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Report to the Planning Commission

Via email

REPORT NO. PC-22-001

Mira Mesa Community Plan Amendment Initiation Request - OnPoint Tech Center

Sierra Club Opposition

Sierra Club San Diego Chapter finds this project an antithesis of environmentally sustainable planning. The City has reached the point of a disturbing lack of environmental standards, while failing to exhibit any reasonable doubt or questions of the applicant's Community Plan Amendment Initiation Request. The concerned public and Planning Commissioners are recipients of divisive sales pitches from staff and applicant working in unison. Here we evaluate the staff report on a page-by-page basis. Specific issues of environmental concern will be addressed in a separate Sierra Club communication. Staff comments are bolded and italicized.

Page 1- The clipped and abrupt (8-day) timing between staff report to hearing date could not be worse for a major project which threatens permanent and unavoidable impacts to one of the San Diego's few and last riparian zones and wetlands, compounded with destruction of a crucial wildlife corridor. This is possibly the last successful corridor for mule deer to seek seasonal habitat and refuge which accommodates safe birthing areas. These primary environmental defects are somehow overlooked in the staff report. See accompanying Sierra Club comments in a separate communication describing what threatens to be lost if this project progresses.

Page-1 Environmental Review: This activity is not a "project" under the definition set forth in CEQA

Guidelines Section 15378. Should initiation of the community plan amendment be approved,

an environmental review would take place at the appropriate time in accordance with CEQA

Section 15004.

This claim by staff is in direct contradiction of the CEQA guidelines Section 15378 (**emphasis added**) which may result in prompting legal concerns. Please advise the City Attorney's Office of staff's presumed CEQA 15378 "finding".

§ 15378. CEQA Projects

(a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

(1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, **enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.**

(3) (c) **The term “project” refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies.** The term “project” does not mean each separate governmental approval.

A CEQA-based environmental analysis of the project would result in immediate dismissal of the project. It is inconceivable why staff would not proceed with this well-defined qualifying benchmark of review. Proceeding without a basis of judgement for the environmental impacts is defying the reality of the project’s fragile natural resources. Favorable project pre-judgement by staff is a sure indicator of a conflicted and biased approach by the City.

Page-1 *Staff Recommendation: Approve the initiation, contingent upon the inclusion of the recommendations identified in this report.*

We are witnessing a demonstration of blind faith in developer claims, even conflicting with a decisive Mira Mesa Planning Group recommendation vote in direct opposition to construction on long established open space. Having a staff report recommend approval without a baseline environmental review is both poor science, poor planning, and a violation of the Public Trust in our government processes. Such a review would have immediately resolved any question as to why the project should be rejected prior to an Initiation Request.

This is a practice comparable to the Ash Street SDG&E headquarters fiasco, galvanized with assurances of the owner's agents. Similar to Ash Street, this report is devoid of the reasoning behind such an uninformed decision, aside from outright developer appeasement. Sierra Club finds this both disturbing, and unfortunately, fundamental to this unfounded staff report recommendation. Please cite any staff finding that represents protection of the natural environment, particularly to Carroll Canyon creek. Planning Commissioners will find this particularly challenging. . . if not impossible.

Please note planning staff's own finding of the complete 37-acres being zoned as open space, despite suggested workarounds and instructions on the best methods of dodging environmental review. Simply stated, the provenance of the open space is irrefutable, long established, recorded and critical to a functioning wetland ecosystems.

Page 2 - *Site General Plan and Community Plan Land Use Designation: The 36.6-acre site has a General Plan and community plan land use designation of Open Space (Attachments 4).*

Subdivision: The site is identified as Lot 75 as part of the Lusk Industrial Park Unit Number 1 subdivision which was recorded in 1978 (Attachment 14).

Zoning Base Zone: The site has an underlying AR-1-1 base zone (Attachments 5). The AR-1-1 zone accommodates a wide range of agricultural uses and is typically applied to privately owned open space properties.

Page-2 Finally, the site's complete incompatibility with the OnPoint Tech Center concept is revealed in the following:

Overlay Zones: The property is within the Airport Land Use Compatibility Overlay Zone for MCAS Miramar. The subject site is

within the 60 dB to 70 dB CNEL noise contour, and Accident Potential Zone II as shown in the MCAS-Miramar Airport Land Use Compatibility Plan (Attachment 6). Accident Potential Zone II limits occupancy to 50 people per acre for the entire property area.

Reference MCAS Miramar AICUZ Study (2005) Accident Potential Zones & Restrictive Use Easements Source:

APZ data, MCAS Miramar AICUZ Study, March 2005 Restrictive Use Easement data, MCAS Miramar, July 2007

Data Source: Federal Aviation Administration, [www. oaava.faa.gov](http://www.oaava.faa.gov) July 15, 2007

The City of San Diego General Plan Program Environmental Report see page 2 of 3 of the mapping of population restrictions of 50 (fifty) people per acre.

<https://www.sandiego.gov/sites/default/files/legacy/planning/genplan/pdf/peir/peir357thru9.pdf>

Under this guidance, project economic feasibility is destroyed by the intensely restricted occupation limits of the Federal Aviation Administration (FAA) which limits occupancy to 50-people per acre for the entire property area. The proposed project is determined Accident Potential ZONE II according to the city's own mapping and attachments, aside from MCAS Miramar and the Federal Aviation Administration mapping.

Sierra Club finds the Planning Department's known fatally flawed circumstances to be disingenuous to the Mira Mesa Planning Group, the taxpaying residents they represent, the City of San Diego Planning Commissioners and the OnPoint Tech developer. Most interestingly, unlike any other suggested workarounds of numerous City restrictions, we find no advice or direction to circumvent this FAA requirement. FAA is the exact federal regulatory authority who demanded the City have

Sunroad demolish 20-feet off their 180-foot Sunroad Centrum building in Kearny Mesa.

Under these circumstances it is difficult to understand how or why the OnPoint Tech development project has reached even this earliest stage of consideration. The feasibility restrictions of a maximum of only 50 people per acre defeat any use of the project site, except for open space. The City Planners should immediately resolve to have this failing disclosure brought to the attention of the applicant, Planning Commissioners, City Council and Mayor Gloria. The project should be removed from any further consideration.

Page 3-4 *Mira Mesa Community Plan Update: The Mira Mesa Community Plan Update is currently underway with a community plan adoption scheduled for winter 2022. The Mira Mesa Community Plan Update Advisory Committee made a recommendation to proceed with the Land Use Scenario 3b on May 17, 2021, and mobility modeling work to assess the impact of recommended and alternative land uses has been completed. The proposed scenario would add approximately 24,000 homes. The subject site is proposed to be an open space designation in the recommended land use. A community discussion draft is expected by early spring 2022*

Here again we see the City planners ignoring the Mira Mesa Planning Group regarding their required open space designation versus the City planners' attempted rejection. To have the City act in defiance and in conflict with the Planning Group's local requirements of open space for their own community, echoes the City's bias and affinity for developers. Considering the extremely aggressive planned 24,000 home

development being denied even 36-acres of pre-designated critical open space is an outrage which accentuates the City of San Diego's reputation as a city for sale to the development community.

Page-4 *Environmentally Sensitive Lands (ESL) Floodway/Flood Plain: Portions of the subject site are currently designated as 100-year floodway, 100- year flood plain, and 500-year flood plain. (Attachment 9)*

Here the City provides a category of review of Environmentally Sensitive Lands (ESL) then does not list any but floodway and flood plains. This is the fate of the environment at the hands of planners who have not required even the most cursory of environmental reviews. This type of one dimensional environmental "oversight" pervades this staff report with disconcerting shortcomings, nearly all attributable to a pervasive lack of mention of obvious adverse impacts, discounting palpable environmental threats and pandering to developers with a deposit account.

The City demonstrates no circumstances where any of the floodway and flood plains can be ameliorated or remedied. Mitigation is out of the question in this wetland and riparian zone. There is little to zero chance the 500-year flood cycle could be averted, and the safety of the occupants guaranteed. All people in the vicinity of this proposed project could be jeopardized by a 500-year flood, which is a potential in any year of the future, along with random 100-year floods. Climate change makes these occurrences more likely by the day. The very use of "currently designated" is a mendacious label as though a temporary designation for 500-year and 100-year flood potential. It is not the city's prerogative to discount or cast doubt on the findings of the Army Corps of Engineers or FEMA's Flood Map Service Center.

Page-4 *Steep Slopes: Portions of the site have slopes that are 25 percent or greater (Attachment 10).*

The city fails to provide the actual number and height of steep slopes required to identify what percentage of the project is impaired with steep slopes and associated inundation capacity of these slopes on the project site. Such steep slope statements are merely perfunctory unless substantiated with pertinent facts – a quality we observe to be difficult to locate.

Page-4 *Multiple Habitat Planning Area: The site is within the City of San Diego’s Multiple Species Conservation Program (MSCP) Subarea Plan baseline Multi-Habitat Planning Area (MHPA) conservation analysis as 100 percent conserved MHPA land (Attachment 11). Adjustments to the MHPA boundaries may be proposed without the need to amend the Subarea Plan in cases where the new MHPA boundary results in an area of equivalent or higher biological value.*

Staff is ever present with suggested workarounds of environmental protection, in the above example advising Boundary Line Adjustment to the MHPA, with added if unsolicited advise there is no need to amend the Subarea plan with staff’s land use version of “Let’s make a Deal”. Once again it is clearly demonstrated there is no sunlight or distinction between the developer and City Staff in this attempt to alter the MSCP/MHPA.

Page-5 *Vernal Pools: The site does not contain any vernal pools as mapped in the City’s Vernal Pool Habitat Conservation Plan.*

It’s apparent the city is attempting to establish the absence of presence of vernal pools on the project site, although a valuable environmental resource in the City of San Diego. Here we are led to believe the City’s Vernal Pool Habitat Conservation Plan is the final word on vernal pool

locations and to abandon any thought of vernal pool presence in areas not mapped by the city. Unfortunately, without adequate (any) environmental review the Planning Department makes blanket statements of no vernal pool presence. There appears to be 100% baseline vernal pool conservation on the City's own map, in close proximity to Lusk Blvd., Vista Sorrento Parkway and the 805 freeway.

Please produce the project overlay to this City Map and verify by GPS coordinates: See map page 39

https://www.sandiego.gov/sites/default/files/vphcp_final_2kf.pdf

Vernal pool resources are too valuable to lose via lack of verification. It is our understanding that a 2010 Dept of Interior Vernal Pools and Listed Species map also exists which indicates vernal pools in the open space. We learned that there are more than 100 vernal pools in Carroll Canyon, one of the larger occurrences in the areas west of Miramar.

Please see the below file link for further potential locations:

<https://www.sandiego.gov/sites/default/files/vp-mmp.pdf>

Page-5 Discussion: Proposed Community Plan Amendment The initiation request proposes to redesignate approximately 9 acres (25 percent) of the property from Open Space to Technology Park to allow for future employment use.

The City is choosing revenue and vague developer promises of employment repeatedly over the requirements of a maintaining a sustainable environment. Relying on current unemployment statistics would prove educational for staff and the applicant. Current unemployment is at a low of 4.2%. This compares with the height of San Diego unemployment of 15.9% in April 2020. At these numbers it would be an anomaly if construction of a OnPoint Tech would even be able to secure the desired number of biotechnology employees. This distraction from environmental factors is typical of the applicant and

encouraged by the city, as demonstrated below in the applicant sales effort.

Page-5 ***The applicant's letter comments that this implements the General Plan and community plan goals of preserving and maintaining the natural open space (Attachment 16).***

This is a close contender for the most disturbing comments by City Planning. The referenced applicant "letter" is a document devoid of all but repetitive and pointedly distracted sales pitches. The fact that it is cited at all is further incriminating proof of the city's overt developer bias.

The name Cisterra should resonate with City planners and Cisterra's ill-fated scheme to develop without prior environmental review and zoning status. This hearing is both rushed and highly premature. Moreover, the project fails on all three criteria of the Community Plan Amendment Initiation Criteria for the numerous reasons cited.

(a) The amendment request appears to be consistent with the goals and policies of the General Plan and community plan and any community plan specific amendment criteria.

(b) The proposed amendment provides additional public benefit to the community as compared to the existing land use designation, density/intensity range, plan policy or site design.

(c) Public facilities appear to be available to serve the proposed increase in density/intensity, or their provision will be addressed as a component of the amendment process.

For these reasons Sierra Club expresses our opposition to what can only be described as a project that threatens a highly productive wildlife corridor, with mule deer one of many specific beneficiaries of the existing status. Simultaneously the project destroys both wetlands and

riparian lands, two of the rarest habitats in San Diego. For these reasons the project simply cannot be supported. Once again, this entire process could have been avoided and curtailed with the findings of a CEQA-based environmental review. Thank you for your attention to our communication.

Sincerely,

Dr. Peter Andersen, Vice Chair

Conservation Committee

Sierra Club San Diego Chapter

George Courser, chair

Conservation Committee,

Sierra Club San Diego Chapter