildings A, B and C would be 4 to 5 levels (compared to 5 to 6 levels with the Project) and Building E would remain 2 levels. With the reduction in building area, subterranean podium parking would not be financially feasible; therefore, above ground parking structure would be required. This would include the parking structure currently proposed with the Project in the southeast portion of the Project site, and additional parking structures located along Towne

Centre Drive generally at the site of proposed Building D. The Alternative would include an on-site circulation system, exterior amenity areas, landscaping, sustainable building features, utility infrastructure, consistent with the Project. Additionally, the regulatory requirements, City standard conditions, and Project-specific mitigation measures to reduce VMT impacts to a less than significant level would also apply to this Alternative.

Potentially Significant Effects:

The Reduced Building Area Alternative would result in similar or incrementally reduced impacts compared to the Project's impacts and would be subject to the same transportation mitigation measure, MM 5.2-1, and regulatory requirements for the respective topical issues. Due to the reduction in construction/grading activities and overall reduction in building area, this Alternative would result in reduced impacts related to air quality, GHG emissions, and noise; however, the impacts from this Alternative and the Project would be less than significant. This Alternative would result in less than significant impacts similar to the Project's for the following topics: land use, transportation, biological resources, energy, geology and soils, health and safety, historical resources, hydrology, paleontological resources, population and housing, public services and facilities, public utilities, tribal cultural resources, visual effects/neighborhood character, water quality, and wildfire.

Findings to Support Facts:

The City finds that, although the Reduced Building Area Alternative would result in similar or incrementally reduced impacts compared to the Project, other considerations make the Reduced Building Area Alternative infeasible and this Alternative is, therefore, rejected on such grounds.

Consistent with the Project, the Reduced Building Area Alternative would meet the Project objectives to implement sustainable building practices as effectively as the Project (Objective 5), and reduce the 100-year storm water discharge rates on the Project site (Objective 6). This alternative would meet most of the other Project objectives, but not to the same extent as the Project due to the reduction in overall building area and associated employment generation. This Alternative would not maximize base sector employment by increasing the allowable intensity of employment uses as effectively as the Project (Objective 1), encourage middle-income employment by facilitating the expansion of high technology business facilities in the Subregional Employment Area as effectively as the Project (Objective 3), and maximize employment in Prime Industrial Lands as effectively as the Project (Objective 4). Additionally, with the almost 30% reduction in building area, this Alternative would not as effectively meet the objective to develop a prominent single-site campus with scale and amenities that encourages large, regional, base-sector employers to locate and expand in the Subregional Employment Area of the University community (Objective 2). This is because large base-sector employers typically desire larger developments accommodated in a single-site campus to accommodate their operations. A 30% reduction in building area would not maximize development and would not be able to accommodate the amenities and building sizes that would attract large base-sector employees.

Reference: These findings incorporate by reference the information and analysis included in

Final EIR Section 10.0, Alternatives.

VIII. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

a. Growth Inducement

Section 15126.2(d) of the CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This discussion is presented in Chapter 7.0, Growth Inducement, of the Final EIR. The City finds that the Project would not result in short- or long-term growth-inducing impacts.

Short-Term Growth Inducement

During construction activities associated with the Project, demand for various construction trade skills and labor would increase. The Project's construction period is estimated to be approximately 68 months. The San Diego-Carlsbad region has 61,830 workers employed in the construction field. As such, given the number of existing construction employees in the region, the construction jobs for the Project would likely be filled by the existing residents in the region. The Project's construction phase would not lead to an increase in employment on site that would stimulate the need for additional housing or services. Therefore, no associated substantial short-term growth-inducing effects would result.

Long-Term Growth Inducement

The Project Applicant proposes to redevelop the Project site with a state-of-the-industry scientific R&D campus that would accommodate approximately 1,000,000 sf of building space among five buildings (Buildings A-E). The completed development would result in a net increase of 2,400 jobs. As discussed in EIR Section 5.13, Population and Housing, SANDAG estimates the City will have an increase of 210,366 jobs between 2016 and 2050, and an increase of 17,952 jobs in the University Community Planning Area between 2020 and 2050. The Project's estimated job generation accounts for approximately 13% of the anticipated employment growth in the University Community Planning Area by 2050 and approximately 1% of the anticipated growth in the City by 2050. It is anticipated that future Project employees would commute to the Project site from locations within the City. There is an existing employee base, and implementation of the Project land use type and size is not anticipated to directly induce substantial unplanned population growth, as the Project is an infill redevelopment project.

The Project site is within an area designated as Prime Industrial Land and is surrounded by properties that are developed or planned for development. Existing roads and utility infrastructure surround the Project site. The Project does not include the extension of roads or utility infrastructure that was not assumed in the community plan or adopted Capital Improvement Project list. Furthermore, the San Diego Metropolitan Transit System (MTS) provides bus and trolley transit services within the Project area, and would be compatible with transit improvements included in SANDAG's San Diego Forward: The 2021 Regional Plan, including the Mid-Coast Trolley project, which started service in November 2021. As

such, the Project is not anticipated to result in indirect substantial unplanned population growth in the City.

The Project is located in the City's University City Subregional Employment Center and is connected to the larger City and County by the Mid-Coast Trolley, Coaster Commuter Rail, and a robust bus network. The City's General Plan Strategic Framework Element relies on the City of Villages Growth Strategy, which "focuses growth into mixed use activity centers that are pedestrian-friendly districts linked to an improved regional transit system." Within the Strategic Framework, the University Community Plan area is designated as a Subregional Employment Center, which are "major employment and/or commercial areas within the region containing corporate or multiple-use office, industrial, and retail uses with some adjacent multifamily residential uses." Consistent with the City of Villages Strategy, the Economic Prosperity Element of the General Plan includes policies that direct new job growth into the Subregional Employment Centers. These include Policy EP-A.7 to "[i]ncrease the allowable intensity of employment uses in Subregional Employment Areas where transportation and transit infrastructure exist;" EP-A.8 to "[c]oncentrate more intense office development in Subregional Employment Areas and in Urban Villages with transit access;" and EP-A.9 to "[e]fficiently utilize employment lands through increased intensity in 'urban villages' and Subregional Employment Areas." The City Council finds that the Project is consistent with the growth policies in the General Plan and University Community Plan, and that the Project has been considered within the growth projections of the City.

Based on the foregoing analysis, neither the Project nor any Project-related component would directly or indirectly result in substantial unplanned growth. Therefore, the Project's impacts related to growth inducement would be less than significant.

b. Significant Irreversible Environmental Changes That Will Be Caused by the Project

CEQA Guidelines Section 15126.2(c) requires the evaluation of significant irreversible environmental changes that would occur should a project be implemented:

- (1) Primary impacts, such as the use of nonrenewable resources (i.e., biological habitat, agricultural land, mineral deposits, water bodies, energy resources, and cultural resources);
- (2) secondary impacts, such as road improvements, which provide access to previously inaccessible areas; and
- (3) environmental accidents potentially associated with the project.

Furthermore, CEQA Guidelines Section 15126.2(c) states that irretrievable commitments of resources should be evaluated to ensure that current consumption of such resources is justified.

As discussed in the topical analyses presented in the EIR, implementation of the Project would not result in significant irreversible impacts to agricultural land, mineral resources, water bodies, historical resources, or tribal cultural resources. As the proposed development area for the Project is currently developed or has been subject to previous grading activities, implementation of the Project would not result in significant irreversible impacts to biological resources. Paleontological resources could be disturbed but would be collected

and recorded in compliance with existing regulations. Impacts to paleontological resources would result in a significant irreversible change to a non-renewable resource; however, compliance with Appendix P to the City's Land Development Manual and with the City's grading ordinance (San Diego Municipal Code Section 142.0151) would preclude any significant impacts to paleontological resources.

The Project requires the commitment of energy and non-renewable resources, such as electricity, fossil fuels, natural gas, construction materials (e.g., concrete, asphalt, sand and gravel, steel, petrochemicals and lumber), potable water, and labor during construction. New development within the Project site is required to comply with the California Energy Code (Title 24) and California Green Building Standards Code. The Project features several sustainable elements (e.g., rooftop photovoltaic solar panels on the above-grade parking garage consistent with 2022 Title 24 Standards; control scheduled and energy-efficient lighting and appliances; energy-efficient roof, building envelope, and HVAC components; and use of reclaimed water in landscape) to minimize its consumption of energy and non-renewable resources (see Section 5.7, *Greenhouse Gas Emissions*, and Section 5.5, *Energy*, for further details). Use of these resources on any level, however, would have only an incremental effect regionally on long-term irretrievable losses of non-renewable resources such as fuel and energy.

Section 15126.2(d) of the CEQA Guidelines requires an EIR to identify significant environmental changes which would be caused by the proposed project should it be implemented (14 CCR 15000 et seq.). As discussed in Chapter 5.0, *Environmental Analysis*, of this EIR, given adherence to the City's standard requirements, implementation of the Project would not cause significant impacts related to the following issue areas: land use, air quality, biological resources, energy, geologic conditions, health and safety, historical resources, hydrology, noise, paleontological resources, population and housing, public services and facilities, public utilities, tribal cultural resources, visual effects and neighborhood character, water quality, and wildfire.

Incorporation of regulatory requirements and standard conditions of approval, and incorporation of Project-specific mitigation measures to reduce impacts associated with VMT would reduce the Project's potentially significant impacts to a less than significant level. The Project was determined not to cause any significant and unavoidable impacts related to any of the environmental resource areas evaluated.

IX. Findings Regarding Responses to Comments and Final EIR Revisions

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

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

EXHIBIT B**MITIGATION MONITORING AND REPORTING PROGRAM**

APPROVAL OF THE AMENDMENT TO THE UNIVERSITY COMMUNITY PLAN AMENDMENT NO. 2607746, PLANNED DEVELOPMENT PERMIT NO. 2607763 [AMENDMENT TO PLANNED INDUSTRIAL DEVELOPMENT PERMIT 96-7756], SITE DEVELOPMENT PERMIT NO. 2237939 [AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 2758], NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2582527, COASTAL DEVELOPMENT PERMIT NO. 2237940 [AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 117798], VESTING TENTATIVE MAP NO. 2507560, PUBLIC RIGHT-OF-WAY VACATION NO. 2507558, AND EASEMENT VACATION NO. 2508994 FOR THE TOWNE CENTRE VIEW PROJECT NO. 624751;

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 624751/SCH No. 2021040044 shall be made conditions of approval of the Amendment to the University Community Plan Amendment No. 2607746, Planned Development Permit No. 2607763 [Amendment to Planned Industrial Development Permit 96-7756], Site Development Permit No. 2237939 [Amendment to Site Development Permit No. 2758], Neighborhood Development Permit No. 2582527, Coastal Development Permit No. 2237940 [Amendment to Coastal Development Permit No. 117798], Vesting Tentative Map No. 2507560, Public Right-Of-Way Vacation No. 2507558, and Easement Vacation No. 2508994 as may be further described below.

GENERAL REQUIREMENTS – PART I**Plan Check Phase (Prior to Permit Issuance)**

1. Prior to the issuance of a Notice to Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The Title Index Sheet must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. Surety and Cost Recovery – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

GENERAL REQUIREMENTS – PART II

Post Plan Check (After Permit Issuance/Prior to Start of Construction)

1. Pre construction meeting is required ten (10) working days prior to beginning any work on this project. The Permit Holder/Owner is responsible to arrange and perform this meeting by contacting the City Resident Engineer (RE) of the Field Engineering Division and City staff from Mitigation Monitoring Coordination (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent.

NOTE: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

Contact Information:

- a) The Primary Point of Contact is the RE at the Field of Engineering Division: 858-627-3200
 - b) For Clarification of environmental requirements, it is also required to call RD at MMC at: 858-627-3360
2. MMRP Compliance: This Project, Project Tracking System (PTS) #624751 and/or Environmental Document #624751, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

NOTE: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. Other Agency Requirements: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

NOTE: Confirmation of NPDES compliance from the State Water Resources Control Board (SWRCB) during and following construction.

4. Monitoring Exhibits: All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the limit of work, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. Other Submittals and Inspections: The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS FROM EIR

TRANSPORTATION/CIRCULATION

MM 5.2-1 A Transportation Demand Management plan (the “TDM Plan”) shall be implemented by the Project Applicant in order to reduce automobile trips and Vehicle Miles Traveled (“VMT”) generated by the proposed Project.

- a. **TDM Plan.** Prior to issuance of the first building permit, the Permittee will submit to the City of San Diego a TDM plan outlining the TDM measures, approach to implementation, expected VMT reductions and monitoring program. Prior to issuance of the first building permit, the TDM Plan must be approved by City of San Diego Development Services Department. If the Project is leased as a multi-tenant

campus, the 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.

- b. **Elements of TDM Plan.** As outlined in the VMT Assessment Memo (USAI, April 2022), the following measures shall be included in the TDM Plan and implemented by the Permittee:
- i. T-12 Price Workplace Parking
 - ii. T-6 Implement Commute Trip Reduction Program (Mandatory Implementation and Reporting)
 - iii. T-7 Implement Commute Trip Reduction Marketing
 - iv. T-8 Provide Ridesharing Program
 - v. T-9 Implement Subsidized or Discounted Transit Program
 - vi. T-10 Provide End of Trip Bicycle Facilities
 - vii. T-11 Provide Employee Sponsored Vanpool
 - viii. Supportive but unquantified VMT reduction measures per the VMT Assessment Memo (USAI, April 2022) such as T-44 Provide Shuttles (Gas or Electric) and Passenger Loading Zones
- c. **TDM Goals.** TDM measures, as outlined in the TDM Plan and evaluated in the VMT Assessment Memo (USAI, April 2022), shall be implemented to reduce the project site VMT by 32.47%. This is established based on the commercial employment VMT significance threshold of 15% below the SANDAG Series 13 Base Year 2012 regional mean VMT, 22.105 VMT per employee, and the Series 13 Year 2025 project VMT of 32.6 VMT per employee that would be expected from the 3,000 employees anticipated from the proposed 1 million square feet of research and development (R&D) use included in the project site. According to the Local Mobility Analysis prepared for the project site, the project will be expected to generate approximately 8,000 vehicular trips per day based on the City of San Diego Land Development Code Trip Generation Manual (2003) which is a net increase of 6,461 daily vehicular trips over existing development.
- d. **Program Manager.** Within three (3) months following approval of the first occupancy permit, the Permittee shall designate an individual to act as the Program Manager ("PM") for the Project, whose responsibility will be to implement the TDM measures, with on-going coordination with the City of San Diego Development Services Department.
- e. **Monitoring and Reporting.** No later than one (1) year following the issuance of the first occupancy permit of the final phase of the project if the Project is being completed in phases or after the final Occupancy Permit if the Project is being constructed in a single phase for one tenant, a monitoring and reporting report will be submitted to the City of San Diego Development Services Department. The effectiveness of the TDM Plan shall be evaluated using surveys and traffic counts. The Permittee shall coordinate with the City of San Diego with data collected and reported, which will include but may not be limited to:

- i. Calculating average vehicle occupancy
- ii. Count of daily vehicle trips to and from the site
- iii. Online survey of employees
- iv. Intercept surveys at building entrances
- v. Documentation of level of daily shuttle usage

Permittee shall submit the results of the data collection to the City of San Diego Development Services Department and shall state whether the TDM goals have been met. Such TDM surveys shall be conducted annually by the Permittee following the initial survey. If the TDM surveys show that the trip reduction objective is being met after a total of five annual surveys, the Permittee shall proceed with the TDM measures as implemented.

- f. **Failure to Meet VMT Reduction Goals.** In the event the first TDM survey indicates that the VMT goal has not been met, the Permittee shall meet with City of San Diego Development Services Department staff to review the measures in place and to develop modifications to the TDM measures and/or adopt additional TDM measures. If trip reductions are not being met, the City may require that the Permittee provide additional subsidies for transit passes, increase shuttle frequency, or other measures to ensure compliance. If these additional measures do not achieve the required results in two consecutive surveys, the Project will pay a penalty fee, equivalent to 5% of the Complete Communities: Mobility Choices Active Transportation Opt-In Fee, in place at the time of Project approval. The penalty shall be paid annually on January 1st of each year, until the project VMT reduction targets are met.