



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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GAVIN NEWSOM, Governor
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January 10, 2023

Ms. Sara Osborn
 City of San Diego
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Subject: Towne Centre View (Project), Draft Environmental Impact Report (DEIR), SCH #2021040044

Dear Ms. Osborn:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (DEIR) from the City of San Diego (City) for the Towne Centre View (Project No. 624751) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*).

CDFW also administers the Natural Community Conservation Planning (NCCP) program (Fish & G. Code, § 2800 *et seq.*), a California regional habitat conservation planning program. The City participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP) and Implementing Agreement (IA). The

¹ CEQA is codified in the California Public Resources Code in section 21000 *et seq.* The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 1500.

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Multi-Habitat Planning Area (MHPA) is the area from which a final hardline reserve becomes established in the City to adequately conserve covered species pursuant to the SAP. The DEIR for the proposed Project must ensure that all requirements and conditions of the SAP and IA are met. The DEIR should also address any biological issues that are not addressed in the SAP and IA, such as specific impacts to and mitigation requirements for sensitive species that are not covered by the SAP and IA.

PROJECT DESCRIPTION SUMMARY

Proponent: BRE-BMR Towne Centre Science Park LLC

Objective: The Project proposes to remove existing commercial buildings and construct a five-building campus (Buildings A-E) which would include scientific research and development, laboratory, technology, and office uses. Three of the buildings (A-C) would be six levels, Building D would be five levels, and Building E would be two levels. The Project will also include construction of perimeter retaining walls, parking structures, recreational facilities, brush management areas, bioretention basins, native landscaping, and a turnaround at the intersection of Towne Centre Drive and Westerra Court.

Location: The 33.55-acre Project site is located north of the terminus of Towne Centre Drive, between Interstates 5 and 805, in the City of San Diego. The Project site is surrounded by commercial use to the south and open space/MHPA to the north, west, and south.

Biological Setting: Per the Biological Technical Report (BTR, ALDEN, 2022), the Project site consists primarily of developed areas and landscaping associated with a previous project (Towne Centre Corporate Plaza Project). Project construction will occur within disturbed/developed areas and will avoid the northern portion of the site that is within the MHPA and protected under an open space easement (7 acres). The Project will directly impact 20.06 acres on-site (including 0.05 acre of Diegan coastal sage scrub and Diegan coastal sage scrub-disturbed) and 1.41 acres off-site (including <0.01 acre of Diegan coastal sage scrub-revegetation located within the MHPA). Biological surveys were conducted in the Project area in May 2020 and October 2022. The coastal California gnatcatcher (*Polioptila californica californica*; Federal Endangered Species Act (ESA) listed Threatened, CDFW Species of Special Concern) was observed within the MHPA areas on-site and off-site. Special status plant species including Nuttall's scrub oak (*Quercus dumosa*; California Native Plant Society (CNPS) Rare Plant Rank 1B.1) and San Diego barrel cactus (*Ferocactus viridescens*; CNPS List Rare Plant Rank 2B.1), were detected during surveys and will not be impacted by the Project. The Project will avoid significant impacts to biological resources through avoidance of the MHPA areas and compliance with the City's Land Use Adjacency Guidelines and Area Specific Management Directive for the California gnatcatcher through conditions of approval. In addition, the Project will add 3.68 acres of scrub oak chaparral, Diegan coastal sage scrub, non-native grassland, Diegan coastal sage scrub-disturbed, and southern willow scrub on-site to the City's MHPA through preservation.

Timeframe: Project construction is anticipated to last approximately 68 months.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts

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on fish and wildlife (biological) resources and to ensure regional conservation objectives in the MSCP SAP would not be eliminated by implementation of the Project.

COMMENT #1 MHPA Educational Program and Signage

Per the DEIR, page 5.4-17, the Project proposes to retain existing walls around the site perimeter and construct new walls northeast of proposed Building D and south of proposed Building A that will deter access to the adjacent MHPA. CDFW recommends that the proposed retaining walls surround the entire site and include signage to inform the public of sensitive habitat areas and discourage unauthorized access to the MHPA. In addition, CDFW recommends that the Project establish an educational program for employees and visitors that emphasizes the biological significance and regulations of the MHPA.

COMMENT #2 Lighting and Noise

Per the DEIR, pages 3-11 and 5.4-16, the Project proposes to install artificial night lighting fixtures on buildings, along pathways and roadways, and in parking areas that will be fully shielded and directed away from adjacent MHPA. In addition, the Project proposes that construction and operational noise will not exceed an hourly limit of 60 dBA Leq or the average ambient noise, whichever is greater, at the edge of the MHPA. Thank you for ensuring all lighting and noise associated with Project construction and operation is consistent with the City's Land Use Adjacency Guidelines (LUAG) to avoid indirect impacts to sensitive species within the adjacent MHPA. Per the DEIR, page 3-11, Section 3.2.3 B. Amenities, on-site amenities will include sports fields/courts and roof terraces for conferencing and small events. CDFW requests that all rooftop and recreational events are also consistent with the LUAG to prevent noise and light pollution spillover into adjacent MHPA.

Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources and ensuring Project consistency with the requirements of the MSCP.

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Questions regarding this letter or further coordination should be directed to Alison Kalinowski, Environmental Scientist, by email at Alison.Kalinowski@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW

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References

ALDEN Environmental Inc. 2022. Biological Technical Report for the Towne Centre View Project.

California Department of Fish and Wildlife. 2021. California Natural Diversity Database (CNDDDB). Available from: <https://wildlife.ca.gov/Data/CNDDDB>.

California Department of Fish and Wildlife. 2021. CNDDDB – Plants and Animals. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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California Environmental Quality Act (CEQA). California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

California Office of Planning and Research. 2009 or current version. CEQA: California Environmental Quality Act. Statutes and Guidelines, § 21081.6 and CEQA Guidelines, §15097, §15126.4(2).

City of San Diego. March 1997. City of San Diego MSCP Subarea Plan.

City of San Diego. 2022. Towne Centre View Draft Environmental Impact Report.