

FINAL

SDSU NEW STUDENT HOUSING PROJECT ENVIRONMENTAL IMPACT REPORT

Final EIR Comments and Responses

SCH# 2016121025

Prepared for:



SAN DIEGO STATE UNIVERSITY

5500 Campanile Drive
San Diego, California 92182-1624
Contact: Laura Shinn

Prepared by
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September 19, 2017

New Student Housing Project – Responses to Comments Submitted on the Final EIR

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New Student Housing Project – Responses to Comments Submitted on the Final EIR

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On September 1, 2017, San Diego State University (SDSU) released the Final Environmental Impact Report (EIR) for the New Student Housing Project. The Final EIR was made available to the public via publication on the SDSU website, <http://newscenter.sdsu.edu/chapultepec-info/>; e-mail notice of the availability of the Final EIR was provided to each person/entity commenting on the Draft EIR. Additionally, pursuant to California Environmental Quality Act (CEQA), CEQA Guidelines Section 15088(b), on September 5, 2017, California State University/SDSU, serving as the Lead Agency under CEQA, sent by overnight mail written responses to each state and local agency commenting on the Draft EIR.

As of the date of publication of this document (September 19, 2017), SDSU has received nine comment letters on the Final EIR. These comment letters are listed in Table 1-1, Final EIR Comment Letter Information. Copies of each letter and the written responses, where applicable, to the comments raised in the letter are provided in Chapter 2 of this document.

Table 1-1
Final EIR Comment Letter Information

Commenter	Letter Date	Letter ID	Page Number
Caltrans	September 8, 2017	1	2-1
California Department of Fish and Wildlife	September 13, 2017	2	2-7
Nelson, Mark	September 4, 2017	3	2-13
Nelson, Mark	September 5, 2017	4	2-17
College View Estates Association	September 12, 2017	5	2-31
Nelson, Mark	September 17, 2017	6	2-51
College View Estates Association	September 18, 2017	7	2-53
Nelson, Mark	September 18, 2017	8	2-73
Nelson, Mark	September 18, 2017	9	2-77
Defining Enrollment for the SDSU Master Plan	September 18, 2017	10	2-85
UPD's Parking Enforcement Authority	September 18, 2017	11	2-87

In response to comments received on the Final EIR, SDSU has prepared supplemental information related to SDSU's enrollment and the University Policy Department's (UPD) parking enforcement authority. This supplemental information is included in Chapter 2 of this document.

Following release of the Final EIR, SDSU received five additional letters of support for the project. The letters of support are listed in Table 1-2, Additional Letters of Support. Copies of each letter of support are provided in Chapter 3 of this document.

Table 1-2
Additional Letters of Support Information

Commenter	Letter Date	Page Number
State Assembly Member Todd Gloria, District 78	August 21, 2017	3-1
Dan Cornthwaite	September 1, 2017	3-3
Councilmember Ninth District, Georgette Gomez	September 12, 2017	3-5
Jose Reynoso	September 12, 2017	3-7
Alvarado Community Association	September 12, 2017	3-9

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

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Making Conservation
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September 8, 2017

11-SD-8

PM 8:34

SDSU New Student Housing Project

DEIR SCH# 2016121025

Ms. Laura Shinn
 Director
 Board of Trustees of the California State University
 5500 Campanile Drive
 San Diego, CA 92128

Dear Ms. Shinn:

The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the Revised Traffic Impact Analysis (TIA) dated July 27, 2017 as a part of the Draft Environmental Impact Report (DEIR) for the San Diego State University New Housing project. Caltrans would like to make the following comments along with our previous comments from the letter dated June 16, 2017:

1. The intersection of Lindo Paseo and College Avenue should still be included in the Synchro analysis and simulation since this is a signalized intersection with heavy pedestrian calls which affect the analysis and simulated left turn pocket onto Montezuma Road.
2. Southbound College Avenue 250 foot left turn lane to westbound Montezuma Road is incorrect. It currently shows as a double left turn with #1 lane/pocket being 100 feet. The left turn pocket for Montezuma cannot extend into Paseo Lindo intersection as shown in the TIA.
3. Regarding your response: "The proposed Project has been modified to eliminate Phases II and III from the proposed development. See Final EIR, Preface. Therefore, comments regarding Phases II and III are no longer applicable."
 - a. Why is there still a phase two being analyzed in the Traffic Study?
 - b. Table 8-2; Project Phase 1 + Phase 2 shows 77 inbound / 66 outbound trips during the PM peak hour.
 - c. Table 8-3; Total Project Trip Generation shows 117 inbound / 99 outbound trips during the PM peak hour.
4. The updated Synchro files were requested to verify addressed comments but updated files addressing Caltrans comments were not supplied. All previous Synchro comments still apply until files are provided with updates.
5. The existing eastbound I-8 exit ramp to College Avenue PHV's used for the TIA are 1560/1276 for am/pm. Caltrans most recent PHV counts for 2015 show 1567/1681. The pm PHV are 24% lower

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 to enhance California's economy and livability"*

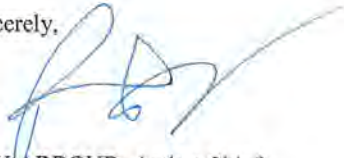
Ms. Laura Shinn
September 8, 2017
Page 2

than Caltrans PHV which surpass 10% to 15% percent allowable margin. Counts need to be updated since impact of this development might be greater to our facility. Caltrans disagrees with your response, the comment still stands.

6. The existing northbound College Avenue to eastbound I-8 entrance ramp PHV's used for the TIA are 208/350 for am/pm. Caltrans most recent PHV counts for 2015 show 336/513. The am/pm PHV are 38%/32% lower than Caltrans PHV which surpass 10% to 15% percent allowable margin. Counts need to be updated since impact of this development might be greater. Caltrans disagrees with your response, the comment still stands.
7. Please run queue analysis comparing existing queues of Caltrans exit ramps to existing plus project queues. This will show if there is any impact to the I-8 mainlanes.
8. Regarding the response: "The comment requests that a queue analysis be conducted. However, neither Caltrans, SANTEC, nor the City of San Diego traffic study guidelines require preparation of a queue analysis. Additionally, none of these entities have established thresholds of significance for queuing. Therefore, any analysis would be for information purposes only and is not warranted." Caltrans disagrees with this response and is requiring a queue analysis comparing existing queues of Caltrans exit ramps to existing plus project queues. This will show any impacts to the I-8 mainlanes from this development.
9. The original TIA stated a total of 2,566 beds were to be developed by this project but now the updated introduction states "The West Campus Housing Site Master Plan and Program provides detailed analytical programming information, recommendations for the infrastructure improvements, and a feasibility-level cost estimate in support of the identified 2,700-bed, 6- to 13-story concept design." Therefore there is an increase of 134 beds which might increase the impacts.

If you have any questions, please contact Trent Clark, of the Caltrans Development Review Branch, at (619) 688-3140 or by e-mail sent to trent.clark@dot.ca.gov.

Sincerely,



ROY ABBOUD, Acting Chief
Development Review Branch

c: John Boarman (Linscott Law and Greenspan Engineers)

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to enhance California's economy and livability"*

Response to Final EIR Comment Letter 1

Caltrans
Dated September 8, 2017

Response to Comment No. 1:

The comment introduces the comments that follow and refers to a review of the Revised Traffic Impact Analysis (TIA) dated July 27, 2017, which presumably serves as the basis for the comments.

As California State University (CSU)/SDSU explained in its responses to Caltrans' comments dated June 16, 2017, "the proposed Project has been modified to eliminate Phases II and III from the proposed development." (See Final EIR, Response to Comment S5-3.) As modified, the proposed project would now provide student housing beds for approximately 850 students, down from the originally proposed 2,566 beds. These modifications are reflected throughout the body of the Final EIR. (See, e.g., Final EIR, Project Description, pages 2-1 to 2-2; Final EIR, Executive Summary, pages ES-1 to ES-2; Final EIR, Preface, pages Preface-3 to Preface-6; and Final EIR, Section 4.14, Transportation/Circulation and Parking, page 4.14-5. The Final EIR can be accessed at <http://newscenter.sdsu.edu/chapultepec-info/>) Specific to traffic, revisions reflecting the elimination of Phases II and III are provided in Final EIR Section 4.14, Transportation/Circulation and Parking. A review of the Final EIR section shows that the section has been revised to reflect the Phase-I only project; all references to Phases II and III have been eliminated. Importantly, the Revised TIA incorporates only those limited revisions made in response to certain technical-based comments submitted on the Draft EIR; the TIA was *not* revised in its entirety to reflect the modified project, which, as modified includes only Phase I and no longer includes Phases II and III.

However, information specific to the modified Phase I only project can be readily obtained from the TIA. For example, TIA Table 8-1, Project Phase I Trip Generation, presents the modified project's (Phase I only) trip generation. As shown on the table, the modified project would generate a total of 1,117 average daily trips (ADT), with 22 ADT generated in the AM Peak Hour and 72 ADT generated in the PM peak hour. Information specific to Phase I also is provided in TIA Table 9-3, Near-Term Intersection Operations (Existing + Project + Cumulative Projects), and Table 9-4, Near-Term Street Segment Operations (Existing + Project + Cumulative Projects) -- each table includes analysis and data relative to the Phase I only project.

The comment also regards the intersection of Lindo Paseo and College Avenue, which is a City of San Diego-controlled intersection, and requests that the intersection be included in the Synchro analysis. As CSU/SDSU noted in Response to Comment S5-5 prepared in response to Caltrans' June 16, 2017 comments, as shown in TIA Figure 8-1, 0% of Project traffic would use the intersection. That is, based on the location of the project and related distribution patterns, the

project would not add a measurable amount of traffic to the College Avenue / Lindo Paseo intersection because project traffic heading north would use Canyon Crest Drive, and project traffic heading south, east, or west would use 55th Street to Montezuma Road, thereby bypassing College Avenue and the College / Lindo Paseo intersection. Therefore, analysis of the intersection is not warranted. This conclusion is unaffected by the fact that the intersection is signalized with heavy pedestrian calls, and it also is consistent with both SANTEC and City of San Diego thresholds, which both use the addition of 50 peak hour trips to an intersection as the threshold for including an intersection within a project study area.

Response to Comment No. 2:

The comment regards the geometry of southbound College Avenue to westbound Montezuma Road, which is a City of San Diego-controlled intersection. As CSU/SDSU noted in Response to comment S5-6 prepared in response to Caltrans' June 16 comments, the geometry of the intersection was altered by construction following completion of the TIA. In response to comment S5-6, TIA Figure 3-1 was revised to show the current configuration; the revised figure is included in the Final EIR. However, as previously noted, even with the altered configuration there were no changes to the significant impact conclusions as a result.

In further response to the comment, we note that two left-turn lanes currently are provided on southbound College Avenue at Montezuma Road, one of which is approximately 250 feet in length and the other approximately 100 feet in length. The lengths are consistent with those used for the analysis and, accordingly, the input used for the analysis is correct. In addition, the storage length input into the Synchro software does not change the analysis results. Therefore, changing the 250 foot length to, say, 200 feet would not change the delay / LOS results. Additionally, the project is forecasted to add only 4 AM peak hour trips and 13 PM peak hour trips to the College Avenue / Montezuma Road intersection (see TIA Figure 8.2). This amount of traffic is substantially less than the City of San Diego's threshold of 50 peak hour trips for including an intersection in a traffic study.

Response to Comment No. 3:

The comment regards the modified Project and raises several questions regarding the inclusion of Phases II and III in the TIA. As explained in the response to Comment No. 1, the TIA has not been revised to reflect the modified project and, therefore, continues to include analysis of each phase of the former three phase project. Importantly, and also as noted in the response to Comment No. 1, the body of the EIR, including, for example, Final EIR Section 4.14, Transportation/Circulation and Parking, has been revised to omit all references to Phases II and III, consistent with the modified Phase I only project.

For example, the comment refers specifically to the trip generation tables in the TIA, Tables 8-2 and 8-3. However, as shown in the Final EIR, the corresponding EIR tables, Table 4.14-2 and

Table 4.14-3, have been stricken from the EIR. Please see the Final EIR example references provided in the response to Comment No. 1. Please also see the CEQA Findings of Fact, and Mitigation Monitoring and Reporting Program, each of which reflects a Phase I only project. See <http://newscenter.sdsu.edu/chapultepec-info>.

Response to Comment No. 4:

The comment requests updated Synchro files. The EIR traffic engineer, Linscott Law & Greenspan (LLG), provided Caltrans with the original Draft EIR Synchro files on May 22, 2017. Since that time, the only changes made to the analysis relate to the City of San Diego controlled intersection at College Avenue and Montezuma Road. Since the intersection is not a Caltrans intersection, the revised Synchro files were not included with the responses to comments previously provided to Caltrans. However, in response to the comment, LLG will provide the updated Synchro files to Caltrans by separate transmittal.

Response to Comment No. 5:

The comment regards traffic counts taken at the eastbound I-8 exit ramp to College Avenue and used in the TIA, stating that Caltrans counts taken in 2015 differ from the TIA counts. As CSU/SDSU explained in Response to Comment S5-11 prepared in response to Caltrans' June 16 comments, the traffic counts used in the TIA were conducted after the Caltrans counts, in April and December 2016, by Accurate Video Counts (AVC), a local traffic count firm that has conducted counts at thousands of intersections throughout Southern California. The counts were conducted when area schools and SDSU were in session and, therefore, accurately reflect current conditions.

In further response to the comment, the proposed project would add 5 AM peak hour and 13 PM peak hour trips to the College Avenue / I-8 eastbound ramps intersection (see TIA Figure 8-2), which is less than the day-to-day fluctuation in traffic and less than the City of San Diego and SANTEC thresholds for requiring analysis of an intersection. It also is noted that the counts conducted by AVC were conducted utilizing video technology, not manually, which ensures the accuracy of the counts.

Response to Comment No. 6:

The comment regards traffic counts taken at the northbound College Avenue to eastbound I-8 entrance ramp and used in the TIA, stating that Caltrans counts taken in 2015 differ from the TIA counts. Please see the Response to Comment No. 5 for information responsive to the comment.

Response to Comment No. 7:

The comment requests a queue analysis comparing existing queues of Caltrans exit ramps to existing plus project queues. As noted in the Response to Comment S5-13 prepared in response

to Caltrans' June 16 comments, our approach is consistent with Caltrans, SANTEC, and the City of San Diego in that none of their respective traffic study guidelines require preparation of a queue analysis, nor do any of these entities have established thresholds of significance for such analysis. Additionally, specific to Interstate 8, the modified project would add 2 trips during the AM peak hour and 6 trips during the PM peak hour to the I-8 westbound off-ramp, and zero (0) trips to the eastbound off-ramp. (See TIA Figure 8-2.) In light of the very small volume of traffic the modified project would add to the I-8, it is the traffic engineer's professional judgment that the project would not affect existing operations on the I-8 mainline and, therefore, a queue analysis is not warranted.

Response to Comment No. 8:

The comment reiterates the request for a queue analysis comparing existing queues of Caltrans exit ramps to existing plus project queues. Please see Response to Comment No. 7.

Response to Comment No. 9:

The comment regards the total number of student housing beds to be provided as part of the project. As explained in the response to Comment No. 1 above, the proposed project has been modified from the three-phase project analyzed in the TIA and now would provide a total of 850 student housing beds.

For reference purposes, attached is the Caltrans June 16, 2017 comment letter on the Draft EIR prepared by Kimberly Dodson and signed by Maurice Eaton, and the corresponding CSU responses to those comments.



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
 www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



September 13, 2017

The Board of Trustees of the California State University
 Trustee Secretariat
 401 Golden Shore, 6th Floor
 Long Beach, California 90802
 trusteesecretariat@calstate.edu

Subject: Comments regarding the Final Environmental Impact Report for the San Diego State University New Student Housing Project SCH# 2016121025

Dear Board of Trustees:

The California Department of Fish and Wildlife (Department) has reviewed the San Diego State University (SDSU) Final Environmental Impact Report (FEIR) for the SDSU New Student Housing Project (proposed project) and the responses to comments to our June 2, 2017, letter regarding the Draft Environmental Impact Report (DEIR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code [FGC] § 2050 et seq.) and FGC section 1600 et seq. The Department also administers the Natural Community Conservation Planning program.

The proposed project identified in the FEIR has been modified from the project originally proposed by the DEIR. The current proposal has reduced the project footprint from 7.84 acres to 3.15 acres, and reduced the number of student housing beds from 1,716 to 850 through a modified site layout of Phase I and the elimination of Phases II and III. The proposed project is located on the main San Diego State University (SDSU) campus, west of the academic buildings and north of the campus athletic fields. The proposed project is immediately north of Remington Road, west of 55th Street, and south of Interstate 8, within the City of San Diego.

Our understanding is that the FEIR will be considered for certification by the Board of Trustees of the California State University at their next regularly scheduled meeting, to be held September 19 and 20, 2017. The Department offers the following comments and recommendations to assist SDSU, as the CEQA lead agency, in adequately identifying and/or mitigating the proposed project's significant, or potentially significant, direct and indirect impacts on fish and wildlife resources.

The Department is concerned that Response to Comment S4-5 relies on generalized assumptions of avian nesting to predetermine that a 25-foot buffer is appropriate for "nesting birds" without basing the buffer on direct observations of each nesting pair's responses to disturbance or physical site-specific considerations.

As recommended in our June 2, 2017, DEIR comment letter, avian nesting buffers should be based on a qualified biologist's direct observations of each nesting pair with consideration given

Conserving California's Wildlife Since 1870

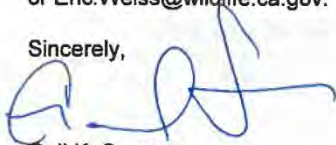
The Board of Trustees of the California State University
Trustee Secretariat
September 13, 2017
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to: species or guild, individual nesting pair's tolerance for human activities, topography, vegetation, screening, type of work proposed, and duration of the work proposed. While Mitigation Measure MM-BIO-1 states that an Avian Monitoring Plan will outline criteria for determining nest buffers including the criteria we suggested in our DEIR letter, response to comment S4-5 states that "After conducting bird surveys at the project site, the project biologists are confident that the 25-foot buffers provide adequate protection for nesting birds." Response to comment S4-5 appears to suggest that a 25-foot buffer can be uniformly protective without consideration to each nesting pair's individualistic responses to specific environmental and topographical elements unique to that pair and nest site.

If a draft Avian Monitoring Plan has been completed at this stage, please provide a copy for our review. As part of the CEQA review process, the Department expected an opportunity to review and comment on an Avian Monitoring Plan during the public review process and prior to the certification of the EIR. In our June 2, 2017, DEIR comments, we recommended that the Avian Monitoring Plan should be circulated with the DEIR, instead, the FEIR states that the Avian Monitoring Plan will be approved "...when the Final EIR is certified." (SDSU, 2017) Additionally, the FEIR also states that the Avian Monitoring Plan "...will be submitted to, and receive approval from the Wildlife Agencies...." As a way of avoiding and minimizing impacts to nesting birds, the Department routinely recommends that CEQA lead agencies require Avian Monitoring Plans to document the use of scientific practices in implementing feasible mitigation measures that are both measurable and enforceable (CEQA Guidelines section 15126.4 *et seq*). Avian species and their nests are collectively protected by Fish and Game Code sections 3503, 3503.5, 3511, 3513, and by the federal Migratory Bird Treaty Act (16 U.S.C. §§ 703-712). Therefore, to minimize impacts to migratory and nesting birds addressed under state and federal regulations we recommend clearing, grubbing, and grading activities occur outside the prescribed avian nesting season. As a matter of course, the Department does not provide approvals for avian monitoring plans or nesting bird buffers; however, as a Trustee agency, the Department does review plans and make constructive recommendations to facilitate compliance with applicable regulations. The onus to comply with the regulations above is an obligation of the project proponent. Mitigation measure MM-BIO-1 should be revised to include a publically circulated Avian Monitoring Plan. The plan should ensure compliance with applicable state and federal regulations based either on temporal avoidance or on buffers that reflect an ornithologist's direct observation of individual responses to project activities. The plan should require that the Department be notified immediately of any project-related take of birds, nests, or their eggs. Avian monitoring field notes and reports should be made available for compliance review.

The Department appreciates the opportunity to comment on the FEIR and assist SDSU in mitigating project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Eric Weiss, Senior Environmental Scientist at (858) 467-4289 or Eric.Weiss@wildlife.ca.gov.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

The Board of Trustees of the California State University
Trustee Secretariat
September 13, 2017
Page 3 of 3

cc: State Clearinghouse, Sacramento
David Zoutendyk, U.S. Fish and Wildlife Service, Carlsbad
Ms. Laura Shinn, San Diego State University

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Response to Final EIR Comment Letter 2

California Department of Fish and Wildlife

Dated September 13, 2017

The comment letter refers to the Final EIR response to Comment S4-5 contained in the California Department of Fish and Wildlife Service's (CDFW) June 2, 2017 comment letter on the Draft EIR and the mitigation provided for potential impacts to nesting birds. In its comments on the Final EIR, the CDFW expresses concern that the response to their comment letter on the Draft EIR indicated that a 25-foot buffer for nesting birds will be used regardless of the behavior of the nesting bird. CDFW also notes that various considerations should be given to the nesting species' biology in determining the nesting buffer.

As California State University (CSU)/SDSU explained in its responses to the CDFW comments submitted on the Draft EIR, "After conducting bird surveys at the project site, the project biologists are confident that the 25-foot buffers provide adequate protection for nesting birds. Nevertheless, per the comment's recommendation, mitigation measure MM-BIO-1 has been revised to require preparation of an Avian Monitoring Plan and outlines specific criteria for establishing nest buffers." (Response to Comment S4-5) Thus, SDSU will *not* be implementing an across the board 25-foot buffer for nesting birds but instead will use an Avian Monitoring Plan it has prepared in response to CDFW's Draft EIR comments and that incorporates all of the criteria and considerations recommended by CDFW in their Draft EIR comment letter. Thus, in response to CDFW's comments, MM-BIO-1 was revised as part of the Final EIR to require preparation of an Avian Monitoring Plan and such plan has been prepared.

The Avian Monitoring Plan is included in Appendix N-5 to the Final EIR. The Final EIR was made available to the public, including CDFW, by way of posting on the SDSU website, on September 1, 2017. E-mail notice of the availability of the Final EIR was provided to CDFW on September 1, and, on September 5, 2017, a copy of the Final EIR responses to CDFW's comments was provided to the agency by overnight mail. In response to the current comment, a copy of the Plan also has been separately transmitted to CDFW for review. As noted above, the Avian Monitoring Plan incorporates all of the criteria and considerations recommended by CDFW in their Draft EIR comment letter. Additionally, the Avian Monitoring Plan requires compliance with applicable state and federal regulations based on the observations of the individual nesting birds, the location, ambient conditions, type of disturbance, visibility, and reaction and tolerance of the nesting pair.

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----- Forwarded message -----

From: **Mark Nelson (Home Gmail)** <menelson@gmail.com>

Date: Mon, Sep 4, 2017 at 7:30 PM

Subject: The SDSU FEIR Fails to Provide Identity and Qualifications of All Preparers

To: Laura Shinn <lsinn@mail.sdsu.edu>, OPR State Clearinghouse

<state.clearinghouse@opr.ca.gov>, Trustee Secretariat <TrusteeSecretariat@calstate.edu>

TO: CSU Trustees (distributed by the Secretariat), OPR, and SDSU

RE: SDSU West Campus FEIR SCH# [2016121025](#)

Based upon initial review, the FEIR is deficient with respect to documentation of preparers and significant data sources. There is a list of preparers in the FEIR, however, it fails to include qualifications or specific roles as are required to evaluate the overall veracity of the input to preparing the FEIR. Absent such quantification of qualifications, it is impossible to determine if the FEIR contains valid information, since there is not cross-examination of the preparers short of litigation. Qualifications include education, prior publications, state certifications, expiry dates of licenses, and prior CEQA and NEPA documents. Role in the FEIR includes specific role and FEIR section.

I have included an adequate example of a list of preparers, along with the deficient exhibit found in the FEIR. As one can easily see by examination, the FEIR's list of preparers is lacking adequate content for valid decisionmaking.

Furthermore, in several responses to comments regarding the Sophomore Success Program and SDSU statistical analysis of student performance, there is no author listed. Because that issue underlies the Purpose and Need for the Project, it is necessary to specify the author of the study/statistics that provide the basis for SDSUs claim that mandating students live on campus increases GPAs and Graduation rates. The author's education, qualifications, prior publications, and expert witness status before state and federal entities is required to determine the veracity of their work and SDSUs claim.

This examination of the FEIR, and associated deficiency, are part of the administrative record of the FEIR for the purposes of future litigation and administrative challenge.

Mark Nelson

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Response to Final EIR Comment Letter 3

Mark Nelson

Dated September 4, 2017

California Environmental Quality Act (CEQA) Guidelines Section 15132 outlines the contents of a Final EIR which includes: a) the draft EIR or a revision of the draft; b) comments and recommendations received on the draft EIR either verbatim or in summary; c) a list of persons, organizations and public agencies commenting on the draft EIR; d) the response of the Lead Agency to significant environmental points raised in the review and consultation process; e) Any other information added by the Lead Agency. The Final EIR includes all of the above requirements. The Final EIR does not include a list of preparers of the Draft EIR because this chapter of the Draft EIR was not modified as a result of the public review process.

CEQA Guidelines Section 15129, Organizations and Persons Consulted, states that an EIR shall identify all federal, state or local agencies, other organizations and private individuals consulted in preparing the draft EIR, and the persons, firm or agency preparing the draft EIR, by contract or other authorization. The Draft EIR, and to the extent any of the references noted in the Draft EIR were updated in the Final EIR, contains a complete list of all references, all federal state or local agencies, organizations or individuals consulted during preparation of the EIR. Complete reference lists are contained at the end of each chapter of the Draft EIR (and updated as applicable in the Final EIR).

It is also important to note that CEQA Guidelines Section 15149, Use of Registered Professionals in Preparing EIRs, speaks to the necessity (or lack thereof) of the work of registered professionals to support analyses contained in an EIR. Specifically, this Section makes the following statements: a) A number of statutes provide that certain professional services can be provided to the public only by individuals who have been registered by a registration board established under California law. Such statutory restrictions apply to a number of professions including but not limited to engineering, land surveying, forestry, geology and geophysics; b) In its intended usage, an EIR is not a technical document that can be prepared only by a registered professional. The EIR serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project and ways to minimize adverse effects and to increase beneficial effects. As a result of this information in the EIR, the Lead Agency should establish requirements or conditions on project design, construction or operation in order to protect or enhance the environment. State statutes may provide that only registered professionals can prepare technical studies which will be used in or which will control the detailed design, construction or operation of the proposed project and which will be prepared in support of an EIR.

CEQA Guidelines Section 15149 expressly states that an EIR serves as a public disclosure document and is not a technical document, therefore preparation by a registered professional is

not necessary. It is important to note that all preparers of technical studies utilized to support the analyses contained in the Draft EIR and updated by the Final EIR, as necessary, have the necessary registrations and professional experience in their respective field to adequately and appropriately opine on said technical topic.

Page 1

Mark Nelson
5417 Hewlett Drive
San Diego, CA 92115

September 5, 2017

See Attached Distribution List

Subject: Deficiencies and Defects in SDSU's Proposed Final EIR for Sophomore Success Student Housing – Need to Revise prior to Certification Request

Dear Governor Brown, CSU Chancellor and Trustees, Environmental Groups, and Project Proponent Shinn:

I have reviewed the FEIR for the San Diego State west campus residence project and found that SDSU has several significant defects in the FEIR, including, but not limited to:

- 1) **Invalid Purpose and Need**
- 2) **Biased Objectives and Alternatives**
- 3) **Premeditated Piecemealing Strategy of the DEIR Project**
- 4) **Failure to Respond in a Required, Reasonable Manner to Comments**
- 5) **SDSU's Failure to Explicitly Consider Increased Sexual Assaults in the Project**

Any one of these defects are individually significant, and when taken in their totality, represent a disregard for the CEQA process that should result in SDSU being required to reprocess its FEIR, perhaps even requiring additional public comment.

This FEIR deserves a deep, critical review. **SDSU deserves absolutely NO BENEFIT OF THE DOUBT in any action.** In the late 1980s, SDSU approved and constructed the “isolated” and “lacking amenities” Chapultepec Hall without an EIR. SDSU, the Trustees, and the Governor’s Office of Planning and Research all struggled with California Public Records Act requests to find the FEIR for the 1980s Chapultepec Hall project. Months after the request, the State realized that there was NO FEIR for Chapultepec Hall. There was no Mitigated Negative Declaration even. **Chapultepec Hall was approved with a NEGATIVE DECLARATION, meaning that it was deemed to have NO IMPACTS under CEQA.** It is impossible for an 11-story, 830 student high rise that directly abuts single family dwellings to have NO IMPACTS. **Impossible.** Yet that’s what SDSU and the Trustees did 30 years ago.

Had SDSU conducted an open and transparent process, perhaps 30 years ago it would have realized that it was erring in placing 800 students on the west end of campus. But alas, SDSU moved ahead with a NEGATIVE DECLARATION, and now SDSU seeks to use its Sophomore Success Program to build dorms for hundreds or even thousands of students in order to bring amenities to Chapultepec. If SDSU wants to right its wrong for building Chapultepec, then build

the students amenities. Chapultepec is 30 years through a 50 year life and no additional significant investment should be made in a world where students are increasingly using the internet for college classes.

As will be demonstrated below, SDSUs FEIR processing ignored many, perhaps a preponderance, of comments, by relegating them to poorly fitting thematic responses, or simply stating the comments are opinions, or stating that SDSU has no obligation to respond. This is simply not the case under CEQA and SDSU and its consultants have erred.

As a result of SDSUs prior actions with Chapultepec Hall, SDSUs motives must be questioned at every turn. SDSUs biased FEIR must be questioned with the benefit of the doubt going to the environment, consulting agencies, and the public commenters.

Introduction

As the proponent of this elective action (The Project), with the accompanying FINAL SDSU NEW STUDENT HOUSING PROJECT ENVIRONMENTAL IMPACT REPORT (SCH# 2016121025) (The FEIR), San Diego State University (SDSU, The Proponent) has failed both the letter and intent of CEQA and failed its certifying agency, The CSU Trustees (Trustees). The FEIR fails in at least four of its primary missions: 1) The purpose and need derive from a faulty analysis, 2) The FEIR relies on biased and invalid project objectives; 3) SDSUs strategy surrounding the project and FEIR is an elaborate case of CEQA piecemealing – a practice expressly prohibited under CEQA; and 4) The FEIR fails to apply a reasonable level of fidelity in responding to public and agency comments.

The Purpose and Need Derive from Faulty Analysis

The following is fully admissible as SDSU elected, on its own volition, to either dismiss comments regarding the validity of their statistical analysis of Sophomore Success, to assert that their simplistic analysis was valid in the face of expert testimony (I am an economic statistician who is an admitted expert in front of State of California agencies), or to refer to incomplete and general “thematic” responses that are on their face incomplete and defective responses to the issue. As a result, SDSUs choice to isolate, marginalize or ignore comments has left commenters with no choice but to escalate to the Trustees and state regulators.

CEQA requires that an EIR contain a “statement of the objectives sought by the proposed project.” Under CEQA, “[a] clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations. The statement of objectives should include the underlying fundamental purpose of the project” (State CEQA Guidelines Section 15124[b]).

In SDSUs own Student Housing Market Analysis Update (2/17, Page 4), provided by California Public Records Act request (PRA), SDSU lays out its tortured, and inaccurate purpose and need

for adding a mandatory sophomore housing requirement. SDSU's four pillars of mandating on campus living for sophomores include:

- 1) SDSU sophomores who *electively* live on campus have higher GPAs and graduation rates (no data presented for students who are *FORCED* to live on campus, nor is any analysis conducted to determine what other characteristics are different between students who live off campus and those who self-select living on-campus as sophomores),
- 2) a general statement that students (not sophomores) who make a connection with one adult in their first 2 years of college are more satisfied (no inference that they have better grades or higher graduation rates),
- 3) students who live on campus attend more campus events (with an admission that the study failed to find any measure of increased sense of community), and
- 4) and concludes with a statement that is so meaningless and non-supportive to a mandatory sophomore on-campus living requirement that it is replicated verbatim, "Sophomore experience commonly focuses on greater involvement within academic programs, academic tutoring and advising, professional development and financial awareness."

The SDSU Sophomore Success program is founded on a simplistic and defective single factor statistical analysis that asserts that 100% of any increases GPA or graduation rates for students who *ELECTIVELY* live on campus as sophomores is due *EXCLUSIVELY* to living on campus. In the FEIR, SDSU skirts that statistical error completely and fails to address the comment. The three other foundational assumptions listed in the February 2017 report by SDSU either DO NOT support any relationship between on-campus living and graduation rates, or, admit on their face that the study wished it had results, but couldn't make any quantitative determination. SDSU's May 24, 2017 presentation, also acquired by PRA, continues to propagate the faulty analysis. Given that SDSU has a statistics department, and offers many classes in basic statistics and design, SDSU has more than adequate resources to both answer comments about statistical design and analysis in detail. SDSU chose to avoid the questions. Furthermore, SDSU has more than adequate resources to design a multi-factor analysis to control for student characteristics that would lead to self-selection of sophomore on-campus housing. SDSU has elected not to field a single expert to support their analysis, likely because no statistically literate faculty or staff could support it in good conscience. SDSU chose not to conduct an appropriate analysis and instead chose to move ahead with a simplistic, middle-school statistics approach to analyzing causality of higher grades and graduation rates for students that *self-select* to live in the dorms as sophomores. Overall, ***SDSU has NO VALID CASE for an on-campus requirement for sophomores***, and furthermore, SDSU failed to address the defects of its analysis when confronted with the defects as comments to its DEIR.

The FEIR Relies on Biased and Invalid Project Objectives and Alternatives

The FEIR relies on biased and invalid project objectives that are arbitrary, unsupported by facts, and biased to promote the proponent's advocacy outcome. SDSU fails to meet the letter and intent of CEQA by failing to protect the environment in an unbiased manner as a Lead agency. In **Habitat and Watershed Caretakers v. City of Santa Cruz (Habitat) (2012) Cal.App. LEXIS 1213**, the Sixth District Court of Appeal reversed a trial court decision and ordered that certification of an environmental impact report (EIR) prepared by the City of Santa Cruz be vacated pending the City's correction of defects in the identification of project objectives and the analysis of alternatives. It is quite clear from the law and subsequent legal challenges that both the "purpose and need" and the "objectives" must be free from bias and error in order to reach a valid CEQA certification.

In SDSUs Thematic Responses which were applied to hundreds of questions from commenters, SDSUs strong bias and advocacy position emerged again as Thematic Response #1 demonstrated strong bias and a lack of even mention of the Lead Agency obligation to produce both unbiased Purpose and Need and unbiased Alternatives. SDSU has made a sham of the CEQA process.

The Project Objectives are Biased and Flawed

As follows from the Habitat case above, a biased/flawed Purpose and Need leads to biased/flawed Objectives and subsequent biased/flawed Alternatives. Despite SDSUs assertion and biased reply to comments that it can do anything it cares to with Objectives - that simply is not true. . . SDSU is required to have unbiased Objectives, not biased, self-serving Objectives that sometimes bear ABSOLUTELY NO RELATIONSHIP to the project purpose and need. Specific defects are demonstrated below and were also including in the DEIR comments.

The Project objectives are arbitrary, unsupported by facts, and biased to promote the proponent's advocacy outcome. Following the elucidation above that the Sophomore Success live on campus requirement is unfounded and unsupported by fact, SDSU further asserts without support that its objectives derive from its purported "need" for a sophomore on-campus living requirement.

In comments I107 5-13, SDSU elects to ignore the comment, refer to a defective and incomplete thematic response, and refuse to answer the comment on the facts. **As a result, SDSU has abdicated its responsibility as a lead agency and the FEIR is de facto defective.**

Some examples of so-called "Objectives" purported by SDSU include:

SDSUs objective #1 to "Create a distinct west campus housing neighborhood similar to the student residential neighborhood on the east side of campus, that is inviting and safe, that has a distinct identity, and that provides students with supportive amenities such as a tutoring center, a dining facility, community spaces, and study areas" contains a litany of constraints that are not required to meet the objectives of Sophomore Success, even if they were valid. The litany of

constraints only serves to thwart CEQA by forcing the project onto the undeveloped canyon site through unneeded micro-specification.

SDSU's objective #2 to "Alleviate isolation of Chapultepec Hall and respond to the deficit in student amenities in the proposed project vicinity, as reported by the residents and staff of Chapultepec Hall" is subjective, forces development to the undeveloped canyon, and asserts the only path to development of amenities (e.g., Starbucks) is to build additional dorms on the west campus. The population of Chapultepec Hall is either larger than, or approximately the same size as over 200 cities in California. It is completely unsubstantiated for SDSU to assert that Chapultepec, a dorm the size of a city, is isolated when it's a 5 minute walk from the centroid of SDSU campus. Furthermore, if it lacks amenities, that is purely the fault of SDSU's Planning function, dating back to the 1980s. Amenities can be developed without such environmentally damaging activities as West Campus dormitory construction.

SDSU's objective #3 to "Provide additional on-campus housing for freshman students, thereby making existing housing that is more appropriate for sophomores, available to sophomores, in furtherance of the Sophomore Success Program" relies on the unsubstantiated and disproven assumption that SDSU sophomores will benefit from living on campus. This is a straightforward application of the findings of the Habitat case, where defective Purpose and Need lead to defective Objectives.

SDSU's objective #4 is to "Provide food and convenience services in the vicinity of the proposed project for students housed both in existing on-campus housing and to be housed in the new housing." SDSU's Project Goal #4 stated above must be disregarded as arbitrary, since it presupposes the outcome of the EIR to place housing in the West Campus. This is *prima facie* evidence that SDSU gamed the outcome of its site selection to select this west campus site.

SDSU's objective #5 is to "Increase on-campus student housing options by providing housing for approximately 2,600 additional students in a distinct neighborhood, thereby reducing the demand for student housing in the adjacent off-campus neighborhoods." SDSU's Project Goal #5 stated above must be disregarded as arbitrary, since it presupposes the already factually discredited Sophomore Success Program that coerces SDSU sophomores to live on campus.

SDSU's objective #6 is to "Take advantage of an existing undeveloped area on campus to construct housing on a site that does not require the temporary removal of much-needed existing beds from the existing inventory." SDSU's Project Goal #6 again is arbitrary, unsubstantiated and purely designed to force construction to a pristine, undeveloped canyon.

SDSU's objective #7 is to "Provide additional student housing in an area that has the capacity to accommodate a large number of student housing beds and associated amenities, where the land is owned by the university and unencumbered by other uses or existing structures that would need to be demolished." SDSU's Project Goal #7 again is arbitrary, unsubstantiated and purely designed to force construction to a pristine, undeveloped canyon. Objective #7 is purely

developed to force construction in pristine, undeveloped land and avoid prior actions such as Olmeca/Maya Hall demo/rebuild that was CONSIDERED and APPROVED by the Trustees previously.

SDSU's objective #8 is to "Reduce regional traffic and increase the walkability of the SDSU campus by providing on campus housing that includes a variety of student-friendly amenities and that is situated within a walkable distance from the academic, athletic, and social centers of campus." SDSU's Project Goal #8 again is arbitrary and unsubstantiated.

Because SDSU failed to respond individually to these, and thousands of other comments, the FEIR is defective. Also, because SDSU purportedly built these objectives from a biased/flawed Purpose and Need, the FEIR is defective.

The Project Alternates are Biased and Flawed

As follows from the Habitat case above, a biased/flawed Purpose and Need leads to biased/flawed Objectives and subsequent biased/flawed Alternatives. Despite SDSU's assertion and biased reply to comments that it can do anything it cares to with Project Alternatives - that simply is not true. SDSU must provide reasonable, unbiased alternatives.

SDSU has created a moving target in its revision between DEIR and FEIR. The DEIR sought housing for approximately 2,700 students as a result of the Sophomore Success program. As recently as May 2017, SDSU reaffirmed that number in a presentation. Thus, the NEED for housing as affirmed by SDSU is 2,700 beds. The totality of the Project, 2700 beds, was too large for SDSU to gain CEQA certification on, so as a result, the project was segmented to allow for future piecemealing as SDSU attempts to construct the residual beds from 850 (Phase I) to 2700 beds.

SDSU conveniently defined a new need as only 850 beds, in order to NOT create an alternative for efficient use of Lot U/9 with the 1400 bed configuration from its 2013 study. As a result, SDSU will SQUANDER Lot U/9 in a Machiavellian scheme to force the construction of Phase II and/or Phase III in a premeditated application of CEQA piecemealing.

**As per the Habitat case – BAD OBJECTIVES MAKE FOR BAD ALTERNATIVES.
SDSU is championing a DEFECTIVE ALTERNATIVE and is avoiding THE
ENVIRONMENTALLY PREFERRED ALTERNATIVE.**

Because SDSU has operated in bad faith on the west campus since the 1980s when it failed to even pursue a mitigated neg dec for an 11 story, residential adjacent project -- the CSU Trustees should force SDSU to adopt the least environmentally damaging alternative -- that is -- 1400 beds on Lot U/9 as per the 2013 Carrier-Johnson work.

SDSU's Strategy Surrounding the Project and FEIR is an Elaborate Case of CEQA Piecemealing

Recall SDSU's contempt for both the environment and surrounding area when in the late 1980s it approved Chapultepec Hall with a NEGATIVE DECLARATION – finding no impacts whatsoever to an 11 story commercial housing structure directly abutting a predominantly single story family neighborhood. SDSU's motives must be questioned, and based on its prior action with Chapultepec Hall's negative declaration, it is reasonable to assume that SDSU is conspiring against the environment and the surrounding areas in its current Sophomore Success housing strategy.

SDSU's strategy surrounding the project and FEIR is an elaborate case of CEQA piecemealing – a practice expressly prohibited under CEQA. According to Page 16 of SDSU's New Student Resident Hall presentation of May 24, 2017 presented to its senior administration, SDSU projects a demand for SDSU owned residence housing due to the Sophomore Success Program of approximately 2,000 beds FOLLOWING construction of Phase I of the proposed Project. That approximation is due to the data being presented in chart form only. As a direct result, SDSU has an apparently need for approximately 2850 beds to support its Sophomore Success Program, which is approximately the original proposal made by SDSU for Phases I, II and III. Because SDSU was confronted with environmental opposition, and because SDSU determined that there were non-mitigatable, significant impacts, SDSU has apparently determined that piecemealing is the best path forward for supporting the residence hall development.

It is important to note, that SDSU has reduced its proposed project to only Phase I, but, SDSU has NOT reduced its purpose and need that approximately 2800 beds are required. SDSU is simply dividing the project into phases in order to avoid the cumulative environmental impacts.

Even more egregious than the CEQA piecemealing, is that SDSU is conspiring to waste a brownfield site (Lot 9/U) with only 850 beds, while SDSU has an existing Carrier Johnson design for approximately 1400 beds for the same site. The City of San Diego, among scores of others, has pointed out to SDSU that its Machiavellian strategy to underutilize this brownfield site is another form of piecemealing. SDSU intends to waste the Lot U/9 site with 850 beds and then move forward later with Phase II and potentially Phase III, according to public comments by Laura Shinn at the CACC meeting. *SDSU must be enjoined from squandering Lot U/9 with a mere 850 beds when the lot supports 1400 beds per SDSU's own analysis.*

SDSU purports that an open air design is needed for students, however as the City of San Diego and others commented, SDSU generally does not provide sufficient specific details or support for its assertions. In this case, SDSU has no support for its open air concept, other than internal architects that have show little more than contempt for the environment with their initial Phase I, II, III design, and one must assume that the Phase II and III upcoming destruction of the environment is the reason that SDSU refuses to consider a design for 1400 beds, whether in Phase I or a subsequent phase. This is a CRITICAL ISSUE. Once SDSU has squandered Lot

U/9, Director and proponent Shinn has clearly stated in public that future plans will revisit Phase II and III. Hence, this is piecemealing by SDSU, or worse yet, a premeditated plan for a future avoidance of appropriate environmental review via piecemealing. **SDSU MUST BE REQUIRED TO PLAN FOR 1400 BEDS ON LOT U/9 AND EVEN IF PHASE I ONLY BUILDS 850 BEDS, THE SPACE MUST BE CONSERVED.**

The FEIR Fails to Apply a Reasonable Level of Fidelity in Responding to Public and Agency Comments

The FEIR fails to apply a reasonable level of fidelity in responding to public and agency comments by failing to address many comments individually, and instead either ignoring comments as meaningless, or, grouping comments so broadly in thematic answers that the nuance of nearly each comment is ignored by SDSU. For example, by analyzing a representative set of comment responses by SDSU (comments 175-99 were examined in detail and the results extrapolated to comments 11-165), and extrapolating to the full number of comments, the following lack of fidelity to comments by SDSU is observed:

In 1,036 cases, SDSU refused to respond to a comment in an individualized fashion, and instead referred the commenter to thematic responses. SDSU provided such little effort in responding to comments that it essentially discarded the nuance of the commenters point in 1,036 cases.

In 541 cases, SDSU concluded that no response was needed, without providing any justification for discarding the point of the commenter. This is consistent with other assertions made by SDSU in the FEIR and DEIR surrounding issues such as open space for students, where assertions are made that students need open space, and that the need for open space is more important than the use of taller buildings. SDSU provides no fact base for much of its DEIR and FEIR conclusions.

The above instances of SDSU either relegating comments to thematic responses, or completely asserting that no response is needed, demonstrates with evidence that SDSU has failed to fully incorporate public comment into the FEIR, therefore failing to comply with the requirements of CEQA, and must return to the process to correct its flawed FEIR prior to presentment for a certification decision.

RAPE

Rape is an ugly word for an ugly, violent act that SDSU chooses to ignore in its FEIR. Worse than ignoring sexual assault increases due to the expansion of the campus, SDSU asserts that rape statistics are an "opinion". Don't we generally expect disagreement over RAPE to be the venue of the RAPIST at trial? SDSU was confronted with a comment in the DEIR demonstrating the statistics of rape for SDSU and for the broader San Diego County. Comment 1124-22 is reproduced below.

Impacts on Sexual Assault Rates and Increased Total Cases of Rape from Increased Mandatory Dorm Living

According to the SDSU Police and reported in the media, most on-campus sexual assaults (e.g., rapes) occur in the dorms. As a result, increases in the concentration of students living in the dorms can lead to significant impacts on the safety of these students who are mandated to live in the dorms. According to news reports, 11 rapes were reported in student housing at SDSU in 2014. That represents a rate of rape in the dorms of 11 of approximately 4,000 on-campus dorm-housed students or a 0.275% rape rate in the SDSU dorms in 2014. In contrast, only 596 rapes were reported in San Diego County in 2014 with approximately 3,300,000 residents which results in a 0.018% rape rate in San Diego County overall. Thus, computers that using SDSU Police and California Attorney General statistics, the rape rate for SDSU dormitories is 15.28% higher than the average county rate in San Diego County. The EIR should consider student safety and the increased risk of sexual assault from creating additional dangerous living situations such as additional mandatory dormitory residence requirements versus student self-selection to live off campus. The spillover effects of this much higher crime rate is a material risk to the surrounding community that also must be considered.

<http://www.bu.edu/ncsl/1351/eval/eval.htm>
<http://www.1351.com/eval/eval.htm>
<http://www.1351.com/eval/eval.htm>
<http://www.1351.com/eval/eval.htm>

SDSU asserts that it has no obligation to consider its 1500% higher level of sexual assault in the SDSU residence halls as part of the FEIR. SDSU asserts that the same SDSU Police that allow this statistic (and those rapes in the dorms) to exist in the first place, are the mitigating factor to mandatory increased levels of students in SDSU dorm housing that will be caused by the Sophomore Success live-on requirement. Clearly the SDSU Police are allowing a 1500% rape rate over the county with fewer students than in the Project. Last, parents of raped co-eds should be comforted by the referral of SDSU to FEIR Section 4.13, Public Services and Utilities. **In its callousness and bias to build the Project, SDSU asserts that the statistics are opinions and like water, sewer, electricity and other PUBLIC SERVICES and UTILITIES – RAPE and SEXUAL ASSAULT PREVENTION is just a section in the FEIR.** SDSU refuses to recognize that statistically, its student housing is little more than an incubator for sexual assaults at 1500% of the County rate. SDSU's response does not meet the threshold of reasonableness for an EIR and must be returned to SDSU's consultants for additional response and mitigation methods.

As demonstrated above, the FEIR as published by SDSU is biased, defective, and incomplete and must be reconsidered and republished prior to any submission to the CSU Trustees.

Since rely,

Mark Nelson

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September 18, 2017

Mr. Mark Nelson
5417 Hewlett Drive
San Diego, CA 92115

Dear Mr. Nelson,

**Final Environmental Impact Report
New Student Residence Hall
San Diego State University**

This letter is in response to your September 5, 2017 letter, regarding the Final Environmental Impact Report (EIR) prepared for the San Diego State University (SDSU) New Student Residence Hall project. This letter aims to clarify the proposed project scope and corrects several inaccuracies found in your letter. The proposed project is being presented to the Board of Trustees (Board) of the California State University (CSU) for consideration at their September 19-20, 2017 meeting and the scope incorporates modifications in response to public comments and is considered the environmentally superior alternative.

First and foremost, the project originally proposed and analyzed in the Draft EIR has been modified to substantially reduce the scope of development and related impacts. As reported in the Final EIR, the project to be considered by the Board of Trustees eliminates Phases II and III and is now only Phase I (the Draft EIR's environmentally superior alternative). As modified, the proposed project would now provide student housing beds for approximately 850 students, down from the originally proposed 2,566 beds, in a building to be constructed on existing parking lot 9 (formerly U Lot). The modified project involves no construction in the nearby canyon. The Final EIR reflects these modifications to the project. For example, please see Final EIR, Project Description, pages 2-1 to 2-2; Final EIR, Executive Summary, pages ES-1 to ES-2; and Final EIR, Preface, pages Preface-3 to Preface-6. Please also see the proposed California Environmental Quality Act (CEQA) Findings of Fact, and the Mitigation Monitoring Program to be adopted by the Board of Trustees, which also reflect the modified project. The Final EIR and all related documents can be accessed at <http://newscenter.sdsu.edu/chapultepec-info/>.

Thus, the project that will go before the Board of Trustees for approval will be the environmentally superior alternative identified in the Draft EIR as the Reduced Density Alternative (See Draft EIR, Alternatives, Section 6.3.2). Furthermore, with respect to Phases II and III, as reported in the Final EIR, "SDSU commits that it has no intent to proceed with Phases II and III of the original proposed project" (Final EIR, Preface, p.4).

Chapultepec Hall

Your letter notes concerns regarding the New Student Residence Hall project as a result of information relating to the environmental review conducted for Chapultepec Hall, an existing student residence hall completed in 1992. The environmental analysis to be considered by the

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Channel Islands
Chico
Dominguez Hills
East Bay

Fresno
Fullerton
Humboldt
Long Beach
Los Angeles
Maritime Academy

Monterey Bay
Northridge
Pomona
Sacramento
San Bernardino
San Diego

San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

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Board of Trustees regards the environmental review documents prepared for the New Student Residence Hall, and not those prepared for Chapultepec Hall. The New Student Residence Hall will provide additional on-campus student housing and will benefit the students by providing a living environment conducive to community and learning, and will also benefit the local community by enabling more students to live on-campus rather than the surrounding neighborhoods. SDSU desires to implement only Phase I of the project to address agency comments and public concerns voiced by the community.

Project Objectives and Alternatives

Regarding your comments relating to the Sophomore Success Program and related statistical support, the response to comment I107-1 contains substantial evidence in support of the program. For example, the response to comment notes that colleges around the country have identified and documented a correlation between students who live on campus and their academic performance.

Additionally, a study SDSU conducted between Fall 2008 and Fall 2013 indicated that students who lived on-campus for two years were more likely to return and complete their junior and senior years compared to students who lived off-campus after their freshman year. SDSU did not ignore data regarding dormitory preferences (i.e., whether students would prefer to live on- or off-campus; and if on-campus, what amenities they would prefer); rather, none of the studies focused on the correlation between success rates and *preferred* living arrangements.

Regarding your reliance on *Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, the court in that case did not vacate the EIR's certification because of defects in the identification of project objectives (213 Cal.App.4th at p. 1300). Rather, the court found the Final EIR included adequate project objectives that both "illuminate the underlying purpose of the project . . . [and] described the nature of the project." (Id.) In this case, the project objectives meet the test set forth in *Habitat and Watershed Caretakers*, supra, by providing details regarding both the purpose and the nature of the project. Further, the courts generally afford lead agencies broad discretion to formulate project objectives.

As to the criticism regarding the responses to comments I107 5-13, the referenced comments all relate exclusively to the proposed goals and objectives of the New Student Residence Hall. In each instance, CSU/SDSU responded to the comment and appropriately directed the commenter to a detailed thematic response, which addressed the legal adequacy of those goals and objectives, Thematic Response #1: Alternatives to the Proposed Project. Accordingly, the responses were adequate because they directed the commenter to a detailed response that addressed the issues raised in the comments.

Finally, with regards to Alternatives, as noted at the outset, the Board of Trustees will be considering for approval the alternative identified in the Draft EIR as the environmentally superior alternative. However, your letter advocates for development of a 1,400-bed alternative, which is mistakenly identified as the least environmentally damaging alternative (See Letter, p.6). As noted in Thematic Response #1, development of 1,400 beds would not substantially lessen the significant environmental impacts as compared to the proposed reduced scope of 850 beds, but in fact, would result in increased impacts due to the increased density and bed count (Section V).

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Piecemealing

As explained in the Final EIR response to comment I166, your letter confuses CEQA "piecemealing" and other related claims, which are factually and legally inapplicable. The CEQA piecemealing doctrine presumes that a project has been segmented to avoid or evade environmental review. In contrast, SDSU's EIR thoroughly analyzed all environmental consequences associated with the originally proposed three-phase project. Because of agency and public comments received on the Draft EIR, SDSU modified the project to reduce its size and scale to one phase only. In short, the CEQA process worked in the manner contemplated. The proposed project modifications avoid or substantially lessen impacts identified in the Draft EIR.

In addition, SDSU has neither divided the project to avoid cumulative environmental impacts nor enacted a premeditated plan for a future avoidance of environmental review. The Draft EIR separately disclosed, discussed, and analyzed the significant environmental effects of the entire three-phase project. In addition, even though environmental review exists, there is no evidence that development of those phases will or can proceed. As noted at the outset, SDSU has no intent to proceed with Phases II and III of the original proposed project.

As to the reference in the Final EIR goals and objectives to providing housing for approximately 2,600 additional students, while the proposed project has been modified, the original goals and objectives of the proposed project have not (See, Final EIR, pages 2-7 to 2-8). Continued effort to provide additional on-campus housing for students remains a goal of SDSU as the campus recognizes that the modified project will not meet the objective to accommodate 2,600 additional students.

As noted, SDSU has no intent to proceed with Phases II and III. Any comments made by SDSU's Laura Shinn at a meeting of the College Area Community Council (CACC) that she attended would have been consistent with the scope of the project as proposed at the time versus the proposed project that will be considered by the Board of Trustees at their upcoming meeting.

Sexual Assaults on Campus

With regard to the comments relating to sexual assault on campus, as noted in the Final EIR responses to comments, student safety is not an environmental impact under CEQA. (See *Citizen Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748 [finding no substantial evidence to support argument of a danger or physical harm to students and recognizing that CEQA concerns itself with physical changes to the physical environment]).

Nonetheless, SDSU and all of the CSU campuses take the subject very seriously and take a variety of proactive approaches to help prevent such crimes. On-campus residence hall staff are trained and charged with helping to ensure that social events remain safe. Notably, the presence of supportive residential hall staff also encourages the reporting of sexual assault, which may result in a higher reporting rate than for students living off-campus, who do not have the support of staff through the reporting and investigation process.

In closing, by moving forward with the modified project to the Board of Trustees for consideration, CSU/SDSU has followed the requirements of CEQA to analyze environmental impacts of the proposed project, assess alternatives, notify the community and respond to comments. SDSU has proposed to move forward with a reduced project that does not fully meet the project

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objectives to house 2,600 additional students on-campus, but does listen to the community's concerns in order to move forward in a responsive and responsible manner.

Sincerely,



Elvyra F. San Juan
Assistant Vice Chancellor

ESJ:SL:rc

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Via email

September 12, 2017

Comments and recommendations regarding:
New Student Housing Project
San Diego State University

To be distributed to
CSU Trustees
and the
Committee on Campus Planning, Buildings and Grounds

This memorandum is provided by College View Estates Association (CVEA) to correct and clarify information provided to the CSU Trustees by SDSU as included in the agenda for the **September 19, 2017** meeting of the Committee, and to make recommendations for the Trustees to consider.

SUMMARY AND RECOMMENDATION

The material in the Committee agenda by SDSU substantially misstates, misrepresents, disparages and minimizes important information in the Project's administrative record. Should the Trustees act to certify the EIR on that basis there will be a risk of any subsequent judicial review finding that the certification took place in the absence of complete and accurate information.

CVEA affirmatively supports the development of more student housing at SDSU, and does not wish to see the Project delayed due to correctable defects in the EIR and its associated administrative record.

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CVEA urges that the Trustees direct SDSU to:

1. Modify the EIR to conform to the requirements of the CEQA Guidelines and the CSU Transportation Impact Study Manual, giving full and proper consideration to design features of the Project that substantially increase hazards and incompatible uses of Remington Road and impermissibly expose users to a permanent and substantial transportation hazard.
2. Consider and implement feasible modifications to the Project that would reduce or eliminate design features that lead to such hazards arising from incompatible uses. (CVEA believes such changes would not rise to a level that would require recirculation of the EIR, as they would not substantively change the project description.)
3. Prepare a correct and inclusive executive summary of the Project to be included for consideration in the agenda of a future meeting of the Trustees.

BACKGROUND

Remington Road is a City of San Diego street that is the chief means of access to College View Estates (CVE), a 60-year-old neighborhood to the west of the project site. It is a two-lane connector road, not intended to support fronting uses. It is marked as a no-parking zone throughout the Project zone, and includes a City-owned bicycle lane and sidewalk for access to CVE. SDSU and CVE are quite literally neighbors, residing on the same City street.

In the late 1980's, SDSU constructed Chapultepec Hall fronting onto Remington Road, with student access to the dormitory via the City-owned sidewalk in front of the building. No environmental review took place at that time. The Chapultepec project included a four-car turnout area near the front entrance that could be used to accommodate pick-up and drop-off of student residents and deliveries to the building.

For the past 30 years, the residents of CVE have endured frustrating and hazardous conditions while attempting to safely navigate Remington Road by car, on bicycle, and on foot in the section adjacent to Chapultepec Hall. Because the four-car turnout area is inadequate to accommodate the operational needs of the building, residents and drivers serving the building are forced to park illegally on Remington Road while they make deliveries or wait for passengers to load and unload. Injuries have occurred to cyclists who have crashed while trying to avoid cars that veer into the bicycle lane or stop in front of them. Car-to-car collisions have occurred as motorists and trucks block portions of the vehicle lanes. The loss of visibility caused by large stationary vehicles has led to many car vs. pedestrian near collisions as students dart out from the building between parked vehicles on foot or on skateboards.

The Trustees are now being asked to certify the EIR for a Project that will place an even larger dormitory complex adjacent to the existing Chapultepec Hall. The Project will more than double the number of students living on Remington Road. Like Chapultepec, the new buildings will

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require residents to enter and leave via the City-owned sidewalk. The four-car turnout area that exists will be removed and replaced by a six-car turnout to serve both Chapultepec and the new buildings. Thus, the already-inadequate provision for pick-up, drop-off, and deliveries will be made far worse by increasing the resident population by a factor of 2.3 while increasing the available vehicular-access area by a factor of 1.5.

This arithmetic is inexorable. The design approach of fronting the dormitories on the City sidewalk is to be reproduced and worsened, leading to ever greater danger for students and CVE residents alike.

CVEA has placed repeated requests in the administrative record for the Project asking that the traffic study for the EIR include an evaluation of this issue. At the scoping meeting in January, oral requests were placed into the record through stenographic transcription. CVEA submitted lengthy written comments on the NOP, including the request that the nonconforming uses and hazardous conditions on Remington Road caused by the design of the buildings be included for study in the EIR. It was specifically noted that the evidence available from the existing Chapultepec Hall could be used to inform the evaluation.

DRAFT EIR

The requests made at the scoping meeting and in the NOP comments were ignored by SDSU.

CEQA guidelines require the EIR to consider whether the Project would substantially increase hazards due to a design that leads to incompatible uses, and the CSU Transportation Study Manual directs that the evaluation should assess whether the project design would *directly or indirectly* expose users (motorists, pedestrians, cyclists) to a permanent and substantial hazard.

The DEIR disposed of these requirements with a single sentence, backed by no evidence or analysis:

The proposed Project does not include design features or incompatible uses that would substantially increase hazards, and, therefore, no further analysis of this criterion is required.

CVEA believes that this assertion is plainly and objectively false, given that the Project would reproduce design features that were already known to lead to hazardous conditions when incorporated in the existing Chapultepec Hall. At a minimum, if such an assertion were to be made, the CEQA and CSU guidelines dictate that it must be based on available evidence, not just made up out of thin air. Because an existing dormitory already exists adjacent to the Project site, and the existing building incorporates the same problematic design feature of siting building access on the City sidewalk, evidence was readily available that could have informed the analysis.

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SDSU chose not to look at the evidence. In preparing the transportation analysis section of the DEIR, SDSU and its contractors:

- made no observations of existing conditions on Remington Road caused by Chapultepec Hall,
- did not study the trip generation and distribution of trip endpoints at the existing building to inform their estimates for the Project, and
- made no attempt to analyze how the recent popularity of ride-sharing apps (e.g., Uber and Lyft) might change students' transportation options and generate increased pick-up/drop-off traffic on Remington Road in front of the proposed Project.

Because SDSU chose to look the other way, CVEA set about performing some perfunctory data collection and analysis with the aim of showing that there is indeed a substantial level of nonconforming and hazardous use of Remington Road caused by design aspects of the existing and proposed dormitories. To assist in the design and evaluation of the research, CVEA engaged its own consultant, a licensed and highly experience traffic engineer. The research was conducted and documented by two highly qualified researchers holding Ph.D. degrees, who are well-trained in research methods and who have publication records in quality academic journals. (Both of these individuals are in fact emeritus SDSU faculty members.) The results—including the engineer's evaluation of the work--were provided in CVEA's comments to the DEIR as a Research Report.

The Research Report has many limitations, which are freely acknowledged. Although about 14 hours of direct observation were recorded and coded, that is not sufficient to fully characterize the distribution over time of illegal and hazardous activity on Remington Road stemming from the dormitory. However, two things should be borne in mind:

- It was not CVEA's job to do this research at all. It was SDSU's job, but SDSU chose not to do it.
- CVEA did not expect SDSU to simply adopt the findings of the Research Report, and never suggested that that would be appropriate. The purpose was to make a well-supported DEIR comment that there is indeed a need to study the issue, and that simply looking the other way would not do. CVEA demanded in its DEIR comments that SDSU take the opportunity to fulfill its obligations under CEQA and CSU guidelines by performing such an analysis rather than simply making unfounded assertions.

Links to the collected photographic evidence were given in the Research Report so that other investigators would be able to replicate the findings. This is a common practice in academic research. All of the findings are fully replicable by qualified researchers.

As noted in the Committee's agenda, the Research Report showed obstruction of sidewalks, bicycle lanes, and traffic lanes on Remington Road, in whole or in part, between 35% and 86% of the time during the periods studied and reported, even in the presence of the existing four-car

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turnout. It also showed, using a probability model from queuing theory, that the proposed six-car turnout would be inadequate to satisfy demand from users of the combined housing complex to be created by the Project.

CVEA believes that this commentary and evidence deserved serious consideration and an evidence-based response in the FEIR.

FEIR

Rather than investigating and responding to the comments as required under the guidelines, SDSU chose to attack the message and the messengers. A number of these mischaracterizations and false statements are reproduced in the Committee's agenda

- SDSU stated in its responses to DEIR comments that there is no evidence illegally stopping a vehicle in a bike lane creates a "hazardous" condition." This is not a contention that CSU should wish to defend in court.
- SDSU stated that it would be impossible for LLG, its traffic consultant, or any other traffic engineer to conduct a trip generation study specific to Chapultepec Hall or any other SDSU campus student housing residence. This is a telling comment on the competency of the consultants that SDSU engaged, but, again, the statement would not be defensible in court.
- SDSU stated that no off-street turnout area currently exists in front of Chapultepec Hall, so that the findings of the Research Report are biased. In fact, a four-car turnout currently exists and has always been there.
- SDSU made a point of relabeling their own proposed measures for mitigating the impact as "design features" rather than "mitigation measures." This was to avoid the problematic (for SDSU) construction in the DEIR of simultaneously claiming that there were no impacts and then listing measures to mitigate them. (It would be wise to remember the adage that what looks and quacks like a duck is a duck. And, as thoroughly documented in comments to the DEIR, all of the relevant proposed measures are already implemented at the existing dormitory and have been shown to be ineffective.)
- SDSU stated that its consultant was unable to reproduce the Research Report findings from the photographic record. (This is another commentary on the competency of SDSU's traffic consultants.) The findings in the Research Report are 100% replicable from the links provided. No attempt was made to reach out to the Report's authors for clarification or guidance, nor did SDSU tap into the on-campus faculty expertise that could easily have been engaged to help assess the Report's findings.
- In the Committee's agenda packet as well as in the administrative record, SDSU employed the sophomoric device of putting scare quotes around terms such as "obstruction" and "research report" and made free use of adjectives such as "purported" to disparage the findings.

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Having no alternative facts or evidence, SDSU closed its treatment of each of CVEA's substantive comments with a statement that can be fairly paraphrased as: "In the opinion of SDSU's traffic engineer, LLG, the comment is invalid." That is it. No facts, evidence, or analysis necessary. End of discussion.

CONCLUDING REMARKS

CVEA wishes to see more housing built on the SDSU campus, and is affirmatively in support of that principle. CVEA supports this Project as currently sized. That is not to say, however, that the Trustees should approve this version of the EIR, which leaves out an entire area of inquiry that is required under CEQA and CSU guidelines.

CVEA urges the Trustees to carefully weigh whether the EIR and the summary of the administrative record contained in the Committee agenda form a defensible factual basis on which to act. CVEA believes there are opportunities to improve the Project so as to put it into compliance with CEQA and CSU guidelines, and to make it a safer and more hospitable facility for SDSU students and the surrounding community.

CVEA offers its thanks and appreciation to the Trustees, individually and collectively, for the work they do on behalf of CSU, its students, its faculty, and the citizens of California. We remain available to work as good neighbors with SDSU to resolve our differences on this EIR and keep the project on the most expeditious schedule that is consistent with sound planning and safe operation.

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September 18, 2017

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**Final Environmental Impact Report
New Student Residence Hall
San Diego State University**

Dear Mr. Plice:

This letter is in response to your September 12, 2017, letter, regarding the Final Environmental Impact Report (EIR) and related Board Agenda Item prepared for the San Diego State University (SDSU) New Student Residence Hall project. Your letter is critical of the proposed project for what you believe to be a failure on the part of the EIR to address potential safety impacts related to existing transportation hazards along Remington Road. The concern is based upon a belief that the project does not provide sufficient safeguards to reduce the number of vehicles stopping alongside Remington Road, vehicles that may obstruct the safe passage of other vehicles, bicyclists, and pedestrians. However, as explained in this letter, the proposed project includes a number of design features that would both improve the existing condition, as well as address potential impacts that may result due to the increase in traffic attributable to the proposed project. To the point, the evidence shows that the proposed project would not substantially increase transportation hazards.

Preliminarily, I would like to start by noting that the project originally proposed and analyzed in the Draft EIR has been modified to substantially reduce the scope of development and related impacts. As reported in the Final EIR, the project to be considered by the Board of Trustees eliminates Phases II and III and now includes only Phase I (the Draft EIR's environmentally superior alternative). As modified, the proposed project would now provide student housing beds for approximately 850 students, down from the originally proposed 2,566 beds, in a building to be constructed on existing parking lot 9 (formerly U Lot) such that there would be no development in the adjacent canyon. Additionally, with the substantial reduction in the number of increased resident students in the area, there would be a corresponding reduction in vehicle trips as the project would generate approximately two-thirds fewer trips than the originally proposed project (1,117 average daily trips (ADT) as compared to 3,370), as well as a corresponding reduction in potential traffic safety impacts. For further description of the modified project, please see Final EIR, Project Description, pages 2-1 to 2-2; Final EIR, Executive Summary, pages ES-1 to ES-2; and Final EIR, Preface, pages Preface-3 to Preface-6. Please also see the proposed California Environmental Quality Act Findings of Fact, and the Mitigation Monitoring Program to be adopted

CSU Campuses
Bakersfield
Channel Islands
Chico
Dominguez Hills
East Bay

Fresno
Fullerton
Humboldt
Long Beach
Los Angeles
Maritime Academy

Monterey Bay
Northridge
Pomona
Sacramento
San Bernardino
San Diego

San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

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by the Board of Trustees, which also reflect the modified project. The Final EIR and all related documents can be accessed at <http://newscenter.sdsu.edu/chapultepec-info/>.

Thus, the project that will go before the Board of Trustees for approval will be the environmentally superior alternative identified in the Draft EIR as the Reduced Density Alternative (see Draft EIR, Alternatives, Section 6.3.2). Furthermore, with respect to Phases II and III, as reported in the Final EIR, "SDSU commits that it has no intent to proceed with Phases II and III of the original proposed project" (Final EIR, Preface, p.4).

In specific response to your letter, you urge that the Trustees direct SDSU to: (1) modify the EIR to conform to the requirements of the California Environmental Quality Act (CEQA) "giving full and proper consideration to design features of the project that substantially increase hazards and incompatible uses of Remington Road and impermissibly expose users to a permanent and substantial transportation hazard"; (2) "consider and implement feasible modifications to the project that would reduce or eliminate design features that lead to such hazards arising from incompatible uses"; and (3) prepare a "correct and inclusive executive summary of the project to be included for consideration in the agenda of a future meeting of the Trustees." (Letter, p. 2.)

In response, the California State University (CSU) notes: (1) the conditions discussed in your letter largely reflect existing conditions and do not describe the conditions that would exist under the proposed project. In fact, the proposed project includes numerous project features (further described below) that will *reduce*, not substantially increase, existing transportation hazards; (2) while your letter does not propose specific feasible modifications to reduce or eliminate hazards, the proposed project includes certain design features (again, further described below) that will assist in reducing transportation hazards; and (3) this letter, in combination with your letter, serves to supplement those materials already before the Board of Trustees addressing potential transportation hazards, thereby providing the Board of Trustees with the requested "executive summary" of the issue. As a result, a future meeting of the Board of Trustees regarding these issues is not necessary.

The remainder of this letter responds to the specific comments raised by your letter.

Background

With regard to the environmental review conducted for Chapultepec Hall, the letter incorrectly states that "no environmental review took place at the time." (Letter, p. 2.) In fact, a Negative Declaration was prepared for the project pursuant to CEQA that provided the necessary environmental review, and mitigation was included such that the project would not result in a significant effect on the environment. (See, CEQA Guidelines, 14 Cal. Code Regs., §§ 15070-15075, 15063, describing the negative declaration process.) I am enclosing here a copy of the Board of Trustees agenda item and resulting resolution adopted by the Board of Trustees in connection with that project, which was known at the time as the West Residence Hall project, evidencing preparation of a Negative Declaration and the adoption of mitigation (Attachment A, Agenda Item 8, July 12-13, 1988, Committee on Campus Planning Buildings and Grounds).

The letter also incorrectly states that the Chapultepec project included a four-car turnout area near the front entrance that could be used to accommodate pick-up and drop-off of student residents and deliveries to the building. However, as noted in the Attachment B, Existing Chapultepec Site, there is no four-car turnout area near the front entrance of Chapultepec Hall to

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accommodate pick-ups/drop-offs and deliveries. As shown in the figure, the comment possibly is referring to a disabled/service vehicle parking area on the north side of Remington, to the east of Chapultepec. This area is not designated to accommodate pick-ups/drop-offs and deliveries.

Following up in this regard, the letter provides the following:

"Because the referenced four-car turnout area is inadequate to accommodate the operational needs of the building, residents and drivers serving the building are forced to park illegally on Remington Road while they make deliveries or wait for passengers to load and unload. Injuries have occurred to cyclists who have crashed while trying to avoid cars that veer into the bicycle lane or stop in front of them. Car-to-car collisions have occurred as motorists and trucks block portions of the vehicle lanes. The loss of visibility caused by large stationary vehicles has led to many car vs. pedestrian near collisions as students dart out from the building between parked vehicles on foot or on skateboards." (Letter p. 2.)

Preliminarily, the statement describes the author's perception of *existing* conditions, not those conditions that would exist following development of the proposed project. Second, the EIR recognizes that under existing conditions, drivers illegally stop their vehicles along Remington Road to either drop-off or pick-up students or deliveries despite the No Parking red curb and, as a result, the two-lane road effectively becomes one lane resulting in increased congestion and potential safety hazards. (Final EIR, p. 4.14-43.) However, the EIR goes on to state that as a project feature, the red curbs along Remington Road would be re-painted and the existing signs would be modified from "No Parking" to "No Stopping at Any Time." Additionally, and most importantly, the project would include a dedicated pick-up/drop-off zone with space for six vehicles that would be located on the north side of Remington Road fronting the new building within the project site. (Final EIR, pp. 4.14-43 to 4.14-44.) These project features are described in the EIR Project Description, Section 2.0, and illustrated in Final EIR Figure 2-11.

As to the pick-up/drop-off area that would be provided as part of the project, the EIR further explains: "Off street delivery trucks and ride-hailing and ride-sharing vehicles could park in this area rather than idle along Remington Road and 55th Street. This would further assist in reducing congestion on Remington Road due to loading and unloading. These project features would help prevent unsafe traffic conditions due to stopped or idling vehicles along Remington Road." (Final EIR, p. 4.14-44.) The pick-up/drop-off spaces are designed so that cars can pull out of both the travel lane and the bike lane and not block either (see Attachment C, proposed site plan).

In response to the letter, the SDSU Police Department (UPD) was contacted regarding accident history for the section of Remington Road fronting Chapultepec Hall and the site of the proposed project. UPD informed us that three vehicle accidents have been reported since 2015 and neither involved collisions with pedestrians. Specifically, in 2015, a vehicle vs. vehicle accident was reported, and this past summer, a vehicle vs. sign accident was reported.¹

We also note that while the letter portrays one vision of existing conditions along Remington Road, others have a different perception. For example, the President of another local community association comments: "On a personal note, I drive through the "impacted area" in question every

¹ Personal communication, Debbie Richeson, M.S., Director of Parking & Transportation Services, University Police Department, September 15, 2017.

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school day while doing kid pick-up and carpool drop-off and, quite frankly, have never had any problems, even on those days when students move in or move out of Chapultepec." (Final EIR, Responses to Comments, O4-2, O6-33.)

As to the adequacy of the number of pick-up/drop-off spaces that would be provided as part of the project, the letter states that the "already inadequate provision for pick-up, drop-off, and deliveries will be made far worse by increasing the resident population by a factor of 2.3 while increasing the available vehicular capacity by a factor of 1.5." (Letter, p. 3.) However, while it is correct that the resident population would increase by a factor of 2.3 (600 existing students residing in Chapultepec Hall increasing to 1,450 students residing in the immediate vicinity), the available vehicular capacity would increase by a factor that well *exceeds* 2.3 (as there presently are *zero* spaces available for pick-ups/drop-offs and deliveries, providing six spaces is an increase by at the very least a factor of 6.0, if you were to assume there is one space presently available.) Accordingly, the statement that the "arithmetic is inexorable" and that the design "leads to ever greater danger of students and CVE residents alike" is incorrect.

Draft EIR

The comment that the issue has not been addressed in the EIR is equally incorrect. In specific response to the comments made by the community at the Notice of Preparation Scoping Meeting, the project design from the beginning included provision for pick-ups/drop-offs and student move-ins/move-outs, with the design removing vehicles from the flow of traffic on Remington Road. Additionally, improvements to enhance pedestrian safety are included in the project design specifically in response to concerns raised by the College View Estates community at the Notice of Preparation Scoping Meeting. As described in the EIR Project Description:

- **Pick-Up/Drop-Off Zone.** The proposed project will incorporate a pick-up/drop-off zone for the complex to reduce congestion and emergency access issues due to loading and unloading along Remington Road. Specifically, the pick-up/drop-off zone would provide off-street short term parking spaces for six vehicles on the north side of Remington Road fronting the residential building (see Figure 2-11, Proposed Vehicular Access);
- **Fire Lane/Service Road.** This pathway, which would function as a pedestrian walkway, an emergency access, and a move-in/move-out vehicular access way, would be located along the north edge of the residential building (see Final EIR Figure 2-11, Proposed Vehicular Access);
- **Remington Road Safety Improvements.** Repainting of the red curbs along Remington Road and modifying the wording on the existing parking signs from "No Parking" to "No Stopping at Any Time" would occur prior to occupation of the proposed project. Several signs would be posted at short intervals along Remington Road. Additional lighting along Remington Road would be provided to help motorists better see bicyclists, skate boarders, and pedestrians utilizing the street in the evening; and
- **Remington Road Walkway.** The walkway along Remington Road would be improved and would provide access to the project's Residence Halls, Chapultepec Hall, and the Food Service Building. (Final EIR, Project Description, pp. 2-16 to 2-17.)

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As to CEQA's requirements, the CEQA Guidelines require analysis of whether the project would "substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)." (CEQA Guidelines, Appendix G, XVI. Transportation/Traffic, subpart d.) As to the CSU Transportation Impact Study Manual, the relevant inquiry is whether the project would "directly or indirectly cause or expose all users (motorists, pedestrians, bicyclists, and bus riders) to a *permanent and substantial transportation hazard* due to a new or existing physical design feature or incompatible uses." (CSU Transportation Impact Study Manual, p. 33.)

Thus, at its core, the question is whether the proposed project would *substantially increase* transportation hazards due to a project design feature. Based on the above evidence, the answer is "no," the project would not substantially increase transportation hazards and, in fact, the project would improve the existing conditions.

As to the comments regarding transportation analysis methodology, the issues were largely raised in comments submitted on the Draft EIR and addressed in the Final EIR responses to comments, primarily in response to comments submitted by the traffic engineer retained by CVEA. (See Final EIR Responses to Comments, O6-24 to O6-44.) However, in response to your letter, the following information is provided:

- As to the comment that the traffic engineer made no observations of existing conditions on Remington Road caused by Chapultepec Hall, the comment is incorrect as EIR Section 4.14.3 describes the Remington Road existing conditions, including existing traffic volumes;
- Regarding deriving trip generation rates based on Chapultepec Hall residents, as explained in Final EIR response to comment O6-28, conducting traffic counts in order to derive trip generation rates at Chapultepec Hall or other student housing facilities on the SDSU campus was considered by the project's traffic engineer, Linscott, Law & Greenspan (LLG).² However, deriving trip rates for students residing at Chapultepec (or other SDSU residence halls) requires that the students living at Chapultepec Hall park their car in a parking area dedicated exclusively for Chapultepec Hall residents so that traffic counts of Chapultepec Hall residents can be conducted. Traffic counts (counting the number of vehicles entering and exiting a designated area) provide the engineer with the data essential to determining trip generation rates. However, students who reside at Chapultepec (or other SDSU residence halls) do not park exclusively in one designated area and, instead, park at various locations on campus, locations that also include cars driven to campus by commuter students, as well as other vehicles. Therefore, taking traffic counts at identified locations necessarily would include vehicle trips generated by

² The traffic impact analysis was prepared under the direction of John A. Boarman, P.E.. Mr. Boarman is a licensed civil and traffic engineer with a Master's Degree in Engineering from Purdue University and has over 25 years' experience. He has personally prepared, participated in, or directed the preparation of several hundred traffic impact studies and reports for use in environmental review documents prepared pursuant to CEQA and the National Environmental Policy Act. Mr. Boarman's resume is included in the Final EIR, following the response to comment O6-45. Mr. Boarman was assisted in preparation of the SDSU traffic impact analysis by Charlene Sadiarin, P.E.. Ms. Sadiarin holds a Bachelor's Degree in Engineering from the University of California at Berkeley, and a Master's Degree in Engineering from SDSU.

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not only student residents, but also commuters and other purpose vehicles. For this reason, LLG, or any traffic engineer, would be unable to conduct a trip generation study based on actual traffic count data specific to Chapultepec Hall or any other SDSU campus student housing residence.

- As to the effects of Uber and Lyft, based on LLG's experience and professional judgment, the amount of Uber/Lyft vehicle trips by students during the peak work commute periods, which is the timeframe relevant to the CEQA required impacts analysis, is very small. As to the effect on pick-ups/drop-offs, while these ride-sharing services potentially would result in an increase in pick-ups/drop-offs, the amount of time the vehicle actually stops is very short as the transaction is facilitated via phone apps such that there is no prolonged period during which the vehicle is temporarily stopped to either pick up or drop off the passenger/s.

As to the Research Report, the letter admittedly notes that it "has many limitations" and the amount of direct observation "is not sufficient to fully characterize" the existing conditions. (Letter, p. 4.) Thus, its report of "obstruction of sidewalks, bicycle lanes, and traffic lanes on Remington Road, in whole or in part, between 35 percent and 86 percent of the time" must be considered in light of the study's admitted limitations.

LLG's analysis of the report, which was conducted by an engineer with a Master's Degree in Engineering, is summarized in the Final EIR, responses to comments O6-34 and O6-35. As LLG notes, the mathematical model used in the report results in a stopping and loading demand of 20 spaces (See Research Report, p. 4 [Response to Comments, p. O-242].) Note that the 20 spaces was arrived at assuming a three phase project *and* inclusive of Chapultepec Hall, with an assumed 830 beds, which is incorrect; Chapultepec Hall actually provides 600 beds.

Furthermore, as previously noted, the analysis presented in the Report assumes development of all three phases of the proposed project, Phases I, II, and III. However, as explained at the outset, the proposed project has been modified and, as such, no longer includes Phases II and III. As such, based on the table provided at page 4 of the Research Report, with the elimination of Phases II and III, only five spaces would be needed to satisfy the demands of the proposed project. As such, the proposed project with six spaces would provide a sufficient number of drop-off spaces.

If Chapultepec Hall also is considered, with a corrective adjustment to reflect 600 beds rather than 830, then an additional three spaces would be needed, resulting in a total need for approximately eight temporary stopping spaces. In this regard we note that in addition to the six pick-up/drop-off spaces that would be provided as part of the project, there is an existing driveway loop road, Plaza Deportes, located on the south side of Remington Road directly across from Chapultepec Hall, which accommodates approximately ten vehicles. Beginning in the Fall 2017, SDSU is beginning a program to specify a limited the number of pick-up points on campus for ride share providers (Uber/Lyft), and Plaza Deportes has been designated as one of those locations. Under the program, Uber and Lyft will limit available pick-up locations on their app and, as a result, will no longer pick-up students on the north side of Remington. Thus, students requesting Uber/Lyft from Chapultepec Hall or the new student housing will only be given the choice Plaza Deportes as a pick-up location. In addition to Uber/Lyft, Plaza Deportes also would be available to the general driving public for pick-ups/drop-offs and deliveries. The existing site aerial photo, Attachment B, previously referenced and attached to this letter illustrates the location of the Plaza Deportes across from the entrance to Chapultepec Hall.

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Final EIR

Your letter references “mischaracterizations and false statements” reproduced in the committee’s agenda, and provides purported illustrations of such. However, as the following explains, the agenda contains no such “mischaracterizations and false statements.”

- You write that the responses to Draft EIR comments include a response stating “that there is no evidence illegally stopping a vehicle in a bike lane creates a “hazardous” condition.” However, a review of the responses to comments found that the referenced statement was not made in connection *with a bike lane* but in the context of passing vehicles. Specifically, the response provides: “There is no evidence that illegally parked vehicles create a “hazardous” condition. While it may require a driver to drive around the illegally parked vehicle when safe to do so, this is not a “hazardous” condition.” (Response to Comment O6-33.) Relatedly, Remington Road carries ADT of only 3,100, which equates to Level of Service “A,” free flow conditions with no delays. Therefore, when a car is illegally stopped on Remington Road under existing, pre-improved conditions, a driver need only wait for a gap in traffic from the other direction and move around the stopped car (these gaps are plentiful given the LOS A condition). (See Response to Comment O6-35.)
- You write that LLG’s inability to conduct a trip generation study specific to Chapultepec Hall is “a telling comment on the competency of the consultant.” However, as previously explained, LLG’s inability to conduct the referenced study is based on a legitimate rationale.
- You write that SDSU stated no off-street turnout area currently exists in front of Chapultepec Hall so that the Research Report findings are biased and, “in fact, a four-car turnout currently exists and has always been there.” However, as previously explained, the referenced “turnout” is an accessible/special permit parking area, not a four-car turnout.
- You write that SDSU “made a point of relabeling their own proposed measures for mitigating the impact as “design features” rather than “mitigation measures.”” However, the measures were never “relabelled,” they were always described as project features. (See Draft EIR, Section 2.5.2.4, Parking, Circulation, and Access.) Moreover, project design features differ from mitigation measures in that they are not added as a result of the impacts analysis but rather are features that would be built as part of the proposed project and, therefore, the impacts analysis is conducted with these features in place. This is standard CEQA analysis methodology.
- You write that the consultant was unable to reproduce the Research Report findings from the photographic record “another commentary on the competency of SDSU’s traffic consultants.” However, “after reviewing the Research Report, LLG noted that based on the photographs taken, it is not clear whether the vehicles are blocking the travel lane or just the sidewalk and bike lane. This is an important point to differentiate when reporting the obstruction rate as the primary concern of the commentator is the obstruction caused by vehicles on the road. As a result, the

Mr. Plice
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Page 8

percentage of obstruction related to vehicle passage as reported in the Plice report cannot be determined." The statement presents a rational basis for its conclusion and does not reflect incompetency on the part of LLG. (Response to Comment O6-34.)

- You write critically of the EIR's use of quotations. Although specific page references are not provided and, therefore, we cannot fully respond to the comment, we note that the title of the Plice report is Research Report and, therefore, it is appropriate to put the title in quotes.

In closing, we disagree with the concluding remark that the EIR "leaves out an entire area of inquiry" required by CEQA and CSU's guidelines. As illustrated in this letter, the EIR adequately addressed the issues raised and no further analysis is necessary.

By moving forward with the modified project to the Board of Trustees for consideration, CSU/SDSU has followed the requirements of CEQA to analyze environmental impacts of the proposed project, assess alternatives, notify the community and respond to comments. SDSU has proposed to move forward with a reduced project that does not fully meet the project objectives to house 2,600 additional students on-campus, but does listen to the community's concerns in order to move forward in a responsive and responsible manner.

Sincerely,



Elvyra F. San Juan
Assistant Vice Chancellor

Attachments

Distribution:

CSU Board of Trustees
Timothy P. White, CSU Chancellor
Sally Roush, President, San Diego State
Tom McCarron, Vice President, Business and Financial Affairs, San Diego State
Robert Schulz, Associate Vice President, Real Estate, Planning and Development,
San Diego State
Steven Relyea, Executive Vice Chancellor and Chief Financial Officer, Business and Finance,
CSU Office of the Chancellor

Attachment A

BRIEF

Action Item

Agenda Item 8
July 12-13, 1988

COMMITTEE ON CAMPUS PLANNING, BUILDINGS AND GROUNDS

APPROVAL OF SCHEMATIC PLANS — SAN DIEGO STATE UNIVERSITY — WEST
RESIDENCE HALL

Presentation By

Sheila M. Chaffin, Assistant Vice Chancellor
Physical Planning and Development

Summary

Schematic plans for the San Diego State University, West Residence Hall will be presented.

Recommended Action

Approval of the resolution.

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Agenda Item 8
July 12-13, 1988

ITEM

COMMITTEE ON CAMPUS PLANNING, BUILDINGS AND GROUNDS

APPROVAL OF SCHEMATIC PLANS — SAN DIEGO STATE UNIVERSITY — WEST RESIDENCE HALL

Project Architect: Ralph Bradshaw/Richard Bundy & Associates of San Diego, CA
Consulting Architect: Hope Consulting Group of San Diego, CA

PROJECT DESCRIPTION

Background

San Diego State University has a significant need for additional residence hall space because the campus has an enrollment of 25,000 FTE, but has only 2,487 student housing beds. In the fall of 1987, a total of 5,944 applications for housing were received, requiring over 3,000 to be rejected.

Scope

The proposed West Residence Hall project will provide approximately 76,575 assignable square feet. The project includes 301 double occupancy rooms (or 602 bed spaces), head residence apartments, student study rooms, a recreation room, laundry facilities, a multi-purpose facility and a 600 square foot convenience type food store.

Physical Description

The new residence hall will be a high rise structure consisting of ten (10) floors of residence units over one (1) story of support services. The building shall be sited at the edge of a sloping site, with the first floor visually appearing to be subterranean relative to the contextual campus impact. The site is located at the west end of the campus on the north side of Remington Road. Across the street, to the south, are existing campus dormitories. The proposed building will possess a unique setting for views from the rooms as occupants look to the north.

The proposed construction will be a Type I, concrete building. Appropriate heating, ventilation and air-conditioning systems will be provided. There will be two elevators and a central staircase in addition to various other required fire exits. The complex will be accessible to the handicapped.

California Environmental Quality Act Action

An initial study and Negative Declaration were filed. A copy of the Negative Declaration is available upon request.

Timing

Completion of Preliminary Plans	October 1988
Completion of Working Drawings	March 1989
Start of Construction	June 1989
Occupancy	August 1990

Basic Statistics

Gross Building Area	117,485 sq. ft.
Assignable Building Area	76,575 sq. ft.
Efficiency	65 percent

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CPB&G
Agenda Item 8
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Development Cost

Schematic Drawings \$102,485

Cost Estimate at ENR 4535

Building (\$70 per sq. ft.)	\$8,182,000
Food Service	51,300
Site Development	800,000
Group I Equipment	<u>128,000</u>

Construction Cost \$9,161,300

Architectural Fees, Construction

Administration and Contingency \$1,649,000

Landscaping	250,000
Group II Equipment	<u>900,000</u>

Project Cost \$11,960,300

Funding Data

Dormitory Revenue Funding \$11,960,300

The following resolution is recommended for approval:

m/s/p

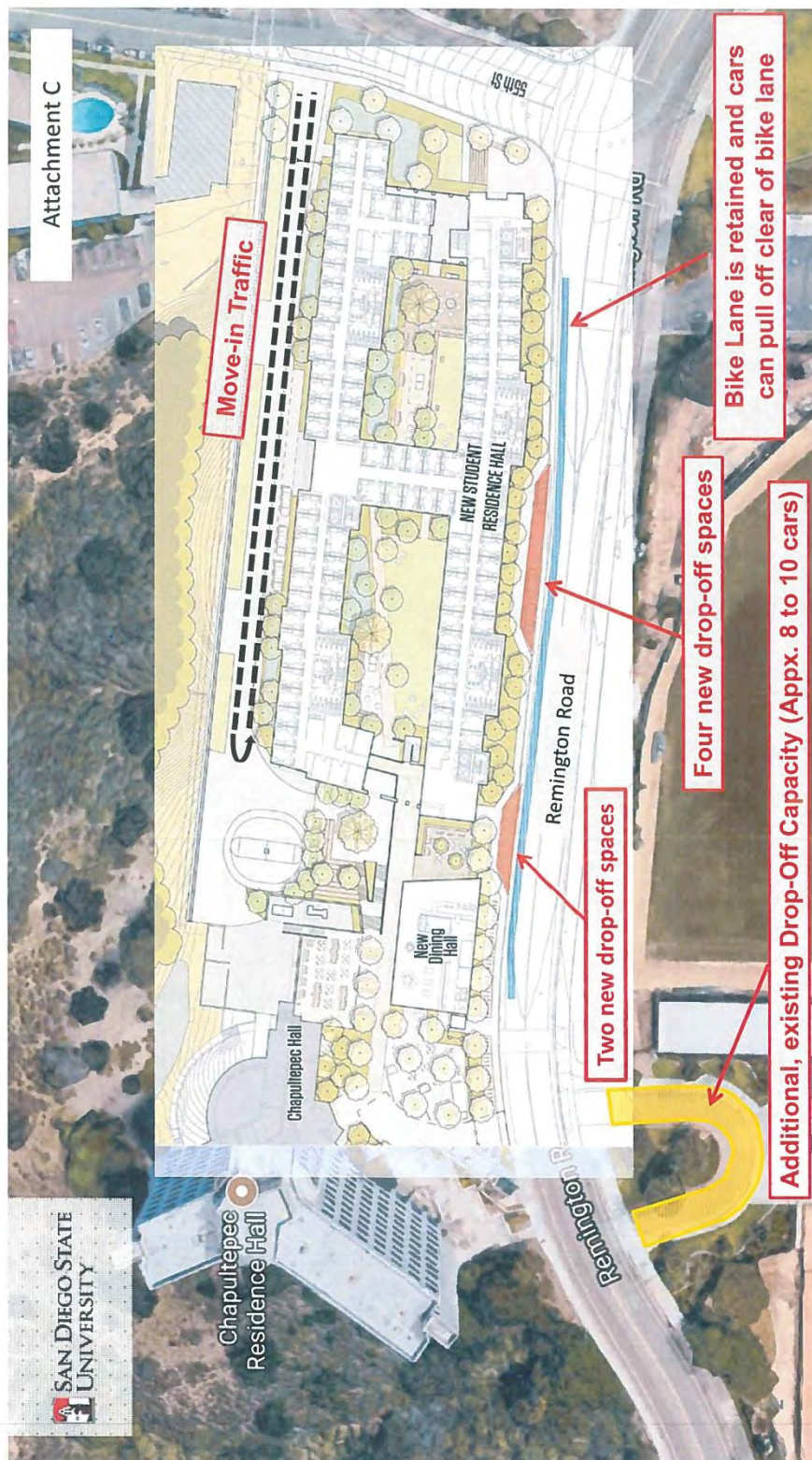
RESOLVED, That the Board of Trustees of The California State University, upon consideration of the information provided in the Negative Declaration prepared for the San Diego State University, West Residence Hall project, finds that:

1. The Negative Declaration has been prepared for the project pursuant to the requirements of the California Environmental Quality Act;
2. With the implementation of the mitigation measure identified in the Negative Declaration, the proposed project will not have a significant effect on the environment; and
3. The project will benefit San Diego State University; and be it further

RESOLVED, That the Chancellor is requested under the Delegation of Authority by the Board of Trustees to file the Notice of Determination for the San Diego State University, West Residence Hall; and be it further

RESOLVED, By the Board of Trustees of The California State University, that the schematic plans for the San Diego State University, West Residence Hall are approved at a project cost of \$11,960,300 at ENR 4535.





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----- Forwarded message -----

From: **Mark Nelson (Home Gmail)** <menelson@gmail.com>

Date: Sun, Sep 17, 2017 at 6:01 PM

Subject: Unsupported Claims and Fraudulent Statements in SDSU DEIR Thematic Responses Regarding SDSUs own 1400 Bed Configuration

To: Laura Shinn <lshinn@mail.sdsu.edu>, Trustee Secretariat

<TrusteeSecretariat@calstate.edu>, "White, Timothy" <twhite@calstate.edu>, OPR State Clearinghouse <state.clearinghouse@opr.ca.gov>

The following is Administrative Record of the FEIR for the purposes of litigation.

Trustee Secretariat - distribute to all Trustees and Alternates

By its actions and assertions, SDSU seeks to destroy Aztec Canyon in future additions of dormitories (formerly Phase II and III), that SDSU fraudulently asserts that its prior plan from 2013 for higher density on Lot U/9 is infeasible. If it is infeasible, then SDSU should not have paid Carrier Johnson for defective work. Furthermore, SDSU was perfectly content to build towers, and not courtyards, in Aztec Canyon, thereby vacating its own assertions.

Carrier Johnson's work, authorized and paid for by SDSU clearly demonstrates how 1400 beds can be placed on Lot 9/U and *de facto* establishes feasibility in a CEQA setting. Furthermore, the SDSU architect's desire for attractive building clearly cannot outweigh the obligation under CEQA to minimize environmental damages. SDSU in its May 2017 residence hall presentation (internal, released by PRA) asserts that it requires nearly 2000 more units by 2020+ and as a result, the need for further development is both known and must be considered.

SDSUs prior plans for Phase II and III includes tall towers. They are therefore feasible for student use. SDSUs prior work via its vendor, Carrier Johnson, includes plans for 1400 beds and student support facilities, again, establishing beyond doubt, that 1400 beds is a feasible solution.

If SDSU erred both in its design, and failure to conduct an EIR for Chapultepec Hall in 1988, then SDSU must wear that failure, not the environment. CEQA forces SDSU to mitigate its environmental impacts of the current project along with known and foreseeable needs, and because the 1400 bed configuration on Lot U/9 is feasible, and because SDSU has provide NO EVIDENCE to the contrary beyond unsupported prose, SDSU must find that its FEIR is incomplete and inaccurate and SDSU must move for the 1400 bed configuration.

It should also be noted that much of SDSUs FEIR and responses to DEIR comments are unsupported prose that fail to meet the burden of proof for CEQA. It is insufficient to state that "students need" without providing a cross-examination worthy level of support.

SDSU unsupported and fraudulent assertions from thematic responses are reproduced below:

Next, increasing the size of Phase I to add additional stories in order to accommodate 1,400 beds would not meet the Project objectives. Specifically, the Phase I site (Parking Lot 9) is the only location in the vicinity of Chapultepec Hall large enough to accommodate a community outdoor

space for students and student residents. In order to be useable during the academic year, the outdoor space must have adequate light and air. Easy and direct access to these outdoor spaces also increases their usability, as does the sense of being safe in the space. The outdoor spaces designed as part of Phase I are surrounded by buildings in a courtyard configuration that provides limited access points to the complex (which will include Chapultepec and Phase I), but a free flow once inside the secure zone. This configuration also allows a more direct relationship between the indoor and outdoor spaces, increasing the desirability of the outdoor spaces. Increasing the height of Phase I to accommodate more beds would diminish the amount of light and air available in the outdoor community spaces as well as in the surrounding indoor spaces, and would, as a practical matter, eliminate the ability to provide useable community space.

To: Laura Shinn
 Director, Facilities Planning, Design, and Construction
 San Diego State University

From: Robert Plice
 College View Estates Association
 5446 Hewlett Drive
 San Diego CA 92115
rplice@gmail.com rplice@sdsu.edu

September 18, 2017

This document contains a formal evaluation by College View Estates Association of responses made to comments submitted by CVEA on the DEIR for the New Student Housing Project, as contained in the FEIR.

This document is to form part of the administrative record for the Project.

FEIR Reference in "Responses to Comments"	Evaluation of SDSU Responses to Comments
O6-9	Response is incorrect: "SDSU has made a commitment not to move forward with Phases II and III and these phases, thus, are not reasonably foreseeable and no longer comprise a larger student housing project." No evidence is provided that SDSU has made any such "commitment." Moving forward with Phases II and III would only require another EIR, and SDSU has said nothing orally or in writing that would preclude those phases. On the contrary, Laura Shinn made representations to the CACC on July 12, 2017 that these phases could be pursued in the future.
O6-18	The response does not engage with the substance the comment. The response acknowledges that a substantial portion of the buildout associated with the 2007 master plan has been or will be accomplished, but does not address the lack of analysis in the EIR of SDSU's fair-share responsibility for impacts. The response claims that SDSU must only respond to comments regarding things that are present in the EIR, and has no responsibility for addressing the absence of analysis that should have been in the EIR but were omitted. This EIR should address SDSU's fair-share responsibility and it fails to do so. SDSU remains unresponsive to

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	this comment.
O6-18	Response states: "when [SDSU] determines to move forward with the components contained in the 2007 Campus Master Plan, appropriate CEQA review will be conducted." SDSU has already moved forward with major portions or their equivalents, including the student union, South Campus Plaza, and various classroom and research facilities. No EIR analysis was done for any of these. The response is disingenuous and does not engage with the substance of the comment, which is that SDSU is recreating the 2007 master plan piece-by-piece without accountability for fair-share impacts.
O6-20	Response fails to address the comment re purpose of 2,000 beds
O6-25	The so-called "comparative analysis" does not contain comparisons that are controlled for campus location, size and most importantly proximity to transit destinations. The comment fails to recognize the urban vs. suburban nature of the two campuses and the impact on use of transit. The "analysis" appears to be simply tallying up the number of bus and trolley routes. This response does not engage with the substance of the comment.
O6-26	The response relies on the "experience and professional judgement" of a business entity and is absent of any factual or evidentiary basis. No analyst from LLG has studied the use of car-sharing services at SDSU or anywhere else, even though the opportunity to do so at the existing Chapultepec dormitory was available. The response is based on nothing more than the mental musings of unnamed analyst(s) without providing any basis for evaluating the level of experience that such person(s) possess and its relevance to the question. The original analysis and the response to the comment are both inadequate.
O6-27	Response states: "the relative differences in the areas surrounding Chapman and SDSU was taken into account by LLG in considering the appropriate trip generation rate." This is only true if what is meant by taking account of the differences is to assume that there are no differences. LLG made no adjustments to the trip generation rate despite the utter lack of comparability between the two campuses.
O6-28	Response states: "deriving trip rates for students residing at Chapultepec (or other SDSU residence halls) requires that the students living at Chapultepec park their car in a parking area dedicated exclusively for Chapultepec residents so that traffic counts of Chapultepec residents can be determined. However, students who reside at Chapultepec Hall do not park exclusively in one designated area and, instead, park at various locations on campus. Therefore, LLG, or any traffic engineer, is unable to conduct a trip generation study specific to Chapultepec Hall or any other SDSU campus student housing residence."

	<p>This is incorrect and reflects the lack of research expertise that SDSU brought to bear on the analysis.</p> <ol style="list-style-type: none"> 1. There are multiple alternative ways that trip estimates could be obtained for Chapultepec other than monitoring a dedicated parking lot, which could include sampling, surveys and questionnaires, and a competent researcher (of which many are available at SDSU) would know how to employ those methodologies. 2. The EIR authors elsewhere find it perfectly reasonable and acceptable to assume that all trips to and from the west-side student housing begin and end at PS 12. Thus PS 12 could have been used as a reasonable proxy for a dedicated parking area under the EIR's own assumptions. Either manual tallying of permit types or license-plate matching as cars enter and leave would isolate student residents from others using the facility. 3. Another option would be to use the same methodology as used at UCSD in the study cited in the EIR, which was to use a nearby student housing facility as a proxy. There are several such facilities adjacent to the SDSU campus that could have been used.
O6-29	<p>Response states: "the SANDAG model is the best source for determining the percentage of traffic that would use College View Estates roadways." This is incorrect. The best source would be a license-plate matching survey as stated in the comment. The SANDAG model is not suitable for micro-assignment, as stated in the comment. The response does not adequately address the comment.</p>
O6-30	<p>Response states: "In LLG's view, there is no evidence that drivers are choosing to avoid 55th Street under existing conditions, which are congested at times." Of course, this is literally true because LLG made no attempt to look for such evidence. LLG failed to make any observations or take any measurements of such potential usage, despite available technology to do so. LLG did not even study the intersection at Remington and Hewlett, which is closest to the proposed project. The position taken in the EIR is that such evidence is unnecessary. What is true is that LLG's "view" is not informed by evidence and therefore is without value. For a counterexample that disproves LLG's "view," see the attached photo of a student shuttle service making use of College Gardens Court to avoid congestion on 55th street. The response states, without evidence, that trip distance rather than time is "relevant" to drivers. These are simply mental musings and have no basis. The response does not adequately address the comment.</p>

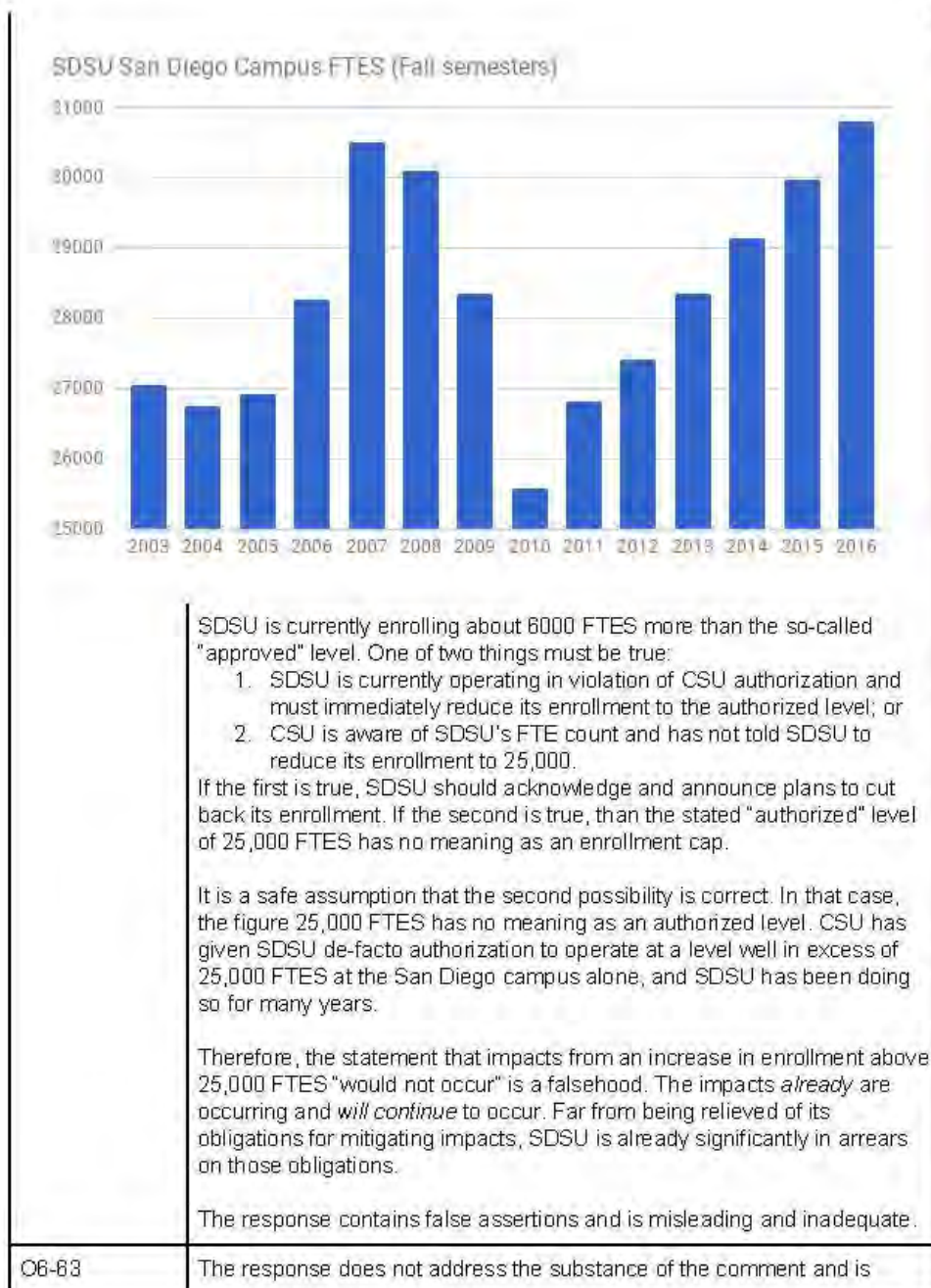


O6-31	The response implies that current traffic conditions, before the project is constructed, will be the same as after the project is constructed. Again, the response ignores the fact that no evidence-based analysis was conducted to determine the impact on the CVE neighborhood. To the contrary the EIR states that such analysis is not needed because of the SANDAG model. The response serves only to obfuscate these facts, and is not adequate.
O6-32	The response cites LLG's evidence-free "professional judgement" as sufficient. This is not an adequate response to the comment.
O6-33	<p>Response states: "proposed Project includes an off-street area on the south side of the Phase I building for up to six vehicles for pick-up/drop-off purposes; no such area presently exists." This is false. A four-space turnout currently exists for the existing Chapultepec Hall, and that will be removed. Moreover, the proposed area is sufficient for six passenger cars, but not for six vehicles in general.</p> <p>Response states: "Consider also that vehicles that park along a red curb, as the curb on Remington Road is designated, which is clearly signed no parking, are doing so illegally. There is no evidence that illegally parked vehicles create a "hazardous" condition. While it may require a driver to drive around the illegally parked vehicle when safe to do so, this is not a "hazardous" condition." It defies all belief that a statement like this could be put forth by an enlightened university. Blocking sidewalks, bicycle lanes, and traffic lanes on a regular basis is a hazardous condition, and it arises from design features of the dormitory: Vehicles park illegally because</p>

	<p>there are no legal options for them.</p> <p>The response cites one letter from a single resident of an area not adjacent to the proposed project as "evidence" that there are no hazards. The response ignores hundreds of comments, documentation, controlled observations, and photographs submitted in response to the EIR. This is risible. More tellingly, the need to turn to a random letter received from a single city resident betrays the fact the nobody from SDSU or its consultants has bothered to make any observations or collect any information on the matter. Thus, SDSU has no information of its own, and has utterly failed in its responsibility to assess an issue that is required to be analyzed in an EIR.</p> <p>The response is not adequate.</p>
O-34	<p>Response states: "it is not clear whether the vehicles are blocking the travel lane or just the sidewalk and bike lane. This is an important point to differentiate when reporting the obstruction rate as the primary concern of the commentator is the obstruction caused by vehicles on the road. As a result, the percentage of obstruction related to vehicle passage as reported in the Pllice report cannot be determined."</p> <p>The primary concern of the commentor is obstruction of sidewalks, bicycle lanes and vehicle lanes. The comment incorrectly states otherwise.</p>
O-35	<p>The response contains a number of criticisms of the Pllice and Lynch Research Report. All of the bulleted criticisms are unfounded and false. All of the findings stated in the Research Report are entirely replicable from the supplied links to the original photographs.</p> <p>It is SDSU's responsibility to do a sufficient level of analysis to support the findings in the EIR. In this case, there was a complete failure to observe and document hazardous conditions resulting from design features of the existing Chapultepec hall, which are to be replicated in the proposed project. Because of that failure, the commenters undertook controlled observations and probability analysis to show that there are significant hazards, and that the proposed project design is insufficient to mitigate them. This was work that SDSU should have done, but failed to do.</p> <p>The response does not present any alternative analysis or evidence, because SDSU and LLG do not have any. No one from SDSU, LLG, or any other affiliated entity has done even a minimum level of observation. Instead, the EIR simply states that there are no design features leading to hazardous conditions. The comments submitted disproved this contention, and nothing in the response goes to the substance of the comments.</p> <p>Response states: "it is not clear whether the vehicles are blocking the travel</p>

	<p>lane or just the sidewalk and bike lane. This is an important point to differentiate..." With this statement SDSU accepts that the fact of the obstruction of Remington Road is important, but claims that the Plice and Lynch paper does not go far enough in its analysis. It is not the responsibility of Plice, Lynch, or other commenters to do the analysis that SDSU believes to be important. It is the job of SDSU to do this, and the response itself makes clear that SDSU failed to do a sufficient level of analysis to uncover facts that are acknowledged to be important.</p> <p>Response states: "Additionally, LLG does not agree that the method of determining the amount of off-street stopping area that should be provided along Remington Road should be similar to the method used in determining airport pick-up / drop-off areas, or hotel porte cochere drop-off areas." The response fails to state what LLG thinks <i>would</i> be a reasonable method of determining the requirement. Instead, is simply states that LLG has an opinion based on nothing.</p> <p>If SDSU wishes to contest the commenters' conclusions it will need evidence-based reasoning and analysis, not just vacuous opinions arising from the musings of unnamed consultants.</p> <p>The response is inadequate.</p>
O6-36	<p>Response states: "the proposed Project includes various design features incorporated to alleviate the referenced situation. (See response to comment O6-33.)" The only "feature" is to replace a 4-car turnout with a 6-car turnout, while doubling the number of resident students. This does not constitute a design feature to alleviate the situation.</p> <p>Response states: "it also is unreasonable to provide off-street stopping areas that would be needed 99% of the time." The response does not state what level of street blockage SDSU believes is "reasonable." But, with this statement, SDSU implicitly acknowledges that such blockage will occur despite any so-called mitigating design features.</p> <p>Response states: "Furthermore, the red curb and "no stopping any time signs" provide a mechanism whereby violators can be ticketed and/or towed. Enforcement of the red curb and signs is within the jurisdiction of the City of San Diego police, with assistance by the SDSU Police Department as necessary." SDSU is not in a position to stipulate how City police will allocate resources to enforcement. UPD has no authority to issue parking tickets on City streets. Non-sworn officers cannot order violating drivers to wait while a ticket is issued, meaning that only sworn City police, if available on a 24-hour basis, could effectively mitigate the problem. SDSU has no reason or authority to state that the City will allocate resources to respond to dangerous conditions induced by the deficient design of the project. SDSU has not entered into any agreement with SDPD that would</p>

	<p>allow UPD to enforce City parking regulations. Moreover, if the City did effectively eliminate illegal parking on Remington Road, the dormitory buildings would have no way to operate because alternative legal parking arrangements have not been provided for. SDSU has designed buildings that are (like cigarettes) hazardous when used as intended.</p> <p>The response refers to “existing, pre-improved” conditions. It is ludicrous to contend that doubling the number of residents attempting to access dormitories on Remington Road will constitute an improvement.</p> <p>The response fails to engage with the substance of the comment. The illegal parking and resulting hazardous conditions arise because drivers with legitimate business at the dormitory do not have legal alternatives. This is a design feature leading to nonconforming and hazardous uses. Nowhere in the responses to the comments does SDSU acknowledge or own up to this fact.</p>
O6-41	<p>Response states: “the comments are based on the existing conditions and do not take into account fully the project design features that will be incorporated as part of the Project to improve the existing conditions and address the community’s concerns.” The comments fully address all of the proposed measures. There are no significant design features that will improve existing conditions, and doubling the number of residents attempting to access dormitories on Remington Road will make the existing conditions significantly worse. All of these points were elucidated at length in the comments, and the responses here and elsewhere fail to engage with the substance of those comments.</p>
O6-59	<p>Response states: “the proposed Project does not include an increase in FTE enrollment – approved FTE enrollment would remain at 25,000. Therefore, the traffic impacts resulting from an increase in enrollment would not occur and, accordingly, neither would the corresponding mitigation obligation.</p> <p>The following graph displays actual enrolled FTE at the San Diego Campus from SDSU’s institutional research database.</p>



	inadequate.
O6-67	The response does not address the substance of the comment and is inadequate.
O6-68	The response does not address the substance of the comment and is inadequate. The comment applies to the project as a whole, not just phases II and III. SDSU has already grown well beyond the 25,000 FTES level (see O6-59) and has been putting in place the necessary infrastructure piece-by-piece instead of complying with the directive of the Court.
O6-69	The response does not address the substance of the comment and is inadequate. SDSU has yet to identify a document that serves as current "master plan."
O6-70	The response does not address the substance of the comment and is inadequate.
O6-72	The response does not address the substance of the comment and is inadequate.
O6-73	The response does not address the substance of the comment and is inadequate. There is no "general plan" to be amended. Creating a campus map is not a planning activity.
O6-75	The response does not address the substance of the comment and is inadequate.
O6-78	The response does not address the substance of the comment and is inadequate.
O6-79	Response states: "The proposed Project will provide new, on-campus student housing and will not include an increase in campus enrollment." As noted (see O6-59) the increase in enrollment has already occurred. Moreover, only 600 beds are needed for the live-on requirement, yet more beds are being constructed. The response fails to address the issue of what the extra beds are for and is inadequate.
O6-80	The response does not address the substance of the comment and is inadequate. Despite the elimination of phases II and III there is still a significant, unmitigated impact from the parking shortage induced by the project.
O6-81	The response refers to incontestable facts as "opinions of the commentator." The response pretends that the design of the project does not rely on an incompatible use of Remington Road. The response does not deal with the substance of the comment and is inadequate.
O6-82	The response does not address the substance of the comment and is

	inadequate. See O6-36 for an evaluation of the so-called "several features" alluded to in the response.
O6-83	<p>Response states: "the comment does not raise an environmental issue regarding the adequacy of the analysis presented in the EIR."</p> <p>The comment raises the issue of design features leading to incompatible use, which is a required area of study in an EIR according to the CSU Transportation Manual. It is a falsehood to state that this is not an environmental issue regarding the adequacy of the EIR. It is one thing for a response to oppose the arguments presented in a comment, but quite another to simply deny that the arguments were ever raised. This is an astonishing level of cavalier indifference to the obligations of SDSU under CEQA.</p> <p>The response does not relate to the substance of the comment and is inadequate.</p>
O6-84	The response does not address the substance of the comment and is inadequate. See O6-34 and O6-35.
O6-86	The fact that special events have nothing to do with the project is misrepresented as an opinion of the commentator. The response does not address the substance of the comment and is inadequate.
O6-87 O6-88	The responses do not address the substance of the comments and are inadequate. The comments did not address move-in/move-out. As noted elsewhere, SDSU has no authority to commit the City's SDPD to any level of enforcement. The comment dealt with design features leading to incompatible use, and with the futility of attempting to clean up the situation with enforcement which SDSU is not even in a position to provide. These issues, as raised in the comments, must be addressed in an adequate response.
O6-90	The response does not address the substance of the comment and is inadequate. See O6-73.
O6-91	The response mischaracterizes the comment. The take permit will be required "if" certain endangered species are found.
O6-96	Off-site infrastructure impacts from campus growth are an environmental impact that must be addressed in the EIR. The response falsely claims otherwise.
O6-97	The response states: "the development referred to consists of on-campus improvements for already-enrolled students, including on-campus housing, a renovated student union, and the renovation of existing classroom and research space. Renovated facilities for existing enrolled students do not

	<p>generate new vehicle trips that would result in traffic impacts." This statement omits to mention that SDSU is already operating at an enrollment level more than 25% higher than the 25,000 FTES that served as the baseline for requiring fair-share payments for traffic mitigation. Thus, a substantial portion of those "existing students" are already generating "new" vehicle trips in excess of the baseline level (see O6-59). The traffic impacts are already occurring, and SDSU has not paid its fair share for mitigation. This is a fact, not an opinion of a commentator.</p> <p>Additionally, the response fails to engage with the main substance of the comment, which is that SDSU has already put in place a substantial portion of the infrastructure needed to accommodate 35,000 FTES.</p> <p>The response is inadequate.</p>
O6-98	<p>The response avoids dealing with the substance of the comment. The 2007 EIR addressed growth of the campus to 35,000 FTES and the associated infrastructure needs. That EIR proposed a schedule of fair-share payments that SDSU would have responsibility for as such infrastructure is put in place. A Court decision determined that SDSU must bundle these payments into each project that creates such infrastructure. The substance of the comment is that this Project is creating a portion of such infrastructure, and that previous projects already completed have also created portions of such infrastructure. The scope of the traffic study in 2007 was selected to recognize the regional impacts from that infrastructure, and therefore a portion of such impacts should be allocated to this Project.</p> <p>So far SDSU has bundled none of these fair-share payments into any of the projects completed or contemplated, even as the campus has grown to an excess of 30,000 FTES. The substance of the comment is that this EIR must account for some portion of that. The response does not address that substance.</p>
O6-100	<p>The response does not deal with the substance of the comment. As with the responses immediately above, instead of addressing the question of fair-share payments from the portfolio of construction projects that this Project is part of, the respondents focus on this project as if it can be analyzed in isolation from the campus growth that it enables. If successful, this strategy can be employed over and over again as SDSU continues to build out the total construction portfolio identified in 2007 (or its equivalent). This is the very definition of piecemealing, and by failing to address the issue in their response the respondents appear to be embracing it.</p>
O6-101	<p>There is no annotation labeled O6-101. Nevertheless, the statement given is repetitive and the evaluation given above as O6-100 applies.</p>

O6-103	The response consists entirely of unsubstantiated opinions of the respondents. The response in no way elucidates the factors used to arrive at the determination that there is no scenic vista value or how they were weighted. The substance of the comment was that it was an arbitrary opinion supported by no facts or analysis, and the response does not deal with that substance.
O6-105	The response consists of unsupported opinions of the respondent, and is inadequate.
O6-114	The response largely reiterates what was in the DEIR and does not address the comment.
O6-118	The response does not address the substance of the comment and is inadequate.
O6-119	The comment concerned noise emanating from the Project site. This was not addressed in the response. The response does not address the substance of the comment and is inadequate.
O6-120	California State University can be held responsible for actions that lead to violations of local plans and ordinances, as is the case here. It is not a question of CSU's right to construct the buildings, but whether such construction leads to a conflict. This was not addressed in the response.
O6-121	The response does not address the conflict with SDMC, and is therefore inadequate.
O6-122	<p>Response states: "The proposed project is being proposed and sized according to the demands placed on the residential housing supply associated with the EXISTING 25,000 Full Time Equivalent (FTE) student body that attends SDSU." Current enrollment at SDSU is approximately 31,000 FTES according to SDSU's Analytic Studies and Institutional Research database (see O6-59).</p> <p>Response states: "No part of the proposed project would allow or is intended to infer an increase beyond the CSU-allowed 25,000 FTE enrolment cap." As noted, the project would support a campus size significantly in excess of such a "cap."</p> <p>The substance of the comment is that the project forms a portion of the infrastructure portfolio that was identified to support an FTE level of 35,000. SDSU is more than halfway there already, and has not paid its fair share of regional impacts. The response fails to address the substance of the comment and is inadequate.</p>
O6-123	The response does not go to the comment. The comment concerned Section 1.4.3 of the subarea plan. The response is inadequate.

O6-124	The response relies on a technical numbering issue and ignores the substance of the comment, which was clear. The comment is not responsive.
O6-125	The response relies on the opinion of an unnamed respondent, and no evidence or analysis has been provided. The response is inadequate.
O6-126	<p>The response states that noise cannot be occurring because university policy prohibits it. This is a ludicrous, evidence-free assertion.</p> <p>The response refers to noise events in nearby neighborhoods, which the comment does not concern. The comment concerns on-campus noise events. Noise does not stop at the campus boundary, even though the treatment in the EIR assumes that it does.</p> <p>The response does not go to the comment and is inadequate.</p>
O6-127	The response does not address the substance of the comment and is inadequate.
O6-130	The response is on an entirely different subject than that raised by the comment. The response does not address the substance of the comment and is inadequate.
O6-132	The response contains incorrect information. Although by law UPD <i>could</i> act as a first responder within one mile of campus, it in fact does not. UPD does not accept calls from the public for police services even within the one-mile radius, even when the issue may be a disturbance or crime related to SDSU or its students. Similarly, UPD does not enforce parking restrictions or issue parking citations on Remington Road. The practice of UPD is to tell complainants to contact SDPD for all such issues. UPD will assist only if requested to do so by SDPD. The EIR does not contain sufficient detail regarding any administrative agreement to determine whether UPD has any responsibility whatever for enforcement on Remington Road.
O6-138	The response contains false or misleading information. The DEIR did not "fully" review existing conditions as part of the analysis--on the contrary, the DEIR contained no evidence-based review at all of the conditions imposed on Remington Road and the obstruction of traffic, bicycle lanes and sidewalks. The only data collected to date has been by commenters, not by SDSU or its consultants. Moreover, the DEIR and FEIR ignored the requirement of the CSU Transportation Manual that design elements leading to incompatible issues be studied.
O6-140	Response states: "The comment contends "shortcuts were taken" as part of the traffic analysis relative to Chapultepec Hall. Please see the response to comment O-6-138 for information responsive to the comment." There is

	nothing in O6-138 that is responsive to the comment.
O6-141	<p>Response states: "Any assumptions made were based on the experience and professional judgment of the traffic engineer, Linscott, Law and Greenspan (LLG), which has extensive experience preparing traffic studies on the SDSU campus." This appears to be acceptance of the substance of the comment, and a claim that unfounded "assumptions" are a sufficient substitute for actual observation and data collection, solely based on the experience of the consultants making the assumptions. This position lacks the barest face validity. Had LLG made any effort to study these issues the assumptions would have been shown to be highly inappropriate, as documented in this and other comments submitted to the DEIR, including comments submitted by a traffic engineer with at least as much experience as LLG. The comment deserves a serious response, and this response is inadequate.</p> <p>Response states: "Additionally, the food service operation that would be included as part of the proposed Project would employ a relatively small staff and, therefore, would generate relatively few vehicle trips." No estimates, data, or analysis is provided to support this statement--it is simply put forth as being self-evidently true. It is not. Not only did the EIR traffic engineer make no adjustments, the EIR traffic engineer omitted consideration of the food-service component of the project entirely. That was an unacceptable oversight, and it cannot be papered over by a facile response to a comment.</p>
O6-143	The comment is not an "introduction to comments that follow." It is the very heart of a single integrated comment that the respondent disingenuously chose to mischaracterize, evidently to avoid responding to the substance. The EIR does not follow the CEQA guidelines and the CSU Transportation Manual with respect to studying design features that lead to incompatible uses. The response completely ignores this main substance of the comment.
O6-144	The response incorrectly implies that the comment is moot given the elimination of Phases II and III. No portion of the comment was restricted in its applicability to those phases. Response states: "the proposed Project includes appropriate design features to address these concerns." The evaluation given here relative to the referenced comments shows that proper consideration was not given and the referenced design features do not address the concerns.
O6-145	The response is not pertinent to the comment. The EIR does not explain the feasibility of delivery vehicles, service vehicles, and student vehicles parking a distance away from their destinations. The response is inadequate.

O6-146	The response does not address the substance of the comment and is inadequate.
O6-147	The response mischaracterizes the comment. The response does not address the substance of the comment and is inadequate.
O6-149	Response states: "Based on the traffic engineer's observations of the site, his experience and professional judgment, an area that would accommodate six vehicles is adequate." No evidence is presented showing that the LLG traffic engineer made any observations of the site. The response rejects evidence-based analysis supported by the professional opinion of a qualified and experienced traffic engineer for the unfounded opinion of SDSU's consultant, which is based on no evidence whatsoever. The comment and the EIR neglect to state that an existing 4-car turnout is being replaced by a 6-car turnout, resulting in a net of only 2 additional off-street spaces, while doubling the number of residents on the street. The contention that this would be adequate, given existing conditions as documented in comments on the DEIR, is preposterous.
O6-150	Response states: "The comment states the synchronization of traffic signals on 55th Street is irrelevant to the Remington Road access issue." That is not what the comment stated--the comment referred to blockage not access. The response does not address the substance of the comment and is inadequate.
O6-151	The response does not address the substance of the comment and is inadequate. The curbs have been repainted by the city on a regular basis with no noticeable impact on illegal use of Remington Road.
O6-152	Response states: "the EIR traffic engineer has determined that any potential impacts relating to Remington Road access would be less than significant with implementation of these project design features." There is no indication that such determination was based on any evidence whatsoever. To the contrary, the comment referenced an exhibit showing the casual disregard for no-stopping signs, which the response failed to address. The response ignores most of the detailed points raised by the comment. The response is incomplete and inadequate.
O6-153	The response should explicitly state its agreement with the comment, if that is what is to be understood.
O6-155	The response simply reiterates the unfounded opinion of SDSU's consultants that the conditions on Remington Road--which were sampled, photographed, analyzed, and modeled in comments submitted to the DEIR--simply do not exist. This willingness of SDSU to state in writing that observable, documented facts are not facts at all permeates this and other responses. The response does not address the substance of the comment and is inadequate.

O6-156	Neither this response, nor responses to O-6-29 to O-6-32 are responsive to the comment. Using the Sandag model to pronounce it a "certainty" that there will be no impacts on traffic through CVE defies sound engineering practice. It is nothing more than motivated reasoning.
O6-157	Neither this response, nor responses to O-6-29 to O-6-32 are responsive to the comment. The response is inadequate.
O6-158	Willfully or otherwise, the respondent mischaracterized the comment. The point of the comment is that 500 peak-hour trips are an absurdity, yet that is what would be implied by the assumptions used in the traffic study when combined with the observations made on Remington Road in the Pllice & Lynch study. The comment states that assumptions implying 500 peak-hour trips are an "obvious inconsistency," stemming from the assumption that only 5% of the trips begin and end at the dormitory. The point of the comment is that far more than 5% of the trips will be directly from the project site. The other point of the comment is that LLG/SDSU never looked at the amount of trip traffic beginning/ending at the existing Chapultepec site, and therefore had no basis for assuming that that is only 5% of the total. The response is completely off topic, and is inadequate.
O6-159	The response incorrectly states that SDSU's enrollment has been capped at 25,000 FTES. See O6-59. Even with the elimination of Phases II and III, the EIR fails to explain why SDSU is constructing in Phase I more beds than are needed for the sophomore success program. The response is inadequate.
O6-161	Response states: "To the extent some students may in fact park in the neighborhood is not evidence of a significant impact under CEQA. Absent showing of a specific environmental impact, CEQA no longer requires that an EIR analyze parking impacts." A specific environmental impact has been shown. The existence and necessity of the Area-B program is evidence of the impact. The necessity of studying parking was highlighted at the scoping meeting, in comments on the NOP, and in comments on the DEIR. The response incorrectly states that there is no need to study the environmental impact of parking.
O6-162	Stating that the conclusion is "based on the engineer's experience and professional judgment" is another way of saying that it is just made up out of thin air. This is a case where the experience and expertise of residents of CVE, who live on, park on, and navigate the adjacent streets every day is far superior to that of a traffic engineer who has never visited the neighborhood at night. The response is based on no evidence or analysis whatsoever, and is inadequate.
O6-163	The comment goes to the question of whether or not spillover parking is a significant environmental impact. SDSU has chosen not to respond. This is not acceptable or permissible under CEQA.

O6-165	Neither this response nor the response to O6-132 are responsive the comment. The response is inadequate.
O6-166	Response states: "While the comment contends "normal campus events are curtailed during this period" and "students do not undertake their usual daily activities," the fact that classes are still in session is contrary to such statements as final exams have not yet begun." The fact that classes are in session and finals have not started is not at all contrary to the statement. The response fails to justify choosing a distinct time setting for just one of the measurements taken. When all observations are taken simultaneously any abnormal disturbance to typical conditions will be recorded everywhere, so that at least consistency will be retained between the different measurements. When 1 out of n observations is taken at a different time--particularly at the end of the semester when social, fraternal, athletic, club and other events are not in progress--the measurements will lack congruent validity. This is the issue raised by the comment, and the response is inadequate for not addressing it.
O6-168	The response states that construction of the Project will not result in more sophomores living on campus. This directly contradicts the stated purpose of the Project, which is to enable the sophomore success program. The precise purpose of that program is to require more sophomores to live on campus. The response is self-contradictory and nonsensical
O6-169	For reasons stated in the comments, basing the estimates on observations made over a freshman population are not transferable to sophomores. A better methodology is that used in the Nelson/Nygard study which SDSU commissioned but now wishes to disavow. The response does not address the substance of the comment and is inadequate.
O6-170	Adjusting the table given in the comment for the elimination of Phase II and Phase III, the Project will result in increased demand for parking by 446 spaces, as shown below. The response ignores key portions of the comment, including the already-impacted west side of campus, and the photographic evidence included. The response is inadequate and incorrect.

		Commuting	Resident	Total
	Parking demand per student	0.26	0.52	
	Changes due to LOR beds			
	beds	-600	600	
	impact	-156	312	156
	Changes due to non-LOR beds			
	beds		260	
	impact		135	135
	PL 9 removal			150
	TOTAL IMPACT			441
O6-173	The response contains incorrect information, does not address the entirety of the comment, and is inadequate.			
O6-174	The response repeats the arguments in the DEIR rather than engaging with the substance of the comment. It is inadequate.			
O6-175	The respondent evidently does not understand what a proper evaluation of a no-project alternative would entail. For this Project, it would require answering the question "what happens if the sophomore success program is not implemented?" That is nowhere addressed in the EIR. The response is off-topic and inadequate.			
O6-176	The response does not cite substantial evidence, and is merely the opinion of the respondent.			
O6-178	Neither this response nor the thematic response addresses the main substance of the comment.			
O6-184	For reasons stated, the evaluation criteria used to reject and rank alternatives are not compliant with CEQA Guidelines. Nothing in the response or the thematic response coherently refutes the arguments given in the comment.			
O6-185	The response mainly contains obfuscation of the point made in the comment, and is inadequate. This boilerplate language was repeated over and over as a response to subsequent comments. It is inadequate each time it is repeated, as it does not address the substance of the comment.			
O6-186	See O6-185			

O6-187	This response and the thematic response repeat assertions from the DEIR and do not address the substance of the comment. They are inadequate.
O6-188	This response and the thematic response repeat assertions from the DEIR and do not address the substance of the comment. They are inadequate.
O6-189	See O6-185
O6-190	See O6-185
O6-192 O6-193 O6-194 O6-195 O6-196	See O6-185
O6-197 O6-198	This response and the thematic response repeat assertions from the DEIR and do not address the substance of the comment. They are inadequate.
O6-202 through O6-227	These responses nowhere relate to the purpose of the pro-forma analysis nor engage with the substance, which is that a properly performed alternatives analysis includes permissible criteria, explicit evaluations, explicit weighting, and a result that can be evaluated for sensitivity to the assumptions and weightings. The responses are inadequate.

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----- Forwarded message -----

From: **Mark Nelson (Home Gmail)** <menelson@gmail.com>

Date: Mon, Sep 18, 2017 at 2:14 PM

Subject: Non-responsive reply by SDSU in below-mentioned CEQA docket to the City of San Diego; SDSU failure to adhere to CEQA Guidelines

To: Laura Shinn <lsinn@mail.sdsu.edu>, OPR State Clearinghouse

<state.clearinghouse@opr.ca.gov>, Trustee Secretariat <TrusteeSecretariat@calstate.edu>

Mark Nelson

5417 Hewlett Drive

San Diego, CA 92115

September 18, 2017

ADMINISTRATIVE RECORD SUBMISSION

SCH# [2016121025](#)

SUBJECT: Non-responsive reply to the City of San Diego
 Failure to adhere to CEQA Guidelines

This document is part of the Administrative Record of SCH# [2016121025](#) for the purposes of litigation.

As a property owner in San Diego impacted by the project described in SCH# [2016121025](#), I am represented by the comments of the City of San Diego. SDSU's response to the City of San Diego, and therefore myself as a property owner, is both non-responsive, and demonstrates SDSU's basic lack of compliance and failure to adhere to CEQA guidelines, as recognized by the City of San Diego comments.

The City of San Diego correctly comments, and SDSU fails to acknowledge or rebut, that SDSU's CEQA document is inappropriately written as an advocacy document with a lack of substantial evidence. While the City of San Diego comments regarding traffic issues, SDSU continues with advocacy and lack of substantiation in other issues, including, but not limited to:

1. The rejection of reserving Lot U/9 for 1400 beds as per the Carrier Johnson work was not substantiated by any facts by SDSU, thereby the FEIR is deficient and the selection of the preferred case is invalid. Further, SDSU advocates for selection of a west campus and for amenities for the failed Chapultepec Hall without any substantiation.
2. In the face of specific facts that SDSU residence halls have a rape rate of 1500% of the County of San Diego, SDSU fails to address the increase in risk associated with mandating that sophomores live in the statistically dangerous setting provided by SDSU. This is consistent with the City of San Diego's observation as a CEQA agency that SDSU fails to provide substantiation to its claims.
3. SDSU was presented with academic article facts that their analysis asserting the transferability of graduation results from voluntary on-campus dwelling sophomores to those sophomores mandated to live on campus was invalid. SDSU provided no substantiation that its statistical analysis is valid, nor can it, given that self-selection bias is a well know factor to invalidate SDSU's basic Sophomore Success claim through its inappropriate analysis without any demographic, psychographic or other control variables or characteristics. SDSU's conclusion that students who voluntarily live on campus statistically represent those students who elect not to live on campus is fundamentally flawed and unsupported by SDSU in the DEIR or FEIR or comment responses by any substantial facts. If SDSU's purpose and need of Sophomore Success is unsupported and invalid, then the FEIR must be found to be defective and incomplete.

The following represent the City of San Diego's observation as a CEQA agency that SDSU has created a non-substantiated, advocacy document, and not a CEQA compliant EIR.

impacting emergency response times. Furthermore, CEQA documentation should not outline benefits, or contain advocacy for a project; but is limited to a disclosure document of the potential impacts on the environment related to the project. This information is also not substantiated by factual evidence, and under CEQA would only appropriate within Statement of Overriding Considerations if there are significant and unavoidable impacts. It is recommended that the

L5-11

L5-16 The comment recommends that the EIR text referenced in the preceding comment be removed from the Draft EIR. However, the text is based on the experience and professional judgment of the EIR traffic engineer and, as noted in the preceding comment, does not substantively affect the impact analysis presented in the Draft EIR.

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From: Mark Nelson (Home Gmail) <menelson@gmail.com>
 Date: Mon, Sep 18, 2017 at 8:40 PM
 Subject: SDSU Student Surveys Reject Mandatory Sophomore On-campus Requirement, SDSU Project Objectives and Associated Comment Responses are Invalid
 To: Laura Shinn <lsinn@mail.sdsu.edu>, OPR State Clearinghouse <state.clearinghouse@opr.ca.gov>, Trustee Secretariat <TrusteeSecretariat@calstate.edu>, "White, Timothy" <twhite@calstate.edu>

Mark Nelson
 5417 Hewlett Drive
 San Diego, CA 92115

September 18, 2017

Laura Shinn, OPR, Cal State Trustees and Alternates by distribution of the Trustee Secretariat by email

This document is part of the administrative record for litigation.

According to the most recent SDSU student housing survey, provided via California Public Records Act, SDSU students soundly REJECT living on campus as sophomores in a mandatory fashion. In 30 pages of comments provided by SDSU (attached), only 1 comment supports MANDATORY housing. Dozens, if not hundreds, reject Mandatory housing.

Furthermore, Q108 of SDSUs same student survey demonstrates that the overwhelming majority of students DO NOT want to live on campus as Sophomores (nearly 80% reject campus living as sophomores).

As a result of SDSUs own survey data, SDSU students REJECT living on campus as Sophomores and beyond (Q108 results), and they reject living on campus as sophomores in over 1000 comments provided. Therefore, any SDSU survey data that is used to support objectives or answer comments is de facto invalid. The surveys seeking amenities were NOT conditioned on the 80% rejection rate of LIVING on campus, and are therefore IRRELEVANT and MISLEADING by design.

SDSUs Project Objectives are invalid for the reasons listed below.

Invalidity of SDSU EIR SCH# 2016121025 Project Objectives

As pointed out in the comments of the City of San Diego, SDSU has provided a project advocacy document without adequate or sufficient factual documentation for statements in the DEIR, FEIR or SDSUs replies to comments, and therefore, SDSU has failed to provide a valid CEQA analysis.

The Project Objectives, listed below with specific legal objection, are prime examples of SDSU's ADVOCACY not ANALYSIS and ASSERTION not FACTS.

1.4 PROJECT OBJECTIVES

The overall goal of the Project is to allow an increased number of students to participate in SDSU's Residential Education Program and to add vitality and services to the west campus area where the Project would be located. The specific Project objectives are as follows:

1. Create a distinct west campus housing neighborhood similar to the student residential neighborhood on the east side of campus, that is inviting and safe, that has a distinct identity, and that provides students with supportive amenities such as a tutoring center, a dining facility, community spaces, and study areas.

As stated by the City of San Diego, a CEQA agency, in comments, SDSU must recognize that CEQA documents are NOT advocacy documents and that SDSU must provide specific facts in support of its assertions.

No support, explanation, or specific facts exist for the definition of vitality. No support, explanation, or specific facts exist for the need to create a distinct west campus neighborhood. No support, explanation, or specific facts exist for the assertion that the Project is an environmentally reasonable method for providing any supportive amenities. Statements are not fact, they are assertion and advocacy. As a result, this objective is invalid.

2. Alleviate isolation of Chapultepec Hall and respond to the deficit in student amenities in the Project vicinity, as reported by the residents and staff of Chapultepec Hall.

As stated by the City of San Diego, a CEQA agency, in comments, SDSU must recognize that CEQA documents are NOT advocacy documents and that SDSU must provide specific facts in support of its assertions.

The SDSU survey cited above, and attached in its entirety demonstrates that students do not seek to live on campus during sophomore year, and therefore, any survey results cited by SDSU are mooted.

No support, explanation, or specific facts exist to support isolation of Chapulepec Hall. No support, explanation, or specific facts exist to support an adequate or deficit level of student amenities. Even in the face of surveys (unprovided by SDSU) there is no demonstration that the project is a reasonable environmental method to meet amenities. Statements are not fact, they are assertion and advocacy. As a result, this objective is invalid.

3. Provide additional on-campus housing for freshman students, thereby making existing housing more appropriate for sophomores, available to sophomores, in furtherance of the Sophomore Success Program.

As stated by the City of San Diego, a CEQA agency, in comments, SDSU must recognize that CEQA documents are NOT advocacy documents and that SDSU must provide specific facts in support of its assertions.

The SDSU survey cited above, and attached in its entirety demonstrates that students do not seek to live on campus during sophomore year.

SDSU's defective pseudo-analysis of the performance of self-selected sophomores who elect to live on campus is not generalizable to the overall student population. SDSU provides no facts to demonstrate the applicability of its process and further failed to refute comments and citations demonstrating the generalized error of self-selection bias in samples. As a result SDSU's Sophomore Success Program

requirement of on campus mandated living is baseless. Statements are not fact, they are assertion and advocacy. As a result, this objective is invalid.

4. Provide food and convenience services in the vicinity of the Project for students housed both in existing on-campus housing and to be housed in the new housing.

As stated by the City of San Diego, a CEQA agency, in comments, SDSU must recognize that CEQA documents are NOT advocacy documents and that SDSU must provide specific facts in support of its assertions.

SDSU provides no evidence that a dormitory of 850 students is an environmentally reasonable method to provide food and convenient services for existing housing. Statements are not fact, they are assertion and advocacy. As a result, this objective is invalid.

5. Increase on-campus student housing options by providing additional student housing in a distinct neighborhood, thereby reducing the demand for student housing in the adjacent off-campus neighborhoods.

As stated by the City of San Diego, a CEQA agency, in comments, SDSU must recognize that CEQA documents are NOT advocacy documents and that SDSU must provide specific facts in support of its assertions.

No support, explanation, or specific facts exist for the objective. No support, explanation, or specific facts exist that the Project is an environmentally reasonable method for providing housing. No support, explanation, or specific facts exist for the assertion that the Project requires a distinct neighborhood. Statements are not fact, they are assertion and advocacy. As a result, this objective is invalid.

6. Take advantage of an existing undeveloped area on campus to construct housing on a site that does not require taking much-needed existing beds off-line.

As stated by the City of San Diego, a CEQA agency, in comments, SDSU must recognize that CEQA documents are NOT advocacy documents and that SDSU must provide specific facts in support of its assertions.

No support, explanation, or specific facts exist to support that an objective to consume undeveloped land is EVER appropriate in CEQA analysis. Statements are not fact, they are assertion and advocacy. **Statement preferring use of undeveloped land over brownfield is in direct violation of CEQA.** As a result, this objective is invalid.

7. Provide additional student housing in an area that has the capacity to accommodate a large number of student housing beds and associated amenities, where the land is owned by the university and unencumbered by other uses or existing structures that must be demolished.

As stated by the City of San Diego, a CEQA agency, in comments, SDSU must recognize that CEQA documents are NOT advocacy documents and that SDSU must provide specific facts in support of its assertions.

No support, explanation, or specific facts exist to support that an objective of land ownership is appropriate in CEQA analysis. Significant land is under control of SDSU or affiliates. **SDSUs Sophomore Success Program, along with implement dates, is a DISCRETIONARY action and no urgency exists beyond assertion.** Statements are not fact, they are assertion and advocacy. As a result, this objective is invalid.

8. Reduce regional traffic and increase the walkability of the SDSU campus by providing on-campus housing that includes a variety of student-friendly amenities and that is situated within a walkable distance from the academic, athletic, and social centers of campus.

As stated by the City of San Diego, a CEQA agency, in comments, SDSU must recognize that CEQA documents are NOT advocacy documents and that SDSU must provide specific facts in support of its assertions.

The SDSU survey cited above, and attached in its entirety demonstrates that students do not seek to live on campus during sophomore year, and therefore, no amenities can be sought by students as they do not seek sophomore housing.

SDSU has no regional authority regarding traffic and the objective is de facto invalid. SDSU provides no facts, and only advocacy, that on-campus housing must be within walkable distance. Statements are not fact, they are assertion and advocacy. As a result, this objective is invalid.

attachment: Comments from 2017 SDSU student survey

attachment: Results of 2017 SDSU student survey question

Q108. If your housing preferences were met each year, when would you live/have lived in San Diego State's student housing? SELECT ALL THAT APPLY

Count

Respondent %

Response %

941

17.78%

10.06%

Never

3655

69.07%

39.08%

Freshman year

1952

36.89% (response rate)

20.87% (80% rejection rate of on campus sophomore living)

Sophomore year

1256

23.73%

13.43%

Junior year

963

18.20%

10.30%

Senior year(s)

586

11.07%

6.27%

Graduate/professional year(s)

5292

Respondents

9353

Responses

Q109.



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Memo

To: Sarah Lozano, Dudek

From: Laura Shinn, Director of Planning, SDSU

Date: September 18, 2017

Subject: Defining Enrollment for the SDSU Master Plan

For the purposes of Master Planning and related Environmental Impact Reports (EIRs), the California State University projects an enrollment that most closely relates to the capacity and use of academic facilities on the main campus in order to ensure that proposed projects are planned to meet capacity needs. The enrollment figure used for this purpose differs from other published enrollment figures in a number of ways.

Master Plan enrollment is based on Full Time Equivalent (FTE) enrollment, which translates students taking more or less than a full course load (15 units) into a full time equivalent based on standardized conversion factors. The total FTE enrollment figure used for campus capacity and master planning is based on the Academic Year (AY), which *excludes*:

- a. Summer enrollment FTE
- b. FTE enrollment from courses taught off-site, such as student teaching in schools or clinical courses taught in a medical facility.
- c. FTE enrollment from courses taught outside of instructional spaces, such as courses taught in an outdoor space, or which are not taught face to face, such as video, televised or web based courses.

For 2017/2018, the FTE for capacity and master planning purposes is projected to be 24,555.¹ Based on current projections, this figure will remain under 25,000 FTE through 2019/2020. As of this date, SDSU's FTE for capacity and master planning purposes is projected to be:

24,740 in 18/19
24,905 in 19/20
25,702 in 20/21

FTE figures published on SDSU's website are based on actual (not projected) hours and include all courses taken by students enrolled on the San Diego campus regardless of where the instruction is delivered. This figure includes course hours taken at off-campus locations and through on-line delivery. *Fall 2016 enrollment was just under 31,000 FTE, as published by the SDSU Analytic Studies and Institutional Research website. Published fall 2015 FTE was just under 30,000.*

¹ The information contained in this memorandum is based in part on a September 18, 2017 phone conversation with Theresa Tsik, Associate Facility Planner, California State University, Capital Planning, Design & Construction.

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Planning, Design & Construction
Business and Financial Affairs
 5500 Campanile Drive
 San Diego CA 92182 • 1624
 Tel: 619 • 594 • 5224
 Fax: 619 • 594 • 4500

Memo

To: Sarah Lozano, Dudek

From: Laura Shinn, Director of Planning, SDSU

Date: September 18, 2017

Subject: SDSU University Police Department Parking Enforcement Authority

This memorandum was prepared in response to comments submitted on the Final EIR stating “SDSU has not entered into any agreement with San Diego Police Department (SDPD) that would allow University Police Department (UPD) to enforce City parking regulations.” As explained, by legislative authority and agreement with the SDPD, San Diego State UPD police officers have authority within one mile of the exterior boundaries of the campus, including streets beyond the campus boundaries. SDSU has in place a parking fines schedule, and UPD police officers “can and do issue citations for San Diego Municipal Code parking violations.”¹

California Penal Code section 830.2, subsection (c), provides that members of the California State University Police Department, duly appointed and whose primary duty is the enforcement of the law within the university campus, are peace officers whose authority extends to any place in the state. Under Education Code section 89560, the CSU Board of Trustees is authorized to constitute a police department for each campus in the system. Persons employed as peace officers are authorized to exercise their powers or authority upon any CSU campus “and in an area within one mile of the exterior boundaries” of the campus.

By agreement between the SDPD and UPD, while areas outside campus boundaries shall be the responsibility of the SDPD, “nothing shall preclude the SDSU PD from exercising their duties as public safety officers within the operational area that extends 1 mile from the campus.” (Administrative Agreement Between The San Diego Police Department And The San Diego State University Police Department, March 2017; copy attached.)

Specific to parking violations, SDSU has in place a schedule of fines for violations of both the California Vehicle Code (CVC) and the San Diego Municipal Code (SDMC). Designated violations include “red curb” and “red zone” stopping/parking (CVC 21113(A); SDMC 86.09(E)) and “violation of signs” and “violations of posted signs” (CVC 21113(A); SDMC 86.09(E)). (SDSU Parking Fines and Forfeitures Schedule, September 30, 2013; copy attached.)

Thus, UPD officers have the authority to issue parking citations on city streets, including Remington Road, for both red curb and posted sign violations, and UPD officers have exercised such authority.

¹ The information contained in this memorandum is based on personal communications with Debbie Richeson, M.S., Director of Parking & Transportation Services, San Diego State University Police Department.



Josh Mays
Chief of Police

Administrative Agreement between San Diego Police Department and San Diego State University Police Department

1

ADMINISTRATIVE AGREEMENT BETWEEN THE
SAN DIEGO POLICE DEPARTMENT AND THE
SAN DIEGO STATE UNIVERSITY POLICE DEPARTMENT

I. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to establish guidelines and procedures for the San Diego Police Department and the San Diego State University Police Department to provide response to incidents occurring on San Diego State University properties. The intent of this document is to identify and affix responsibilities for providing efficient police services for the area contiguous to San Diego State University San Diego Campus, as defined by Education Code 89560 and 67381.

II. AUTHORITY, JURISDICTION AND DUTIES

San Diego State University Police Department will be the primary reporting and investigating law enforcement agency for all infractions, misdemeanor and felony crimes occurring within the boundaries of fraternities, sororities, student housing, research facilities and property owned or affiliated with San Diego State University, regardless if the victims/suspects are students or non-students. Except for:

Any homicide, officer-involved shooting, or any use of force by an officer that results in a death, which occurs on the above mentioned SDSU campus properties, the University Police shall contact the San Diego Police Department. The San Diego Police Department shall assume lead responsibility for the investigation and any follow-up investigation, with assistance being provided by the University Police.

If mutual aid is requested for active shooters or natural disasters, and a request is made for the San Diego Police Department SWAT Team, the San Diego Police Department will assume the role of Incident Commander, with assistance being provided by the University Police.

III. INVESTIGATIVE RESPONSIBILITIES

Nothing shall preclude the San Diego State University Police Department from exercising their duties as public safety officers within the operational area that extends 1 mile from their campus. Areas outside campus boundaries and properties shall be the responsibility of the San Diego Police.

The investigating agency will be responsible for the release of information regarding any media inquiries. A copy of any media press releases will be provided to either San Diego Police Department or San Diego State University Police Department as appropriate.

Further, each agency assumes responsibility for preparing the appropriate reports for the Bureau of Criminal Statistics and the Uniform Crime Report.

REPORTING OBLIGATIONS

Pursuant to California Education Code Sections 67380(a) (6) (A) and 67383(a), the SDSU Police Department will disclose, immediately or as soon as practicably possible, to SDPD any report of a Part 1 violent crime, sexual assault or hate crime, committed on or off campus, received by the SDSU Police Department or Campus Security Authority and made by the victim for the purposes of notifying the University or law enforcement. Such reports will include, where authorized:

- The name and characteristics of the victim;
- The name and characteristics of the perpetrator, if known;
- Description of the incident, including location, date and time; and
- Any report number assigned to the police incident report documenting the investigation being conducted by the jurisdictional agency.

SDSU COORDINATED CAMPUS RESPONSE TEAM

As part of SDSU's coordinated and collaborative campus response, SDSU maintains a Sexual Violence Task Force (SVTF). A representative from SDPD will sit as a member of SDSU's SVTF and is encouraged to attend the SVTF regular scheduled meetings.

As part of the SVTF, the Parties will collaborate on best practices for the handling and investigation of reports of sexual violence and sexual assaults by SDSU students that occur outside of SDSU property. In addition, the Parties will collaborate, as appropriate, on sexual assault prevention and awareness campaigns both on and off SDSU campus.

IV. LIABILITY

San Diego Police Department and San Diego State University Police Department acknowledge that this MOU is by and between two independent agencies and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association. For tort liability purposes, neither participating agency shall be considered the agent of the other. Each participating agency shall, to the extent possible under federal and state law, assume financial responsibility for any liabilities arising from the acts or omissions of its own employees actions pursuant to this MOU.

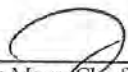
V. TERM OF AGREEMENT

This MOU shall be in effect for three years from the date executed below. San Diego State University Police Department and the San Diego Police Department representatives shall meet and confer at least once every three years, or more frequently if deemed necessary, to review the terms of this MOU. If it is determined that modifications are necessary, such modifications shall be made and appropriately executed by authorized representatives from each agency.



Shelley Zimmerman, Chief
San Diego Police Department

Date: 3/27/17



Josh Mays, Chief
San Diego State University Police Department

Date: MAR 13 2017

Business and Financial Affairs
 San Diego State University
 5500 Campanile Drive
 San Diego CA 92182-1620
 Tel: 619 • 594 • 5631
 Fax: 619 • 594 • 6022
 Email: tmccarron@mail.sdsu.edu



Thomas McCarron
 Vice President and CFO

MEMORANDUM

DATE: September 25, 2013

TO: Elliot Hirshman
 President

From: Tom McCarron
 Vice President and CFO, Business and Financial Affairs

SUBJECT: Recommendation for Approval of Parking Category V Fees

Please find attached for your approval the Category V fee requests from Public Safety per Executive Order 1054. This request includes increasing Parking Fines and Forfeitures rates for various violation codes. These increases allow SDSU to cover more of our costs and are consistent with fee rates charged by other colleges and agencies within San Diego county.

Once you have approved this request, the fees will be reported to the Campus Fee Advisory Committee pursuant to the Executive Order. I approve this recommendation.

Please let me know if you have any questions.

Attachments

THE CALIFORNIA STATE UNIVERSITY • BAKERSFIELD • CHANDEL ISLANDS • CHICO • DOMINGUEZ HILLS • EAST BAY • FERN • FULLERTON • HEMLOCK • LONG BEACH • LOS ANGELES
 MARITIME ACADEMY • MONTREY BAY • NORTHBRIKE • POMONA • SACRAMENTO • SAN BERNARDINO • SAN DIEGO • SAN FRANCISCO • SAN JOSE • SAN LUIS OBISPO • SAN JUAN • SERRA • STANBIS

Category V Fee Request

September 25, 2013

RECOMMENDATION

Approve new/revised Parking Fines & Forfeitures Category V fees effective January 1, 2014 as follows:

Violation Code	Violation	SDSU Current	SDSU Effective 1/1/2014
CVC 21113 (A)	NO PERMIT	\$45.00	\$65.00
CVC 21113 (A)	INVALID PERMIT	\$45.00	\$65.00
CVC 21113 (A)	EXPIRED METER PERMIT	\$45.00	\$65.00
CVC 21113 (A)	TIMED ZONE VIOLATION	\$50.00	\$65.00
CVC 21113 (A)	VIOLATION OF POSTED SIGNS	\$50.00	\$65.00
CVC 21113 (A)	RESERVED SPACE/AREA	\$50.00	\$100.00
CVC 21113 (A)	UNDESIGNATED AREA	\$45.00	\$65.00
CVC 21113 (A)	RED CURB	\$65.00	\$80.00
CVC 21113 (A)	FIRE HYDRANT / LANE	\$65.00	\$80.00
CVC 21113 (A)	PARKED OVER STALL LINE	-	\$65.00
CVC 21113 (A)	PASSENGER LOADING ZONE	-	\$65.00
CVC 21113 (A)	IMPROPER DISPLAY OF PRMT	\$30.00	\$35.00
CVC 21113 (A)	FAILURE TO DISPLAY PRMT	\$25.00	\$35.00
CVC 21113 (A)	BIKE IMPOUND FEE	-	\$50.00

Approved


 Elliot Hirshman

Date:

9/30/13

**Parking Fines and Forfeitures
Effective January 1, 2014**

Violation Code	Violation	SDSU Current	SDSU Effective 1/1/2014
CVC 21113 (A)	NO PERMIT	\$45.00	\$65.00
CVC 21113 (A)	INVALID PERMIT	\$45.00	\$65.00
CVC 21113 (A)	EXPIRED METER PERMIT	\$45.00	\$65.00
CVC 21113 (A)	COUNTERFEIT/ALTERED PERMIT	\$350.00	\$350.00
CVC 21113 (A)	USE OF LOST/STOLEN PERMIT	\$350.00	\$350.00
CVC 21113 (A)	TIMED ZONE VIOLATION	\$50.00	\$65.00
CVC 21113 (A)	VIOLATION OF POSTED SIGNS	\$50.00	\$65.00
CVC 21113 (A)	RESERVED SPACE/AREA	\$50.00	\$100.00
CVC 21113 (A)	UNDESIGNATED AREA	\$45.00	\$65.00
CVC 21113 (A)	HANDICAPPED ZONE	\$425.00	\$425.00
CVC 21113 (A)	RED CURB	\$65.00	\$80.00
CVC 21113 (A)	FIRE HYDRANT / LANE	\$65.00	\$80.00
CVC 21113 (A)	NOT FRONT FIRST	\$12.00	\$12.00
CVC 21113 (A)	PARKED OVER STALL LINE	-	\$65.00
CVC 21113 (A)	PASSENGER LOADING ZONE	-	\$65.00
CVC 21113 (A)	CAMPING IN VEHICLE	\$33.00	\$33.00
CVC 21113 (A)	REPAIR OF VEHICLE	\$30.00	\$30.00
CVC 21113 (A)	MORE THAN 1 VEHICLE	\$44.00	\$44.00
CVC 21113 (A)	IMPROPER DISPLAY OF PRMT	\$30.00	\$35.00
CVC 21113 (A)	FAILURE TO DISPLAY PRMT	\$25.00	\$35.00
CVC 21113 (A)	BIKE IMPOUND FEE	-	\$50.00
CVC 22500 (A)	INTERSECTION	\$50.00	\$50.00
CVC 22500 (B)	CROSSWALK	\$50.00	\$50.00
CVC 22500 (E)	DRIVEWAY	\$50.00	\$50.00
CVC 22500 (F)	SIDEWALK	\$50.00	\$50.00
CVC 22500 (G)	OBSTRUCTING TRAFFIC	\$50.00	\$50.00
CVC 22500 (H)	DOUBLE PARKING	\$50.00	\$50.00
CVC 22500 (I)	BUS ZONE	\$250.00	\$250.00
CVC 22502 (A)	RT OVER 18 IN. FR CURB	\$45.00	\$45.00
CVC 22502 (E)	LT OVER 18 IN. FR CURB	\$45.00	\$45.00
CVC 22850.5	IMPOUND RELEASE FEE	\$150.00	\$150.00
CVC 4000 (A)	EXPIRED/NOT REGISTERED	\$55.00	\$55.00
CVC 40203.5	IMMOBILIZATION DEVICE FEE	\$150.00	\$150.00
CVC 5204	IMPROPER TABS	\$30.00	\$30.00
SDMC 84.03 (C)	VEHICLE ON PRIVATE PROPERTY	\$53.50	\$53.50
SDMC 86.03.01	PASSENGER LOADING ZONE	\$52.50	\$52.50
SDMC 86.09 (E)	VIOLATIONS OF SIGNS	\$52.50	\$52.50
SDMC 86.09 (E)	RED ZONE	\$77.50	\$77.50
SDMC 86.09.04	FIRE LANE	\$77.50	\$77.50
SDMC 86.10	LOADING ZONE	\$57.50	\$57.50
SDMC 86.10.2	BUS LOADING ZONE	\$53.50	\$53.50
SDMC 86.10.3	ALLEY PARKING	\$59.50	\$59.50

Parking Bail Comparison

Violation Code	Violation	SDSU Current	UCSD	CSUSM	USD	CITY S.D.	Proposed	Comments
CVC 21113 (A)	NO PERMIT	\$45.00	\$65.00	\$65.00	\$50.00	-	\$65.00	
CVC 21113 (A)	INVALID PERMIT	\$45.00	\$65.00	\$65.00	\$50.00	-	\$65.00	
CVC 21113 (A)	EXPIRED METER PERMIT	\$45.00	\$60.00	\$65.00	\$50.00	-	\$65.00	
CVC 21113 (A)	COUNTERFEIT/ALTERED PERMIT	\$350.00	\$320.00	\$350.00	\$400.00	-	\$350.00	
CVC 21113 (A)	USE OF LOST/STOLEN PERMIT	\$350.00	\$320.00	\$350.00	\$400.00	-	\$350.00	
CVC 21113 (A)	TIMED ZONE VIOLATION	\$50.00	\$65.00	\$65.00	\$50.00	-	\$65.00	
CVC 21113 (A)	VIOLATION OF POSTED SIGNS	\$50.00	\$65.00	\$65.00	\$50.00	-	\$65.00	
CVC 21113 (A)	RESERVED SPACE/AREA	\$50.00	\$80.00	\$150.00	\$100.00	-	\$100.00	
CVC 21113 (A)	UNDESIGNATED AREA	\$45.00	\$65.00	\$65.00	\$100.00	-	\$65.00	
CVC 21113 (A)	HANDICAPPED ZONE	\$425.00	\$450.00	\$421.00	\$350.00	-	\$425.00	
CVC 21113 (A)	RED CURB	\$65.00	\$80.00	\$80.00	\$100.00	-	\$80.00	
CVC 21113 (A)	FIRE HYDRANT / LANE	\$65.00	\$80.00	\$80.00	\$100.00	-	\$80.00	
CVC 21113 (A)	NOT FRONT FIRST	\$12.00	-	-	-	-	\$12.00	
CVC 21113 (A)	PARKED OVER STALL LINE	-	-	-	-	-	\$65.00	New violation
CVC 21113 (A)	PASSENGER LOADING ZONE	-	-	-	-	-	\$65.00	New violation
CVC 21113 (A)	CAMPING IN VEHICLE	\$33.00	\$53.00	-	-	-	\$33.00	
CVC 21113 (A)	REPAIR OF VEHICLE	\$30.00	-	-	-	-	\$30.00	
CVC 21113 (A)	MORE THAN 1 VEHICLE	\$44.00	\$64.00	-	-	-	\$44.00	
CVC 21113 (A)	IMPROPER DISPLAY OF PRMT	\$30.00	\$45.00	\$65.00	-	-	\$35.00	
CVC 21113 (A)	FAILURE TO DISPLAY PRMT	\$25.00	-	-	-	-	\$35.00	
CVC 21113 (A)	BIKE IMPOUND FEE	-	-	-	-	-	\$50.00	New violation
CVC 22500 (A)	INTERSECTION	\$50.00	-	-	-	-	-	
CVC 22500 (B)	CROSSWALK	\$50.00	-	\$65.00	\$100.00	-	-	
CVC 22500 (E)	DRIVEWAY	\$50.00	-	\$65.00	-	-	-	
CVC 22500 (F)	SIDEWALK	\$50.00	-	\$65.00	-	-	-	
CVC 22500 (G)	OBSTRUCTING TRAFFIC	\$50.00	-	\$65.00	-	-	-	
CVC 22500 (H)	DOUBLE PARKING	\$50.00	-	\$65.00	-	-	-	
CVC 22500 (I)	BUS ZONE	\$250.00	-	\$250.00	-	\$277.50	-	
CVC 22502 (A)	RT OVER 18 IN. FR CURB	\$45.00	-	-	\$50.00	-	-	
CVC 22502 (E)	LT OVER 18 IN. FR CURB	\$45.00	-	-	\$50.00	-	-	
CVC 22850.5	IMPOUND RELEASE FEE	\$150.00	-	-	-	-	-	Used
CVC 4000 (A)	EXPIRED/NOT REGISTERED	\$55.00	-	-	-	-	-	
CVC 40203.5	IMMOBILIZATION DEVICE FEE	\$150.00	-	-	-	-	-	Used
CVC 5204	IMPROPER TABS	\$30.00	-	-	-	-	-	
SDMC 84.03 (C)	VEHICLE ON PRIVATE PROPERTY	\$53.50	-	-	-	\$53.50	-	
SDMC 86.03.01	PASSENGER LOADING ZONE	\$52.50	-	-	-	\$52.50	-	
SDMC 86.09 (E)	VIOLATIONS OF SIGNS	\$52.50	-	-	-	\$52.50	-	
SDMC 86.09 (E)	RED ZONE	\$77.50	-	-	-	\$77.50	-	
SDMC 86.09.04	FIRE LANE	\$77.50	-	-	-	\$77.50	-	
SDMC 86.10	LOADING ZONE	\$57.50	\$40.00	-	-	\$57.50	-	
SDMC 86.10.2	BUS LOADING ZONE	\$53.50	-	-	-	\$53.50	-	
SDMC 86.10.3	ALLEY PARKING	\$59.50	-	-	-	\$59.50	-	

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STATE CAPITOL
P.O. BOX 942849
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FAX (916) 319-2178

DISTRICT OFFICE
1350 FRONT STREET, SUITE 6054
SAN DIEGO, CA 92101
(619) 645-3090
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Assemblymember.Gloria@assembly.ca.gov



COMMITTEES
AGING AND LONG-TERM CARE
EDUCATION
GOVERNMENTAL ORGANIZATION
VETERANS AFFAIRS
WATER, PARKS, AND WILDLIFE

July 20, 2017

Sally Roush, Interim President
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-8000

Dear Interim President Roush,

I wanted to extend my support for your decision to reduce the size of the Chapultepec housing project to only Phase One. I appreciate your willingness to take into consideration and act upon the concerns raised by members of the College Area community. Aztec Canyon is a precious resource to both San Diego and the College Area, and I am pleased the project will not include significant and unavoidable impacts to the Canyon.

At the same time, I believe the project San Diego State is undertaking is an important one as I recognize that the University is in-need of more on-campus student housing to accommodate its growing student population and future growth. Further, this project has the potential to increase benefits to the College Area by bringing students living off-campus to on-campus, therefore creating more housing opportunities for San Diego residents.

To that end, I would like to encourage the University to continue its pursuit of on-campus housing solutions and to maintain its open dialogue with the community as these endeavors move forward. Please feel free to utilize myself or my office as a resource. I am happy to assist in any way that I can.

Again, thank you for your efforts and for addressing the concerns of the community. I look forward to continued dialogue with you on this matter soon.

Sincerely,

TODD GLORIA
Assemblymember, 78th District

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Dan R. Cornthwaite
5161 College Gardens Ct.
San Diego, CA 92115-1105

September 1, 2017

Ms. Sally Roush
Interim President, San Diego State University
Admin Building, Room 130
5500 Campanile Drive
San Diego, CA 92182

Dear President Roush,

As a long time neighbor of San Diego State University and resident of College View Estates, I am pleased to write this letter of support for the New Student Housing Project located next to Chapultepec Hall.

The University continues to have a need for additional on-campus housing to better accommodate the needs of the evolving student population. I appreciate the University's efforts to build housing that is inclusive of amenities and spaces that are designed to encourage the academic success of the many students on campus.

I also greatly appreciate that the proposed project will reduce traffic in the area and hopefully reduce student's reliance on cars to get to and from campus.

As San Diego State University continues its ascension to one of the top universities in California and the nation, I appreciate your time, attention, and resources to the needs of your student population, while also considering the impacts on the surrounding community.

Please continue to engage the community as you expand and beautify not just the housing on campus, but the many shops and amenities that residents have come to count on.

Sincerely,

Dan R. Cornthwaite

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GEORGETTE GOMEZ
COUNCILMEMBER, NINTH DISTRICT

September 12, 2017

Sally Roush, Interim President
San Diego State University
5500 Campanile Drive
San Diego CA 92182-8000

Dear President Roush,

Thank you and your staff for working with my office, College View Estates, and the College Area stakeholders in reducing the scope of the new student housing project proposed near Chapultepec Hall. In response to the concerns expressed by the affected residents and my office, the revised housing project has been redesigned to eliminate significant physical and visual impacts.

I believe that, with the reduction in scope and scale, this 800-bed project still serves the near-term housing needs of San Diego State University (SDSU) while minimizing negative impacts to the quality of life for the surrounding community. Constructing more on-campus housing is critical for SDSU's Sophomore Success Program, and will ensure that SDSU continues to be a nationally-acclaimed thriving campus where students can live and learn.

SDSU is an important asset to the College Area, District Nine, and the City. I look forward to being part of a productive and ongoing dialogue with SDSU and working with you in the future on meeting student housing needs.

Should you have any questions regarding my support, please contact Roberto C. Torres, College Area representative at (619) 533-4774 or at RobertoT@sandiego.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Georgette Gomez", with a stylized flourish at the end.

Councilmember Georgette Gómez
City of San Diego, Ninth District

202 C STREET, MS 10A • SAN DIEGO, CALIFORNIA 92101
(619) 236-6699 • EMAIL: GEORGETTEGOMEZ@SANDIEGO.GOV

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JOSE S. REYNOSO

5431 Yerba Anita Drive • San Diego, CA 92115
Home: 619.582.4511 • Cell: 619.994.2157 • jsreynoso@cox.net

September 12, 2017

Ms. Sally Roush
Interim President, San Diego State University
Admin Building, Room 130
5500 Campanile Drive
San Diego, CA 92182

Dear President Roush:

I am pleased to write this letter of support for the New Student Housing project located at the west end of campus near 55th Street and Remington Road.

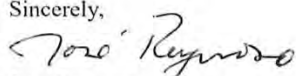
This project will bring life to that side of campus, and not only give it a much needed facelift, but also create a community around the existing Chapultepec Hall which often feels isolated from the rest of the campus. The University continues to have a need for additional on-campus housing to better accommodate the needs of the evolving student population. I appreciate the University's efforts to build housing that is inclusive of amenities and spaces that are designed to encourage the academic success of the many students on campus.

SDSU did a great job with the South Campus Plaza project and I expect the same results from this new housing project. SDSU has long needed to build additional housing on campus to ease the burden on our surrounding neighborhoods who already house many students. And, your efforts to build housing that is appropriate and right sized for Freshmen and Sophomores with the supports necessary to achieve their academic goals is commendable.

Having worked with the the University on a number of projects, I also want to thank you for making an extra effort in communicating so diligently with the community on this one. I believe it is the constant communication and availability of your team that has made this project better over the past few months.

As a neighbor and fan of SDSU, I appreciate all that you are doing. Keep up the good work!

Sincerely,



Jose Reynoso

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4774 Yerba Santa Drive

Rivardo Community Association

San Diego, CA 92115

September 12, 2017

Ms. Sally Roush
Interim President, San Diego State University
Admin Building, Room 130
5500 Campanile Drive
San Diego, CA 92182

Dear President Roush:

We are pleased to write this letter of support for the New Student Housing project located at the west end of campus near 55th Street and Remington Road. As you are aware, there is a tremendous amount of traffic congestion during commute hours on Montezuma Rd. at Fairmount Ave. Even though the amount of additional traffic generated by the new dorm is not huge, adding any traffic to an already bad situation only makes it worse. We look forward to working with SDSU and the rest of the community toward putting an effective solution in place.

This project will bring life to that side of campus, and not only give it a much needed facelift, but also create a community around the existing Chapultepec Hall which often feels isolated from the rest of the campus. The University continues to have a need for additional on-campus housing to better accommodate the needs of the evolving student population. We appreciate the University's efforts to build housing that is inclusive of amenities and spaces that are designed to encourage the academic success of the many students on campus.

SDSU did a great job with the South Campus Plaza project and we expect the same results from this new housing project. SDSU has long needed to build additional housing on campus to ease the burden on our surrounding neighborhoods who already house many students. And, your efforts to build housing that is appropriate and right sized for Freshmen and Sophomores with the supports necessary to achieve their academic goals is commendable.

We also want to thank the University for making an extra effort in communicating so diligently with the community. The constant communication and availability of your team that has made this project better over the past few months. As neighbors and fans of SDSU, We appreciate all that you are doing. Keep up the good work!

Sincerely,

Jose Reynoso
President

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