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JUN 6 2017
Facilities Planning, Design
and Construction

Save
Aztec
Canyon!

Laura Shinn
Director, Facilities Planning, Design, and Construction
San Diego State University
5500 Campanile Drive
San Diego, California
92182-1624
LShinn@mail.sdsu.edu

SUBJECT: Formal Comments for SDSU DEIR (4/21/17)

Since at least 2010, SDSU has had plans for six dorm towers in the undeveloped, biologically sensitive, very high fire hazard canyon (hereafter “Aztec Canyon”) directly west of Chapultepec Hall. SDSU withheld this piecemealed project from the public until December 2016, and failed to disclose this “reasonably foreseeable” project in the cumulative impacts of environmental analyses and EIRs conducted since 2010.

I151-1

SDSUs DEIR is insufficient and fails to identify all significant effects, alternatives, and potential mitigation measures associated with the project. As a direct result of the insufficiency of the DEIR, SDSU proposes to approve their project that includes significant environmental impacts that have feasible alternatives that can and must be implemented under CEQA to reduce or remove damages to the environment.

I151-2

The following comments highlight some of the insufficiencies of the DEIR that must be considered if SDSU is to continue with this, or any related student housing project and be compliant with the letter and spirit of CEQA:

I151-3

1. SDSU must delay its aggressive project construction start date in order to reduce or remove environmental damages. SDSU wants to break ground in the fall of 2017 according to its public meetings, yet SDSU did not even begin public engagement until December of 2016 on a plan that it developed beginning in 2010 and updated in 2013. In order to maintain the crisis schedule of SDSUs own making, it has eliminated environmentally preferable siting choices and mechanisms that responsible agencies utilize to minimize environmental impacts. Those environmentally-damaging constraints that SDSU has placed on the project through its Goals and Objectives include: 1) required use of only SDSU-owned land (SDSU can condemn and reuse sites); 2) prohibition on demolition/rebuild of existing SDSU sites (2007 Campus Master Plan approved demo/rebuild of Maya/Olmeca Halls for 1600 beds) and 3) required use of undeveloped land (often a death blow to any EIR to require greenfield construction). As a direct result of expedited schedule and removal of valid options, SDSUs DEIR asks to certify

I151-4

significant, non-mitigatable and irreversible impacts that could have been easily avoided through ordinary, environmentally responsible planning and ample public input. SDSU alone chose to withhold this project until the 11th hour and now recommends destruction of Aztec Canyon to mitigate its own delays. SDSU created its own timing crisis, and CEQA does not allow SDSU to give the environment short shrift to correct its own timing error. If SDSU wanted to build a 2600 bed, \$0.5 BILLION project it should have built in time for environmentally responsible site selection.

I151-4
Cont.

2. SDSU must conduct an unbiased environmental analysis to support the proposed project as an environmentally preferred solution for SDSUs Sophomore Success Program. SDSUs west campus housing project as proposed in the DEIR has been in various stages of design since 2010, well before SDSUs Sophomore Success Program mandated live-on requirements for non-exempt sophomores. The project has been a desired “solution” of SDSU that has been “in search of a problem.” SDSU has biased the DEIR toward selection of this specific project and the entire DEIR must be examined to comprehensively remove all biases in objectives, scoring, methodology, analyses, conclusions, and narrative. Public agencies are required to be as objective and rigorous on their own EIRs as is faced by private entities when they seek to develop. SDSU cannot provide itself special treatment.

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3. Environmental Justice dictates that the DEIRs Project Goals and Objectives be rewritten in a least restrictive manner to support the Sophomore Success Program and not the elective redevelopment of the 30-year-old Chapultepec Hall local area. SDSUs website and Project Background both tout the Sophomore Success Program as the Purpose and Need for this housing development. However, the Project Goals and Objectives are written to effectively exclude any area other than Aztec Canyon and the existing parking lot. For example, Objective 1 requires “a distinct west campus housing neighborhood similar to ... the east side of campus” (eliminates/diminishes east campus solutions) and Objective 2 requires “alleviate isolation of Chapultepec” and Objective 6 requires exploitation of “an existing undeveloped area”. When taken together in the selection process, the eight Project Goals contain some highly specific and site-eliminating factors that result in the destruction of Aztec Canyon and other non-mitigatable, irreversible significant impacts that can be mitigated through environmentally-responsible planning.

I151-6

4. SDSU must consider previously approved housing projects from its most recent, 2007 Campus Master Plan and other campus plans and specifically include the demolition/rebuild of Maya/Olmeca Halls to meet Sophomore Success Program needs. SDSU proposed, and the CSU Trustees unanimously approved, a campus plan that included the demolition of the two lowest ranked campus dorms, Maya/Olmeca, and their replacement with two towers totaling 1,600 students. This already approved action would be environmentally superior to greenfield development in Aztec Canyon and would utilize disturbed, brownfield land. SDSU ignored this already approved option for redevelopment in its current DEIR by biasing its Goals and Objectives to west campus.

I151-7

5. SDSU must consider its own 2013 West Campus Master Plan that proposed 1,400 student beds in Lot U east of Chapultepec Hall and amend use of Lot U in the DEIR to accommodate 1,400 students. The proposed project squanders the disturbed, brownfield space on Lot U by only placing 850 beds there. SDSUs own proposal in 2013 placed 1,400 students in the same space. The much more efficient use of a brownfield site is more environmentally responsible and reduces any other possible impacts by minimizing other needed sites. In public meetings, SDSU asserted that the proposed plan would be more pleasing to students. The allure of pleasing students is not a valid reason to create

I151-8

non-mitigatable, significant and irreversible changes. Lot U must be considered for maximum density construction only.

1151-8
Cont.

6. SDSUs biological survey of Aztec Canyon was limited and incomplete and the DEIR fails to identify all of the impacts from the proposed project. Aztec Canyon is known habitat for gnatcatchers, red tailed hawks and other plant and animal species. Other local surveys for undergrounding identified those species in the canyon system of Aztec Canyon. Further, according to the City of San Diego, "San Diego County contains over 200 plant and animal species that are federally and/or state listed as endangered, threatened, or rare; proposed or candidates for listing; or otherwise are considered sensitive." SDSUs brief survey was insufficient and fails to identify the known species that whether or not discovered in this particular limited time study are likely to continue to inhabit Aztec Canyon.

1151-9

7. SDSU must conclude that any destruction of Aztec Canyon while brownfield or redevelopment sites are available is a non-mitigatable, significant and irreversible impact to the environment. SDSU correctly recognizes that intensification of land uses on brownfield, disturbed, or redevelopment sites can be less than significant, depending on the specific situation and unbiased environmental analysis. Since SDSU has by its own choice excluded many suitable brownfield, disturbed and redevelopment sites from consideration (e.g., the Campus Plan approved Maya/Olmeca redevelopment), SDSU CANNOT assert that any destructive use of Aztec Canyon is outweighed by any benefits. SDSU must demonstrate active consideration of all brownfield, disturbed, redevelopment, and potential acquisition/condemnation prior to resorting to the environmentally destructive, non-mitigatable, significant and irreversible destruction of any portion of Aztec Canyon.

1151-10

8. SDSU must conclude that non-renewable energy use associated with project development and building operation is significant and must be mitigated. SDSU gives itself a free pass for not consuming "unusual amounts" of energy during construction and building operation. California has passed AB 32, SB 32, SB 350 and a host of other emissions and energy related legislation that sets energy consumption and emissions requirements substantially above "unusual." SDSUs construction must use the highest mix possible of renewable natural gas, biomethane, and biodiesel in all construction equipment to mitigate both localized criteria pollution and to be consistent with California's leadership in carbon reduction. Since the buildings are 50-year assets and will exist past the 2030 and 2050 California emissions goals, all construction must demonstrate that it can be successfully operated with at least 40% carbon emissions reductions by 2030 and at least 80% carbon emissions reductions by 2050. It is insufficient and biased for SDSU to use a building and construction standard of "unusual" levels of energy consumption.

1151-11

9. SDSUs analysis of noise impacts is inadequate, must be conducted de novo, and significant impacts remain and must be discontinued or mitigated. According to SDSUs Appendix J, it conducted ambient noise level analysis on January 16, 2017, the Dr. Martin Luther King, Jr. Holiday. SDSU was not in session. SDSU fails to measure the existing sound from student residences use appropriate engineering analysis to amplify them to reflect the location, and constructive interference of sound from the "fan shape" of the proposed Phase III construction. SDSUs models are inadequate and noise levels from the planned Phase III would create significant impacts to the surrounding community to the west. Further, SDSUs maintenance of stationary noise sources is inadequate, as witnessed by the many complaints regarding nighttime noise from what sounds to be a defective air handler on the roof of Petersen Gym, further leading to

1151-12

significant impacts.

↑ I151-12
Cont.

10. SDSUs significant traffic impacts are unacceptable and must be fully mitigated or the project must be revised until traffic impacts are less than significant. In another demonstration of self-serving bias, SDSU concludes that the project has unavoidable, significant impacts that must be accepted by the community because SDSU so declares that its project is more important than the community's cumulative rights and interests. Further, the traffic analysis fails to adequately characterize the increase in green house gasses and criteria pollution from the significant impacts, thus failing to monetize the health impacts of surrounding residents who will breath the emissions from increased, slower moving traffic and the impacts on state of California green house gas targets. SDSUs traffic study must be rejected and all significant impacts mitigated or the project modified to remove significant impacts.

I151-13

11. SDSUs President Elliot Hirshman also recognized the significant impacts of this project and that the proposed project is unacceptable due to non-mitigatable, irreversible significant impacts. President Hirshman's statement from May 8, 2017 follows: "In response to concerns expressed by the community and our local elected officials, I have directed our team to move forward with a project that does not include significant and unavoidable impacts. The development of Phase III and portions of Phase II would result in significant and unavoidable impacts. Over the next few months we will be modifying the project in response to these concerns."

I151-14

Sincerely,

// Name at top of document is submitters name

FULL EMAIL LIST: LShinn@mail.sdsu.edu, TWhite@Calstate.edu, TrusteeSecretariat@CalState.edu,
Presidents.Office@sdsu.edu, PresOffi@mail.sdsu.edu,
mcollins@mail.sdsu.edu

INSTRUCTIONS TO SECRETARIAT OF THE CSU TRUSTEES – PLEASE
DISTRIBUTE TO ALL CSU TRUSTEES AND ALTERNATES

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Response to Comment Letter I151

Save Aztec Canyon

June 6, 2017

I151-1 The comment incorrectly claims that SDSU has had plans to develop student housing in the area of Chapultepec Hall “since at least 2010.” The reference to 2010 is based on an erroneous reference included on a SDSU consultant website. Specifically, one of the images from a 2013 Carrier Johnson study prepared for SDSU was incorrectly labeled as 2010 when posted on a LandLab web site; LandLab was a sub-consultant to Carrier Johnson. Carrier Johnson was not retained by SDSU as a consultant until March 2013. Accordingly, the correct reference year is 2013, and LandLab has informed SDSU that the web site error has been corrected. As to the comment that the New Student Housing project should have been included as a cumulative project in EIRs prepared since 2013, the present EIR is the first EIR prepared by SDSU since the 2011 Plaza Linda Verde EIR and, in any event, the currently proposed Project was in the conceptual planning stages for several years and it is incorrect to describe it as a probable future project during this period.

As to the comment regarding biology and fire hazards, as identified in the Projects Fire Fuel Load Modeling Report, the Project site is within an area designated by the San Diego Fire Department as a very high fire hazard severity zone (VHFHSZ). This hazard rating is based on terrain, fuels, and fire environment. Large portions of San Diego County and the City of San Diego are within fire hazard severity zones. These zones were delineated so that minimum fire resistant construction and landscape standards would be required for all new construction. The Project meets these requirements or proposes alternative materials and methods that provide the same practical effect as the requirements. Therefore, the Project complies with the requirements for building in VHFHSZs, and has been determined to not increase risk or exposure to wildfire to persons utilizing the Project’s new buildings. Please also see the Biological Resources Thematic Response for additional information responsive to the comment.

I151-2 The comment that the EIR is “insufficient” and that there are “feasible alternatives” addresses general subject areas, which received extensive analysis in the EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the Project.

I151-3 The comment is an introduction to comments that follow. No further response is required.

Responses to Comments – Late Letters

- I151-4** The comment claims SDSU must delay the construction start date of the New Student Housing project “in order to remove environmental damages.” The schedule put forth by SDSU for the New Student Housing project fully complies with all legal requirements, including those of the California Environmental Quality Act. With respect to the comment regarding environmentally preferable siting choices and the Project’s goals and objectives, please see the Alternatives Thematic Response for information responsive to the comment. As to the comment regarding “non-mitigable and irreversible impacts,” following distribution of the Draft EIR and the close of the public comment period, the proposed Project was modified in response to public comments to eliminate Phases II and III, and the associated impacts. Please see Final EIR, Preface, for additional information regarding the project modifications. The remainder of the comment largely expresses the opinions of the commentator and will be included as part of the record and made available to the decision makers prior to a final decision on the Project. No further response is required.
- I151-5** The comment that SDSU must conduct “an unbiased environmental analysis” addresses general subject areas, which received extensive analysis in the EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the Project.
- I151-6** The comment is critical of the Project’s goals and objectives; however, the Goals and Objectives fully comply with the requirements of the California Environmental Quality Act. Please see the Alternatives Thematic Response for additional information responsive to the comment.
- I151-7** The California State University Board of Trustees’ prior approval of the 2007 Campus Master Plan was set aside following litigation and, therefore, the 2007 Master Plan is not presently operative. As to the demolition/rebuild of Maya/Olmeca Halls, please see the Alternatives Thematic Response for additional information responsive to the comment.
- I151-8** The comment suggests development of facilities to house 1,400 student beds in Lot U east of Chapultepec Hall. Information regarding the alternative of developing 1,400 beds on Lot U (Phase I) is provided in the Alternatives Thematic Response.
- I151-9** The comment regard the impacts of the proposed project on the adjacent canyon. Please see the Biological Resources Thematic Response for information responsive to this comment.

I151-10 The comment is incorrect in asserting that “any destruction of Aztec Canyon while brownfield or redevelopment sites are available is a non-mitigatable, significant and irreversible impact to the environment.” The EIR, Section 4.3, Biological Resources, includes a comprehensive analysis, prepared by expert biologists, of the potential environmental impacts of the proposed Project on Biological Resources, including specifically the referenced canyon. The analysis determined that all potential environmental impacts would be mitigated to less than significant. In addition, since release of the Draft EIR, the Project has been modified to remove Phases II and III, ensuring no direct impacts to biological resources in the canyon. The remainder of the comment expresses the opinions of the commentator and will be included as part of the record and made available to the decision makers prior to a final decision on the Project. No further response is required.

I151-11 The comment claims that the non-renewable energy use associated with project development and operation is significant and must be mitigated. As shown in Section 4.5 and Appendix F of the EIR, the energy use expected from project construction and operation does not pose a significant increase from historical local use. Also, energy usage from the Project is within the growth projections from regulatory agencies (CPUC and DOT). The regulations listed in the comment do not directly apply to the Project. The state will create mandates based on these regulations, which will then apply to the California State University and then SDSU, which may be incorporated into future projects. The Project is in compliance with all applicable regulations at the time of this writing.

The comment also claims that SDSU must use renewable fuels during construction to mitigate pollution and be consistent with California’s carbon reduction. As shown in Sections 4.5, 4.7, and Appendix C and F of the EIR, the Project would not result in a significant impact under CEQA. The estimated amortized GHG emissions from construction represent less than 1 percent of the project’s operational inventory. Also, the project was shown to be consistent with the local climate action plan which requires project features to reduce GHGs. The project also does not use “unusual levels” of energy. The carbon reductions cited in the comment refer to those outlined in the State’s Scoping Plan which is not directly applicable to development projects. The Project was shown to be consistent with the measures and goals of the Scoping Plan in Section 4.7.6.

I151-12 The comment states that the noise impacts analysis is inadequate and must be re-conducted because ambient noise measurements were conducted on the Martin Luther King, Jr. holiday. The comment also states that the noise analysis failed to measure the existing sound from student residences, that the analysis does not address noise effects from the “constructive interference of the proposed Phase III building design,”

and that existing stationary noise sources (specifically an air handling unit at Peterson Gym) are not well-maintained and that this is causing nuisance noise.

As discussed in EIR Section 4.11, Noise, ambient noise measurements were conducted on Monday, January 16, 2017, which was Martin Luther King Day; classes were not in session on this day. Ambient noise measurements for environmental studies like the SDSU EIR are conducted to characterize the ambient noise environment on and around the project site, and, in those circumstances when traffic noise dominates the ambient noise environment, to calibrate or verify the accuracy of the traffic noise model.

In this instance, there was substantial influence from noise sources other than traffic, such as noise from students on the adjacent athletic fields (although a holiday, students were on campus and active), mechanical noise from HVAC systems, and noise from landscape equipment. Thus, because traffic noise was not the dominant noise source at this location, the noise measurements were *not* used to calibrate the accuracy of the traffic noise model. As such, the ambient noise data measured on January 16, 2017 has no bearing on the traffic noise impacts analysis or results. Instead, the analysis of traffic noise impacts used traffic data provided by LLG, the traffic engineers for the project, and, therefore, the analysis of traffic noise is unrelated to the ambient noise levels measured.

Although the noise measurements conducted on January 16 accurately represent typical noise conditions, in an abundance of caution, noise measurements were conducted again, on Thursday April 27, 2017 at the same measurement locations. The noise measurement results, including traffic counts where collected, are included in Appendix N-1 of the Final EIR. On this day, classes were in session.

As shown below, the measurement results taken on April 27 were generally similar to those taken on January 16. In fact, as shown on the table, at receivers R1, R2, R4 and R5, the measured ambient noise levels were actually 1 to 2 decibels *lower* on April 27 than January 16. At receiver R3, the measured ambient noise level was approximately 5 decibels *lower* than measured previously; this is mainly attributable to the fact that on January 16, there was a large amount of activity on the baseball field to the south, whereas on April 27, there was not. It is also worth noting that the traffic counts taken on April 27 are similar to those taken on January 16. Therefore, the fact that both the noise measurements and traffic volumes were similar under both holiday and non-holiday conditions shows that the results of the ambient noise measurements taken on January 16 did not adversely affect the noise impacts analysis or the impacts conclusions.

Ambient Noise Measurements Comparison

Receiver	January 16 2017 Noise Measurement Data L_{eq} (dBA)	April 27 2017 Noise Measurement Data L_{eq} (dBA)
R1	49.9	47.6
R2	49.7	48.1
R3	65.9	61.2
R4	50.9	52.2
R5	61.2	58.9

As shown in EIR Section 4.11.3.1, Existing Environmental Setting, noise measurement location R3 is on the premises of Chapultepec Hall, thus existing sound from student residences was measured. On-site noise from stationary mechanical equipment is a code enforcement issue subject to the San Diego municipal code noise standards. These standards are enforceable by the City of San Diego Police Department and the SDSU Police; SDSU Police handle all noise complaints from on-campus sources using the same regulations, criteria, and authority as the City's municipal code. With regards to potential noise effects from Phase III, the comment is no longer applicable because, as noted in the prior responses, the proposed Project has been modified and no longer includes the development of Phase II and Phase III.

I151-13 The significant and unavoidable traffic impacts referenced in the comment would have occurred with implementation of Phase III. However, as noted above, the proposed project has been modified to eliminate the development of both Phases II and III. As to the comments regarding greenhouse gases and criteria pollution, EIR Section 4.2, Air Quality, and Section 4.7, Greenhouse Gas Emissions, include analysis of the impacts associated with the Project's vehicular emissions. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the Project.

I151-14 The comment regarding President Hirshman's May 8, 2017 statement is noted. In response to the statement, and comments submitted on the Draft EIR, the proposed Project has been modified to eliminate Phases II and III in their entirety such that the proposed Project will no longer have significant unavoidable impacts, and all of the Project's significant environmental impacts will be reduced to less than significant.

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Responses to Comments – Late Letters

Comment Letter I152

From: Ebrahim Sadeghinia
5290 Remington Rd.
San Diego, CA. 92115

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JUN 6 2017

To: Laura Shin, Director
Facilities planning, Design and construction
5500 Campanile Drive
San Diego, Ca. 92182-1624

Facilities Planning, Design
and Construction

Re: New Student Housing Project (EIR)

5/25/17

Dear Ms. Laura Shinn,

My name is Ebrahim Sadeghinia, owner of 5290 Remington Rd; probably most affected by unnecessary and unfitted SDSU project to build new 3 highrise student housing in north of Remington Rd.

We, the residents of this community have already problem with noisy students, high traffic, and other major issues with current students who reside at student Hall. We can not tolerate any more problems.

For existing living students and other sport facilities on Remington Rd, there are 5 red lights within less than one mile. Although, SDSU could have build bypass bridges. This is nerve braking after long day of work. Imagine if 2700 more student live here.

These three high rise buildings with students will destroy our one family housing community and it's value. This will also diminish living comfortably within our right.


As you know, these streets need residential parking permit (Area B)

Even with purchasing permits yearly, I hardly can find an available parking near my home. What happens if more students come to our neighbor.

I have lived on current resident since 2002 with hope that value of my house will increase.

Now, your plan will cause devastating depreciation to my property plus more disaster to this neighborhood like noise, partying, traffic, among other issues.

Sincerely,


Ebrahim Sadeghinia, PhD

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I152-2

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I152-4

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Response to Comment Letter I152

Ebrahim Sadeghinia

June 6, 2017

I152-1 The comment is an introduction to comments that follow. No further response is required.

I152-2 The comment states that noise levels from the students at the existing dorm are already loud, and the proposed project will worsen this situation, among other issues.

Pursuant to the SDSU Code of Conduct that is provided to all students who sign housing contracts, the dorms observe quiet hours from 9 p.m. to 10 a.m. Sunday through Thursday and from midnight to 10 a.m. Friday and Saturday. Noise complaints should be directed to the University Police, who will contact the on-duty residence hall coordinator to address the issue. Additionally, the proposed project would not result in an increase in the full-time-equivalent (FTE) student population, therefore the numbers of students seeking out parties in the neighborhoods would be unlikely to change substantially as a result of the project. Furthermore, because SDSU no longer plans to pursue the development of Phases II and III, any potential noise effects from the project to nearby single-family residences located to the northeast would be substantially lessened.

I152-3 The comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. To the extent the comment relates to the Project's impacts relative to traffic, those impacts were fully addressed and analyzed in Section 4.14, Transportation/Circulation and Parking, of the EIR. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the Project. No further response is required because the comment does not raise an environmental issue.

I152-4 The comment raises economic, social or political issues that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the Project. No further response is required because the comment does not raise an environmental issue.

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Responses to Comments – Late Letters

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Responses to Comments – Late Letters

Comment Letter I153

From: **Save Aztec Canyon** <residents.college.area@gmail.com>
Date: Sat, Jun 10, 2017 at 8:06 AM
Subject: Thank you for helping save Aztec Canyon
To: menelson@gmail.com, residents.college.area@gmail.com, LShinn@mail.sdsu.edu,
TWhite@calstate.edu, TrusteeSecretariat@calstate.edu, Presidents.Office@sdsu.edu,
PresOffi@mail.sdsu.edu, mcollins@mail.sdsu.edu

Letter from the concerned residents of the College Area.

Name	Olivia Dawson
Address	5060 Castille Way

Laura Shinn
Director, Facilities Planning, Design, and Construction
San Diego State University
5500 Campanile Drive
San Diego, California
92182-1624
LShinn@mail.sdsu.edu

SUBJECT: Formal Comments for SDSU DEIR (4/21/17)

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I153-2

The following comments highlight some of the insufficiencies of the DEIR that must be considered if SDSU is to continue with this, or any related student housing project and be compliant with the letter and spirit of CEQA:

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1. SDSU must delay its aggressive project construction start date in order to reduce or remove environmental damages. SDSU wants to break ground in the fall of 2017 according to its public meetings, yet SDSU did not even begin public engagement until December of 2016 on a plan that it developed beginning in 2010 and updated in 2013. In order to maintain the crisis schedule of SDSU's own making, it has eliminated environmentally preferable siting choices and mechanisms that responsible agencies utilize to minimize environmental impacts. Those environmentally-damaging constraints that SDSU has placed on the project through its Goals and Objectives include: 1) required use of only SDSU-owned land (SDSU can condemn and reuse sites); 2) prohibition on demolition/rebuild of existing SDSU sites (2007 Campus Master Plan approved demo/rebuild of Maya/Olmeca Halls for 1600 beds) and 3) required use of undeveloped land (often a death blow to any EIR to require greenfield construction). As a direct result of expedited schedule and removal of valid options, SDSU's DEIR asks to certify significant, non-mitigatable and irreversible impacts that could have been easily avoided through ordinary, environmentally responsible planning and ample public input. SDSU alone chose to withhold this project until the 11th hour and now recommends destruction of Aztec Canyon to mitigate its own delays. SDSU created its own timing crisis, and CEQA does not allow SDSU to give the environment short shrift to correct its own timing error. If SDSU wanted to build a 2600 bed, \$0.5 BILLION project it should have built in time for environmentally responsible site selection.

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3. Environmental Justice dictates that the DEIR's Project Goals and Objectives be rewritten in a least restrictive manner to support the Sophomore Success Program and not the elective redevelopment of the 30-year-old Chapultepec Hall local area. SDSU's website and Project Background both tout the Sophomore Success Program as the Purpose and Need for this housing development. However, the Project Goals and Objectives are written to effectively exclude any area other than Aztec Canyon and the existing parking lot. For example, Objective 1 requires "a distinct west campus housing neighborhood similar to ... the east side of campus" (eliminates/diminishes east campus solutions) and Objective 2 requires "alleviate isolation of Chapultepec" and Objective 6 requires exploitation of "an existing undeveloped area". When taken together in the selection process, the eight Project Goals

I153-6

Responses to Comments – Late Letters

contain some highly specific and site-eliminating factors that result in the destruction of Aztec Canyon and other non-mitigatable, irreversible significant impacts that can be mitigated through environmentally-responsible planning.

I153-6
Cont.

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5. SDSU must consider its own 2013 West Campus Master Plan that proposed 1,400 student beds in Lot U east of Chapultepec Hall and amend use of Lot U in the DEIR to accommodate 1,400 students. The proposed project squanders the disturbed, brownfield space on Lot U by only placing 850 beds there. SDSU's own proposal in 2013 placed 1,400 students in the same space. The much more efficient use of a brownfield site is more environmentally responsible and reduces any other possible impacts by minimizing other needed sites. In public meetings, SDSU asserted that the proposed plan would be more pleasing to students. The allure of pleasing students is not a valid reason to create non-mitigatable, significant and irreversible changes. Lot U must be considered for maximum density construction only.

I153-8

6. SDSU's biological survey of Aztec Canyon was limited and incomplete and the DEIR fails to identify all of the impacts from the proposed project. Aztec Canyon is known habitat for gnatcatchers, red tailed hawks and other plant and animal species. Other local surveys for undergrounding identified those species in the canyon system of Aztec Canyon. Further, according to the City of San Diego, "San Diego County contains over 200 plant and animal species that are federally and/or state listed as endangered, threatened, or rare; proposed or candidates for listing; or otherwise are considered sensitive." SDSU's brief survey was insufficient and fails to identify the known species that whether or not discovered in this particular limited time study are likely to continue to inhabit Aztec Canyon.

I153-9

7. SDSU must conclude that any destruction of Aztec Canyon while brownfield or redevelopment sites are available is a non-mitigatable, significant and irreversible impact to the environment. SDSU correctly recognizes that intensification of land uses on brownfield, disturbed, or redevelopment sites can be less than significant, depending on the specific situation and unbiased environmental analysis. Since SDSU has by its own choice excluded many suitable brownfield, disturbed and redevelopment sites from consideration (e.g., the Campus Plan approved Maya/Olmeca redevelopment), SDSU CANNOT assert that any destructive use of Aztec Canyon is outweighed by any benefits. SDSU must demonstrate active consideration of all brownfield, disturbed, redevelopment, and potential acquisition/condemnation

I153-10

Responses to Comments – Late Letters

prior to resorting to the environmentally destructive, non-mitigatable, significant and irreversible destruction of any portion of Aztec Canyon.

I153-10
Cont.

8. SDSU must conclude that non-renewable energy use associated with project development and building operation is significant and must be mitigated. SDSU gives itself a free pass for not consuming "unusual amounts" of energy during construction and building operation. California has passed AB 32, SB 32, SB 350 and a host of other emissions and energy related legislation that sets energy consumption and emissions requirements substantially above "unusual." SDSUs construction must use the highest mix possible of renewable natural gas, biomethane, and biodiesel in all construction equipment to mitigate both localized criteria pollution and to be consistent with California's leadership in carbon reduction. Since the buildings are 50-year assets and will exist past the 2030 and 2050 California emissions goals, all construction must demonstrate that it can be successfully operated with at least 40% carbon emissions reductions by 2030 and at least 80% carbon emissions reductions by 2050. It is insufficient and biased for SDSU to use a building and construction standard of "unusual" levels of energy consumption.

I153-11

9. SDSUs analysis of noise impacts is inadequate, must be conducted de novo, and significant impacts remain and must be discontinued or mitigated. According to SDSUs Appendix J, it conducted ambient noise level analysis on January 16, 2017, the Dr. Martin Luther King, Jr. Holiday. SDSU was not in session. SDSU fails to measure the existing sound from student residences use appropriate engineering analysis to amplify them to reflect the location, and constructive interference of sound from the "fan shape" of the proposed Phase III construction. SDSUs models are inadequate and noise levels from the planned Phase III would create significant impacts to the surrounding community to the west. Further, SDSUs maintenance of stationary noise sources is inadequate, as witnessed by the many complaints regarding nighttime noise from what sounds to be a defective air handler on the roof of Petersen Gym, further leading to significant impacts.

I153-12

10. SDSUs significant traffic impacts are unacceptable and must be fully mitigated or the project must be revised until traffic impacts are less than significant. In another demonstration of self-serving bias, SDSU concludes that the project has unavoidable, significant impacts that must be accepted by the community because SDSU so declares that its project is more important than the community's cumulative rights and interests. Further, the traffic analysis fails to adequately characterize the increase in green house gasses and criteria pollution from the significant impacts, thus failing to monetize the health impacts of surrounding residents who will breath the emissions from increased, slower moving traffic and the impacts on state of California green house gas targets. SDSUs traffic study must be rejected and all significant impacts mitigated or the project modified to remove significant impacts.

I153-13

11. SDSUs President Elliot Hirshman also recognized the significant impacts of this project and that the proposed project is unacceptable due to non-mitigatable, irreversible significant impacts. President Hirshman's statement from May 8, 2017 follows: "In response to concerns expressed by the community

I153-14

Responses to Comments – Late Letters

and our local elected officials, I have directed our team to move forward with a project that does not include significant and unavoidable impacts. The development of Phase III and portions of Phase II would result in significant and unavoidable impacts. Over the next few months we will be modifying the project in response to these concerns."

↑
I153-14
Cont.

Sincerely,

// Name at top of document is submitters name

FULL EMAIL LIST: LShinn@mail.sdsu.edu, TWhite@Calstate.edu, TrusteeSecretariat@CalState.edu,
Presidents.Office@sdsu.edu, PresOffi@mail.sdsu.edu, mcollins@mail.sdsu.edu

INSTRUCTIONS TO SECRETARIAT OF THE CSU TRUSTEES – PLEASE DISTRIBUTE TO ALL CSU TRUSTEES
AND ALTERNATES

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Response to Comment Letter I153

Olivia Dawson

June 10, 2017

I153-1 The comment incorrectly claims that SDSU has had plans to develop student housing in the area of Chapultepec Hall “since at least 2010.” The reference to 2010 is based on an erroneous reference included on a SDSU consultant website. Specifically, one of the images from a 2013 Carrier Johnson study prepared for SDSU was incorrectly labeled as 2010 when posted on a LandLab web site; LandLab was a sub-consultant to Carrier Johnson. Carrier Johnson was not retained by SDSU as a consultant until March 2013. Accordingly, the correct reference year is 2013, and LandLab has informed SDSU that the web site error has been corrected. As to the comment that the New Student Housing project should have been included as a cumulative project in EIRs prepared since 2013, the present EIR is the first EIR prepared by SDSU since the 2011 Plaza Linda Verde EIR and, in any event, the currently proposed Project was in the conceptual planning stages for several years and it is incorrect to describe it as a probable future project during this period.

As to the comment regarding biology and fire hazards, as identified in the Projects Fire Fuel Load Modeling Report, the Project site is within an area designated by the San Diego Fire Department as a very high fire hazard severity zone (VHFHSZ). This hazard rating is based on terrain, fuels, and fire environment. Large portions of San Diego County and the City of San Diego are within fire hazard severity zones. These zones were delineated so that minimum fire resistant construction and landscape standards would be required for all new construction. The Project meets these requirements or proposes alternative materials and methods that provide the same practical effect as the requirements. Therefore, the Project complies with the requirements for building in VHFHSZs, and has been determined to not increase risk or exposure to wildfire to persons utilizing the Project’s new buildings. Please also see the Biological Resources Thematic Response for additional information responsive to the comment.

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I153-3 The comment is an introduction to comments that follow. No further response is required.

Responses to Comments – Late Letters

- I153-4** The comment claims SDSU must delay the construction start date of the New Student Housing project “in order to remove environmental damages.” The schedule put forth by SDSU for the New Student Housing project fully complies with all legal requirements, including those of the California Environmental Quality Act. With respect to the comment regarding environmentally preferable siting choices and the Project’s goals and objectives, please see the Alternatives Thematic Response for information responsive to the comment. As to the comment regarding “non-mitigable and irreversible impacts,” following distribution of the Draft EIR and the close of the public comment period, the proposed Project was modified in response to public comments to eliminate Phases II and III, and the associated impacts, in their entirety. Please see Final EIR, Preface, for additional information regarding the project modifications. The remainder of the comment largely expresses the opinions of the commentator and will be included as part of the record and made available to the decision makers prior to a final decision on the Project. No further response is required.
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- I153-9** The comment regard the impacts of the proposed project on the adjacent canyon. Please see the Biological Resources Thematic Response for information responsive to this comment.

- I153-10** The comment is incorrect in asserting that “any destruction of Aztec Canyon while brownfield or redevelopment sites are available is a non-mitigatable, significant and irreversible impact to the environment.” The EIR, Section 4.3, Biological Resources, includes a comprehensive analysis, prepared by expert biologists, of the potential environmental impacts of the proposed Project on Biological Resources, including specifically the referenced canyon. The analysis determined that all potential environmental impacts would be mitigated to less than significant. In addition, since release of the Draft EIR, the Project has been modified to remove Phases II and III, ensuring no direct impacts to biological resources in the canyon. The remainder of the comment expresses the opinions of the commentator and will be included as part of the record and made available to the decision makers prior to a final decision on the Project. No further response is required.
- I153-11** The comment claims that the non-renewable energy use associated with project development and operation is significant and must be mitigated. As shown in Section 4.5 and Appendix F of the EIR, the energy use expected from project construction and operation do not pose a significant increase from historical local use. Also, energy usage from the Project is within the growth projections from regulatory agencies (CPUC and DOT). The regulations listed in the comment do not directly apply to the Project. The state will create mandates based on these regulations, which will then apply to the California State University and then SDSU, which may be incorporated into future projects. The Project is in compliance with all applicable regulations at the time of this writing. The comment also claims that SDSU must use renewable fuels during construction to mitigate pollution and be consistent with California’s carbon reduction. As shown in Sections 4.5, 4.7, and Appendix C and F of the EIR, the Project would not result in a significant impact under CEQA. The estimated amortized GHG emissions from construction represent less than 1 percent of the project’s operational inventory. Also, the Project was shown to be consistent with the local climate action plan which requires project features to reduce GHGs. The Project also does not use “unusual levels” of energy. The carbon reductions cited in the comment refer to those outlined in the State’s Scoping Plan which is not directly applicable to development projects. The Project was shown to be consistent with the measures and goals of the Scoping Plan in Section 4.7.6.
- I153-12** The comment states that the noise impacts analysis is inadequate and must be re-conducted because ambient noise measurements were conducted on the Martin Luther King, Jr. holiday. The comment also states that the noise analysis failed to measure the existing sound from student residences, that the analysis does not address noise effects from the “constructive interference of the proposed Phase III building design,” and that existing stationary noise sources (specifically an air handling unit at Peterson Gym) are not well-maintained and that this is causing nuisance noise.

As discussed in EIR Section 4.11, Noise, ambient noise measurements were conducted on Monday, January 16, 2017, which was Martin Luther King Day; classes were not in session on this day. Ambient noise measurements for environmental studies like the SDSU EIR are conducted to characterize the ambient noise environment on and around the project site, and, in those circumstances when traffic noise dominates the ambient noise environment, to calibrate or verify the accuracy of the traffic noise model.

In this instance, there was substantial influence from noise sources other than traffic, such as noise from students on the adjacent athletic fields (although a holiday, students were on campus and active), mechanical noise from HVAC systems, and noise from landscape equipment. Thus, because traffic noise was not the dominant noise source at this location, the noise measurements were *not* used to calibrate the accuracy of the traffic noise model. As such, the ambient noise data measured on January 16, 2017 has no bearing on the traffic noise impacts analysis or results. Instead, the analysis of traffic noise impacts used traffic data provided by LLG, the traffic engineers for the project, and, therefore, the analysis of traffic noise is unrelated to the ambient noise levels measured.

Although the noise measurements conducted on January 16 accurately represent typical noise conditions, in an abundance of caution, noise measurements were conducted again, on Thursday April 27, 2017 at the same measurement locations. The noise measurement results, including traffic counts where collected, are included in Appendix N-1 of the Final EIR. On this day, classes were in session.

As shown below, the measurement results taken on April 27 were generally similar to those taken on January 16. In fact, as shown on the table, at receivers R1, R2, R4 and R5, the measured ambient noise levels were actually 1 to 2 decibels *lower* on April 27 than January 16. At receiver R3, the measured ambient noise level was approximately 5 decibels *lower* than measured previously; this is mainly attributable to the fact that on January 16, there was a large amount of activity on the baseball field to the south, whereas on April 27, there was not. It is also worth noting that the traffic counts taken on April 27 are similar to those taken on January 16. Therefore, the fact that both the noise measurements and traffic volumes were similar under both holiday and non-holiday conditions shows that the results of the ambient noise measurements taken on January 16 did not adversely affect the noise impacts analysis or the impacts conclusions.

Ambient Noise Measurements Comparison

Receiver	January 16 2017 Noise Measurement Data L_{eq} (dBA)	April 27 2017 Noise Measurement Data L_{eq} (dBA)
R1	49.9	47.6
R2	49.7	48.1
R3	65.9	61.2
R4	50.9	52.2
R5	61.2	58.9

As shown in EIR Section 4.11.3.1, Existing Environmental Setting, noise measurement location R3 is on the premises of Chapultepec Hall, thus existing sound from student residences was measured. On-site noise from stationary mechanical equipment is a code enforcement issue subject to the San Diego municipal code noise standards. These standards are enforceable by the City of San Diego Police Department and the SDSU Police; SDSU Police handle all noise complaints from on-campus sources using the same regulations, criteria, and authority as the City's municipal code. With regards to potential noise effects from Phase III, the comment is no longer applicable because, as noted in the prior responses, the proposed Project has been modified and no longer includes the development of Phase II and Phase III.

I153-13 The significant and unavoidable traffic impacts referenced in the comment would have occurred with implementation of Phase III. However, as noted above, the proposed project has been modified to eliminate the development of both Phases II and III. As to the comments regarding greenhouse gases and criteria pollution, EIR Section 4.2, Air Quality, and Section 4.7, Greenhouse Gas Emissions, include analysis of the impacts associated with the Project's vehicular emissions. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the Project.

I153-14 The comment regarding President Hirshman's May 8, 2017 statement is noted. In response to the statement, and comments submitted on the Draft EIR, the proposed Project has been modified to eliminate Phases II and III in their entirety such that the proposed Project will no longer have significant unavoidable impacts, and all of the Project's significant environmental impacts will be reduced to less than significant.

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Responses to Comments – Late Letters

Comment Letter I154

From: **Save Aztec Canyon** <residents.college.area@gmail.com>
Date: Wed, Jun 7, 2017 at 7:20 AM
Subject: Thank you for helping save Aztec Canyon
To: menelson@gmail.com, residents.college.area@gmail.com, LShinn@mail.sdsu.edu,
TWhite@calstate.edu, TrusteeSecretariat@calstate.edu, Presidents.Office@sdsu.edu,
PresOffi@mail.sdsu.edu, mcollins@mail.sdsu.edu

Letter from the concerned residents of the College Area.

Name	Nancy Santos
Address	5472 Hewlett Dr
Phone number	619 208 4764
Comments	The people have spoken; please listen

Laura Shinn
Director, Facilities Planning, Design, and Construction
San Diego State University
5500 Campanile Drive
San Diego, California
92182-1624
LShinn@mail.sdsu.edu

SUBJECT: Formal Comments for SDSU DEIR (4/21/17)

Responses to Comments – Late Letters

Since at least 2010, SDSU has had plans for six dorm towers in the undeveloped, biologically sensitive, very high fire hazard canyon (hereafter “Aztec Canyon”) directly west of Chapultepec Hall. SDSU withheld this piecemealed project from the public until December 2016, and failed to disclose this “reasonably foreseeable” project in the cumulative impacts of environmental analyses and EIRs conducted since 2010.

I154-1

SDSU’s DEIR is insufficient and fails to identify all significant effects, alternatives, and potential mitigation measures associated with the project. As a direct result of the insufficiency of the DEIR, SDSU proposes to approve their project that includes significant environmental impacts that have feasible alternatives that can and must be implemented under CEQA to reduce or remove damages to the environment.

I154-2

The following comments highlight some of the insufficiencies of the DEIR that must be considered if SDSU is to continue with this, or any related student housing project and be compliant with the letter and spirit of CEQA:

I154-3

1. SDSU must delay its aggressive project construction start date in order to reduce or remove environmental damages. SDSU wants to break ground in the fall of 2017 according to its public meetings, yet SDSU did not even begin public engagement until December of 2016 on a plan that it developed beginning in 2010 and updated in 2013. In order to maintain the crisis schedule of SDSU’s own making, it has eliminated environmentally preferable siting choices and mechanisms that responsible agencies utilize to minimize environmental impacts. Those environmentally-damaging constraints that SDSU has placed on the project through its Goals and Objectives include: 1) required use of only SDSU-owned land (SDSU can condemn and reuse sites); 2) prohibition on demolition/rebuild of existing SDSU sites (2007 Campus Master Plan approved demo/rebuild of Maya/Olmeca Halls for 1600 beds) and 3) required use of undeveloped land (often a death blow to any EIR to require greenfield construction). As a direct result of expedited schedule and removal of valid options, SDSU’s DEIR asks to certify significant, non-mitigatable and irreversible impacts that could have been easily avoided through ordinary, environmentally responsible planning and ample public input. SDSU alone chose to withhold this project until the 11th hour and now recommends destruction of Aztec Canyon to mitigate its own delays. SDSU created its own timing crisis, and CEQA does not allow SDSU to give the environment short shrift to correct its own timing error. If SDSU wanted to build a 2600 bed, \$0.5 BILLION project it should have built in time for environmentally responsible site selection.

I154-4

2. SDSU must conduct an unbiased environmental analysis to support the proposed project as an environmentally preferred solution for SDSU’s Sophomore Success Program. SDSU’s west

I154-5

campus housing project as proposed in the DEIR has been in various stages of design since 2010, well before SDSU's Sophomore Success Program mandated live-on requirements for non-exempt sophomores. The project has been a desired "solution" of SDSU that has been "in search of a problem." SDSU has biased the DEIR toward selection of this specific project and the entire DEIR must be examined to comprehensively remove all biases in objectives, scoring, methodology, analyses, conclusions, and narrative. Public agencies are required to be as objective and rigorous on their own EIRs as is faced by private entities when they seek to develop. SDSU cannot provide itself special treatment.

I154-5
Cont.

3. Environmental Justice dictates that the DEIRs Project Goals and Objectives be rewritten in a least restrictive manner to support the Sophomore Success Program and not the elective redevelopment of the 30-year-old Chapultepec Hall local area. SDSU's website and Project Background both tout the Sophomore Success Program as the Purpose and Need for this housing development. However, the Project Goals and Objectives are written to effectively exclude any area other than Aztec Canyon and the existing parking lot. For example, Objective 1 requires "a distinct west campus housing neighborhood similar to ... the east side of campus" (eliminates/diminishes east campus solutions) and Objective 2 requires "alleviate isolation of Chapultepec" and Objective 6 requires exploitation of "an existing undeveloped area". When taken together in the selection process, the eight Project Goals contain some highly specific and site-eliminating factors that result in the destruction of Aztec Canyon and other non-mitigatable, irreversible significant impacts that can be mitigated through environmentally-responsible planning.

I154-6

4. SDSU must consider previously approved housing projects from its most recent, 2007 Campus Master Plan and other campus plans and specifically include the demolition/rebuild of Maya/Olmeca Halls to meet Sophomore Success Program needs. SDSU proposed, and the CSU Trustees unanimously approved, a campus plan that included the demolition of the two lowest ranked campus dorms, Maya/Olmeca, and their replacement with two towers totaling 1,600 students. This already approved action would be environmentally superior to greenfield development in Aztec Canyon and would utilize disturbed, brownfield land. SDSU ignored this already approved option for redevelopment in its current DEIR by biasing its Goals and Objectives to west campus.

I154-7

5. SDSU must consider its own 2013 West Campus Master Plan that proposed 1,400 student beds in Lot U east of Chapultepec Hall and amend use of Lot U in the DEIR to accommodate 1,400 students. The proposed project squanders the disturbed, brownfield space on Lot U by only placing 850 beds there. SDSU's own proposal in 2013 placed 1,400 students in the same space. The much more efficient use of a brownfield site is more environmentally responsible and reduces any other possible impacts by minimizing other needed sites. In public meetings, SDSU asserted that the proposed plan would be more pleasing to students. The allure of pleasing

I154-8

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↑ I154-8
Cont.

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Responses to Comments – Late Letters

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1154-12

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1154-14

Sincerely,

// Name at top of document is submitters name

FULL EMAIL LIST: LShinn@mail.sdsu.edu, TWhite@Calstate.edu,
TrusteeSecretariat@CalState.edu, Presidents.Office@sdsu.edu, PresOffi@mail.sdsu.edu,
mcollins@mail.sdsu.edu

INSTRUCTIONS TO SECRETARIAT OF THE CSU TRUSTEES – PLEASE DISTRIBUTE
TO ALL CSU TRUSTEES AND ALTERNATES

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Response to Comment Letter I154

Nancy Santos

June 7, 2017

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Responses to Comments – Late Letters

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I154-10 The comment is incorrect in asserting that “any destruction of Aztec Canyon while brownfield or redevelopment sites are available is a non-mitigatable, significant and irreversible impact to the environment.” The EIR, Section 4.3, Biological Resources, includes a comprehensive analysis, prepared by expert biologists, of the potential environmental impacts of the proposed Project on Biological Resources, including specifically the referenced canyon. The analysis determined that all potential environmental impacts would be mitigated to less than significant. In addition, since release of the Draft EIR, the Project has been modified to remove Phases II and III, ensuring no direct impacts to biological resources in the canyon. The remainder of the comment expresses the opinions of the commentator and will be included as part of the record and made available to the decision makers prior to a final decision on the Project. No further response is required.

I154-11 The comment claims that the non-renewable energy use associated with project development and operation is significant and must be mitigated. As shown in Section 4.5 and Appendix F of the EIR, the energy use expected from project construction and operation do not pose a significant increase from historical local use. Also, energy usage from the Project is within the growth projections from regulatory agencies (CPUC and DOT). The regulations listed in the comment do not directly apply to the Project. The state will create mandates based on these regulations, which will then apply to the California State University and then SDSU, which may be incorporated into future projects. The Project is in compliance with all applicable regulations at the time of this writing.

The comment also claims that SDSU must use renewable fuels during construction to mitigate pollution and be consistent with California’s carbon reduction. As shown in Sections 4.5, 4.7, and Appendix C and F of the EIR, the Project would not result in a significant impact under CEQA. The estimated amortized GHG emissions from construction represent less than 1 percent of the project’s operational inventory. Also, the Project was shown to be consistent with the local climate action plan which requires project features to reduce GHGs. The Project also does not use “unusual levels” of energy. The carbon reductions cited in the comment refer to those outlined in the State’s Scoping Plan which is not directly applicable to development projects. The Project was shown to be consistent with the measures and goals of the Scoping Plan in Section 4.7.6.

I154-12 The comment states that the noise impacts analysis is inadequate and must be re-conducted because ambient noise measurements were conducted on the Martin Luther King, Jr. holiday. The comment also states that the noise analysis failed to measure the existing sound from student residences, that the analysis does not address noise effects from the “constructive interference of the proposed Phase III building design,”

and that existing stationary noise sources (specifically an air handling unit at Peterson Gym) are not well-maintained and that this is causing nuisance noise.

As discussed in EIR Section 4.11, Noise, ambient noise measurements were conducted on Monday, January 16, 2017, which was Martin Luther King Day; classes were not in session on this day. Ambient noise measurements for environmental studies like the SDSU EIR are conducted to characterize the ambient noise environment on and around the project site, and, in those circumstances when traffic noise dominates the ambient noise environment, to calibrate or verify the accuracy of the traffic noise model.

In this instance, there was substantial influence from noise sources other than traffic, such as noise from students on the adjacent athletic fields (although a holiday, students were on campus and active), mechanical noise from HVAC systems, and noise from landscape equipment. Thus, because traffic noise was not the dominant noise source at this location, the noise measurements were *not* used to calibrate the accuracy of the traffic noise model. As such, the ambient noise data measured on January 16, 2017 has no bearing on the traffic noise impacts analysis or results. Instead, the analysis of traffic noise impacts used traffic data provided by LLG, the traffic engineers for the project, and, therefore, the analysis of traffic noise is unrelated to the ambient noise levels measured.

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As shown below, the measurement results taken on April 27 were generally similar to those taken on January 16. In fact, as shown on the table, at receivers R1, R2, R4 and R5, the measured ambient noise levels were actually 1 to 2 decibels *lower* on April 27 than January 16. At receiver R3, the measured ambient noise level was approximately 5 decibels *lower* than measured previously; this is mainly attributable to the fact that on January 16, there was a large amount of activity on the baseball field to the south, whereas on April 27, there was not. It is also worth noting that the traffic counts taken on April 27 are similar to those taken on January 16. Therefore, the fact that both the noise measurements and traffic volumes were similar under both holiday and non-holiday conditions shows that the results of the ambient noise measurements taken on January 16 did not adversely affect the noise impacts analysis or the impacts conclusions.

Ambient Noise Measurements Comparison

Receiver	January 16 2017 Noise Measurement Data L_{eq} (dBA)	April 27 2017 Noise Measurement Data L_{eq} (dBA)
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As shown in EIR Section 4.11.3.1, Existing Environmental Setting, noise measurement location R3 is on the premises of Chapultepec Hall, thus existing sound from student residences was measured. On-site noise from stationary mechanical equipment is a code enforcement issue subject to the San Diego municipal code noise standards. These standards are enforceable by the City of San Diego Police Department and the SDSU Police; SDSU Police handle all noise complaints from on-campus sources using the same regulations, criteria, and authority as the City's municipal code. With regards to potential noise effects from Phase III, the comment is no longer applicable because, as noted in the prior responses, the proposed Project has been modified and no longer includes the development of Phase II and Phase III.

I154-13 The significant and unavoidable traffic impacts referenced in the comment would have occurred with implementation of Phase III. However, as noted above, the proposed project has been modified to eliminate the development of both Phases II and III. As to the comments regarding greenhouse gases and criteria pollution, EIR Section 4.2, Air Quality, and Section 4.7, Greenhouse Gas Emissions, include analysis of the impacts associated with the Project's vehicular emissions. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the Project.

I154-14 The comment regarding President Hirshman's May 8, 2017 statement is noted. In response to the statement, and comments submitted on the Draft EIR, the proposed Project has been modified to eliminate Phases II and III in their entirety such that the proposed Project will no longer have significant unavoidable impacts, and all of the Project's significant environmental impacts will be reduced to less than significant.

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Comment Letter I155

Letter from the concerned residents of the College Area.

Name	Anthony Santos
Address	5472 Hewlett Drive, San Diego, CA 92115
Phone number	619-208-4765

Laura Shinn
Director, Facilities Planning, Design, and Construction
San Diego State University
5500 Campanile Drive
San Diego, California
92182-1624
LShinn@mail.sdsu.edu

SUBJECT: Formal Comments for SDSU DEIR (4/21/17)

Since at least 2010, SDSU has had plans for six dorm towers in the undeveloped, biologically sensitive, very high fire hazard canyon (hereafter “Aztec Canyon”) directly west of Chapultepec Hall. SDSU withheld this piecemealed project from the public until December 2016, and failed to disclose this “reasonably foreseeable” project in the cumulative impacts of environmental analyses and EIRs conducted since 2010.

I155-1

SDSU's DEIR is insufficient and fails to identify all significant effects, alternatives, and potential mitigation measures associated with the project. As a direct result of the insufficiency of the DEIR, SDSU proposes to approve their project that includes significant environmental impacts that have feasible alternatives that can and must be implemented under CEQA to reduce or remove damages to the environment.

I155-2

The following comments highlight some of the insufficiencies of the DEIR that must be considered if SDSU is to continue with this, or any related student housing project and be compliant with the letter and spirit of CEQA:

I155-3

1. SDSU must delay its aggressive project construction start date in order to reduce or remove environmental damages. SDSU wants to break ground in the fall of 2017 according to its public meetings, yet SDSU did not even begin public engagement until December of 2016 on a plan that it developed beginning in 2010 and updated in 2013. In order to maintain the crisis schedule of SDSU's own making, it has eliminated environmentally preferable siting choices and mechanisms that responsible agencies utilize to minimize environmental impacts. Those environmentally-damaging constraints that SDSU has placed on the project through its Goals and Objectives include: 1) required use of only SDSU-owned land (SDSU can condemn and reuse sites); 2) prohibition on demolition/rebuild of existing SDSU sites (2007 Campus Master Plan approved demo/rebuild of Maya/Olmeca Halls for 1600 beds) and 3) required use of undeveloped land (often a death blow to any EIR to require greenfield construction). As a direct result of expedited schedule and removal of valid options, SDSU's DEIR asks to certify significant, non-mitigatable and irreversible impacts that could have been easily avoided through ordinary, environmentally responsible planning and ample public input. SDSU alone chose to withhold this project until the 11th hour and now recommends destruction of Aztec Canyon to mitigate its own delays. SDSU created its own timing crisis, and CEQA does not allow SDSU to give the environment short shrift to correct its own timing error. If SDSU wanted to build a 2600 bed, \$0.5 BILLION project it should have built in time for environmentally responsible site selection.

I155-4

2. SDSU must conduct an unbiased environmental analysis to support the proposed project as an environmentally preferred solution for SDSU's Sophomore Success Program. SDSU's west campus housing project as proposed in the DEIR has been in various stages of design since 2010, well before SDSU's Sophomore Success Program mandated live-on requirements for non-exempt sophomores. The project has been a desired "solution" of SDSU that has been "in search of a problem." SDSU has biased the DEIR toward selection of this specific project and the entire DEIR must be examined to comprehensively remove all biases in objectives, scoring, methodology, analyses, conclusions, and narrative. Public agencies are required to be as objective and rigorous on their own EIRs as is faced by private entities when they seek to develop. SDSU cannot provide itself special treatment.

I155-5

3. Environmental Justice dictates that the DEIR's Project Goals and Objectives be rewritten in a least restrictive manner to support the Sophomore Success Program and not the elective redevelopment of the 30-year-old Chapultepec Hall local area. SDSU's website and Project

I155-6

Background both tout the Sophomore Success Program as the Purpose and Need for this housing development. However, the Project Goals and Objectives are written to effectively exclude any area other than Aztec Canyon and the existing parking lot. For example, Objective 1 requires “a distinct west campus housing neighborhood similar to ... the east side of campus” (eliminates/diminishes east campus solutions) and Objective 2 requires “alleviate isolation of Chapultepec” and Objective 6 requires exploitation of “an existing undeveloped area”. When taken together in the selection process, the eight Project Goals contain some highly specific and site-eliminating factors that result in the destruction of Aztec Canyon and other non-mitigatable, irreversible significant impacts that can be mitigated through environmentally-responsible planning.

I155-6
Cont.

4. SDSU must consider previously approved housing projects from its most recent, 2007 Campus Master Plan and other campus plans and specifically include the demolition/rebuild of Maya/Olmeca Halls to meet Sophomore Success Program needs. SDSU proposed, and the CSU Trustees unanimously approved, a campus plan that included the demolition of the two lowest ranked campus dorms, Maya/Olmeca, and their replacement with two towers totaling 1,600 students. This already approved action would be environmentally superior to greenfield development in Aztec Canyon and would utilize disturbed, brownfield land. SDSU ignored this already approved option for redevelopment in its current DEIR by biasing its Goals and Objectives to west campus.

I155-7

5. SDSU must consider its own 2013 West Campus Master Plan that proposed 1,400 student beds in Lot U east of Chapultepec Hall and amend use of Lot U in the DEIR to accommodate 1,400 students. The proposed project squanders the disturbed, brownfield space on Lot U by only placing 850 beds there. SDSU's own proposal in 2013 placed 1,400 students in the same space. The much more efficient use of a brownfield site is more environmentally responsible and reduces any other possible impacts by minimizing other needed sites. In public meetings, SDSU asserted that the proposed plan would be more pleasing to students. The allure of pleasing students is not a valid reason to create non-mitigatable, significant and irreversible changes. Lot U must be considered for maximum density construction only.

I155-8

6. SDSU's biological survey of Aztec Canyon was limited and incomplete and the DEIR fails to identify all of the impacts from the proposed project. Aztec Canyon is known habitat for gnatcatchers, red tailed hawks and other plant and animal species. Other local surveys for undergrounding identified those species in the canyon system of Aztec Canyon. Further, according to the City of San Diego, “San Diego County contains over 200 plant and animal species that are federally and/or state listed as endangered, threatened, or rare, proposed or candidates for listing, or otherwise are considered sensitive.” SDSU's brief survey was insufficient and fails to identify the known species that whether or not discovered in this particular limited time study are likely to continue to inhabit Aztec Canyon.

I155-9

7. SDSU must conclude that any destruction of Aztec Canyon while brownfield or redevelopment sites are available is a non-mitigatable, significant and irreversible impact to the environment. SDSU correctly recognizes that intensification of land uses on brownfield, disturbed, or redevelopment sites can be less than significant, depending on the specific situation and unbiased environmental analysis. Since SDSU has by its own choice excluded many suitable brownfield, disturbed and redevelopment sites from consideration (e.g., the Campus Plan approved Maya/Olmeca redevelopment), SDSU CANNOT assert that any destructive use of Aztec Canyon is outweighed by any benefits. SDSU must demonstrate active consideration of all brownfield, disturbed, redevelopment, and potential acquisition/condemnation prior to resorting to the environmentally destructive, non-mitigatable, significant and irreversible destruction of any portion of Aztec Canyon.

I155-10

8. SDSU must conclude that non-renewable energy use associated with project development and building operation is significant and must be mitigated. SDSU gives itself a free pass for not consuming “unusual amounts” of energy during construction and building operation. California has passed AB 32, SB 32, SB 350 and a host of other emissions and energy related legislation that sets energy consumption and emissions requirements substantially above “unusual.” SDSUs construction must use the highest mix possible of renewable natural gas, biomethane, and biodiesel in all construction equipment to mitigate both localized criteria pollution and to be consistent with California’s leadership in carbon reduction. Since the buildings are 50-year assets and will exist past the 2030 and 2050 California emissions goals, all construction must demonstrate that it can be successfully operated with at least 40% carbon emissions reductions by 2030 and at least 80% carbon emissions reductions by 2050. It is insufficient and biased for SDSU to use a building and construction standard of “unusual” levels of energy consumption.

I155-11

9. SDSUs analysis of noise impacts is inadequate, must be conducted de novo, and significant impacts remain and must be discontinued or mitigated. According to SDSUs Appendix J, it conducted ambient noise level analysis on January 16, 2017, the Dr. Martin Luther King, Jr. Holiday. SDSU was not in session. SDSU fails to measure the existing sound from student residences use appropriate engineering analysis to amplify them to reflect the location, and constructive interference of sound from the “fan shape” of the proposed Phase III construction. SDSUs models are inadequate and noise levels from the planned Phase III would create significant impacts to the surrounding community to the west. Further, SDSUs maintenance of stationary noise sources is inadequate, as witnessed by the many complaints regarding nighttime noise from what sounds to be a defective air handler on the roof of Petersen Gym, further leading to significant impacts.

I155-12

Responses to Comments – Late Letters

10. SDSUs significant traffic impacts are unacceptable and must be fully mitigated or the project must be revised until traffic impacts are less than significant. In another demonstration of self-serving bias, SDSU concludes that the project has unavoidable, significant impacts that must be accepted by the community because SDSU so declares that its project is more important than the community's cumulative rights and interests. Further, the traffic analysis fails to adequately characterize the increase in green house gasses and criteria pollution from the significant impacts, thus failing to monetize the health impacts of surrounding residents who will breath the emissions from increased, slower moving traffic and the impacts on state of California green house gas targets. SDSUs traffic study must be rejected and all significant impacts mitigated or the project modified to remove significant impacts.

I155-13

11. SDSUs President Elliot Hirshman also recognized the significant impacts of this project and that the proposed project is unacceptable due to non-mitigatable, irreversible significant impacts. President Hirshman's statement from May 8, 2017 follows: "In response to concerns expressed by the community and our local elected officials, I have directed our team to move forward with a project that does not include significant and unavoidable impacts. The development of Phase III and portions of Phase II would result in significant and unavoidable impacts. Over the next few months we will be modifying the project in response to these concerns."

I155-14

Sincerely,

// Name at top of document is submitters name

FULL EMAIL LIST: LShinn@mail.sdsu.edu, TWhite@Calstate.edu,
TrusteeSecretariat@CalState.edu, Presidents.Office@sdsu.edu, PresOffi@mail.sdsu.edu,
mcollins@mail.sdsu.edu

INSTRUCTIONS TO SECRETARIAT OF THE CSU TRUSTEES – PLEASE DISTRIBUTE
TO ALL CSU TRUSTEES AND ALTERNATES

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Response to Comment Letter I155

Anthony Santos

June 7, 2017

I155-1 The comment incorrectly claims that SDSU has had plans to develop student housing in the area of Chapultepec Hall “since at least 2010.” The reference to 2010 is based on an erroneous reference included on a SDSU consultant website. Specifically, one of the images from a 2013 Carrier Johnson study prepared for SDSU was incorrectly labeled as 2010 when posted on a LandLab web site; LandLab was a sub-consultant to Carrier Johnson. Carrier Johnson was not retained by SDSU as a consultant until March 2013. Accordingly, the correct reference year is 2013, and LandLab has informed SDSU that the web site error has been corrected. As to the comment that the New Student Housing project should have been included as a cumulative project in EIRs prepared since 2013, the present EIR is the first EIR prepared by SDSU since the 2011 Plaza Linda Verde EIR and, in any event, the currently proposed Project was in the conceptual planning stages for several years and it is incorrect to describe it as a probable future project during this period.

As to the comment regarding biology and fire hazards, as identified in the Projects Fire Fuel Load Modeling Report, the Project site is within an area designated by the San Diego Fire Department as a very high fire hazard severity zone (VHFHSZ). This hazard rating is based on terrain, fuels, and fire environment. Large portions of San Diego County and the City of San Diego are within fire hazard severity zones. These zones were delineated so that minimum fire resistant construction and landscape standards would be required for all new construction. The Project meets these requirements or proposes alternative materials and methods that provide the same practical effect as the requirements. Therefore, the Project complies with the requirements for building in VHFHSZs, and has been determined to not increase risk or exposure to wildfire to persons utilizing the Project’s new buildings. Please also see the Biological Resources Thematic Response for additional information responsive to the comment.

I155-2 The comment that the EIR is “insufficient” and that there are “feasible alternatives” addresses general subject areas, which received extensive analysis in the EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the Project.

I155-3 The comment is an introduction to comments that follow. No further response is required.

- I155-4** The comment claims SDSU must delay the construction start date of the New Student Housing project “in order to remove environmental damages.” The schedule put forth by SDSU for the New Student Housing project fully complies with all legal requirements, including those of the California Environmental Quality Act. With respect to the comment regarding environmentally preferable siting choices and the Project’s goals and objectives, please see the Alternatives Thematic Response for information responsive to the comment. As to the comment regarding “non-mitigable and irreversible impacts,” following distribution of the Draft EIR and the close of the public comment period, the proposed Project was modified in response to public comments to eliminate Phases II and III, and the associated impacts, in their entirety. Please see Final EIR, Preface, for additional information regarding the project modifications. The comment largely expresses the opinions of the commentator and will be included as part of the record and made available to the decision makers prior to a final decision on the Project. No further response is required.
- I155-5** The comment that SDSU must conduct “an unbiased environmental analysis” addresses general subject areas, which received extensive analysis in the EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the Project.
- I155-6** The comment is critical of the EIR’s Project Goals and Objectives; however, the Goals and Objectives fully comply with the requirements of the California Environmental Quality Act. Please see the Alternatives Thematic Response for additional information responsive to the comment.
- I155-7** The California State University Board of Trustees’ prior approval of the 2007 Campus Master Plan was set aside following litigation and, therefore, the 2007 Master Plan is not presently operative. As to the demolition/rebuild of Maya/Olmeca Halls, please see the Alternatives Thematic Response for additional information responsive to the comment.
- I155-8** The comment suggests development of facilities to house 1,400 student beds in Lot U east of Chapultepec Hall. Information regarding the alternative of developing 1,400 beds on Lot U (Phase I) is provided in the Alternative Locations Thematic Response.
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Responses to Comments – Late Letters

Comment Letter I166

Mark Nelson
5417 Hewlett Dr.
San Diego, CA 90277

July 13, 2017

Chancellor Timothy White
The Trustees of the California State University
By email to the Chancellor and the Trustee Secretariat for distribution

SUBJECT: SDSU West Campus Residence Hall Plans and DEIR

Dear Chancellor White and the Trustees:

It concerns me gravely that SDSU appears to be reducing the scale of the "reasonably foreseeable" project that is triggered by SDSU's Sophomore Success Program¹ in order to reduce the environmental impact, yet SDSU may also be planning to "piecemeal" the project at a later date. California's CEQA Guidelines are clear, if SDSU intends to take a second bite at the apple and propose construction on the Phase II and Phase III sites - that would constitute piecemealing and a failure to consider the "whole of the action."²

After multiple years of preparation without disclosure to the community, SDSU besieged elected officials, students, faculty, neighbors, and environmentalists with its plan for Vegas style, high rise residence hall facilities that create non-mitigatable, unavoidable, and significant environmental impacts under CEQA. Since then, SDSU has publicly stated that it will retreat from Phases that create such impacts, and it will not build Phase II and III, both of which were planned for an undeveloped, environmentally sensitive canyon. SDSU has stated that it will re-evaluate its project in the future, and in both letters and public meetings, SDSU has implied that it may attempt to build Phase II and/or Phase III later.³

SDSU has existing plans developed by Carrier Johnson under contract to SDSU that provide for 1400-1430 beds on the Phase I site for Residence Halls 1 & 2⁴. Instead, SDSU currently plans to build approximately 800 beds, underutilizing this disturbed ground of the parking lot by nearly 100%. Fuller utilization, as SDSU has already contemplated in its 2013 work, significantly reduces SDSU's future desire for construction on greenfield, undeveloped canyon land. Furthermore, a failure by SDSU to fully utilize the Phase I site would greatly increase the likelihood that SDSU would pursue Phase II or Phase III construction, and piecemealing, at a future date.



In light of the thousands of pages of opposition from hundreds of students, faculty, emeritus, professionals, residents, and environmentalists – and – to avoid future piecemealing under CEQA, SDSU should:

1. Fully utilize Lot U/9 by building the 1400 bed configuration as designed by Carrier Johnson for SDSU
2. Cease all future construction plans on the Phase II and III undeveloped, environmentally-sensitive canyon sites by committing to a conservation easement or other irreversible encumbrance on the land.

Sincerely,
Mark Nelson
Adjacent Landholder
Member - NRDC, EDF, Nature Conservancy, Sierra Club

I166-1

¹ SDSU Sophomore Success Program

  newscenter.sdsu.edu/chapultepec-info/



New Student Housing

Overview

The SDSU Sophomore Success Program is an immersive, full-service academic and student life support initiative, tailored to second year students who are from outside of the SDSU service area. To facilitate the Program and provide appropriate housing for these sophomores, SDSU is proposing to build new freshman student housing on campus, which will free up existing student housing elsewhere on campus that is more suitable for sophomores.

As part of the process to develop the new housing, in December 2016, SDSU issued a Notice of Preparation for a draft environmental impact report that will analyze the potential environment impacts associated with the development of the new freshmen student housing.

The new state-of-the-art and environmentally sustainable student housing would be constructed on the west side of campus adjacent to the existing Chapultepec Hall (near the athletic fields and the Rec Center). Following the environmental review process, and consideration and approval by the CSU Board of Trustees, construction would begin in Fall 2017.

¹¹ http://resources.ca.gov/ceqa/cases/1988/laurel_120188.htm

The State CEQA Guidelines define a project under CEQA as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment.

Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than- significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies.

In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. When future phases of a project are possible, but too speculative to be evaluated, the EIR should still mention that future phases may occur, provide as much information as is available about these future phases, and indicate that they would be subject to future CEQA review.

CEQA case law has established the following general principles on project segmentation for

I166-1
Cont.

Responses to Comments – Late Letters

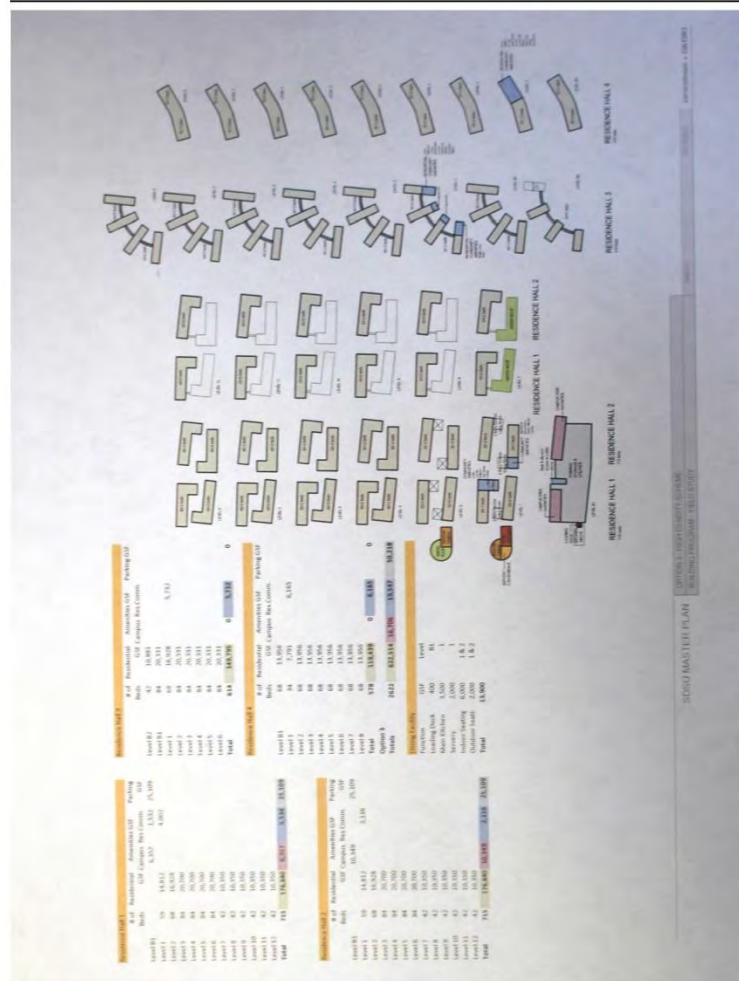
different project types:

- For a phased development project, even if details about future phases are not known, future phases must be included in the project description if they are a reasonably foreseeable consequence of the initial phase and will significantly change the initial project or its impacts. Laurel Heights Improvement Association v Regents of University of California (1988) 47 Cal. 3d 376.

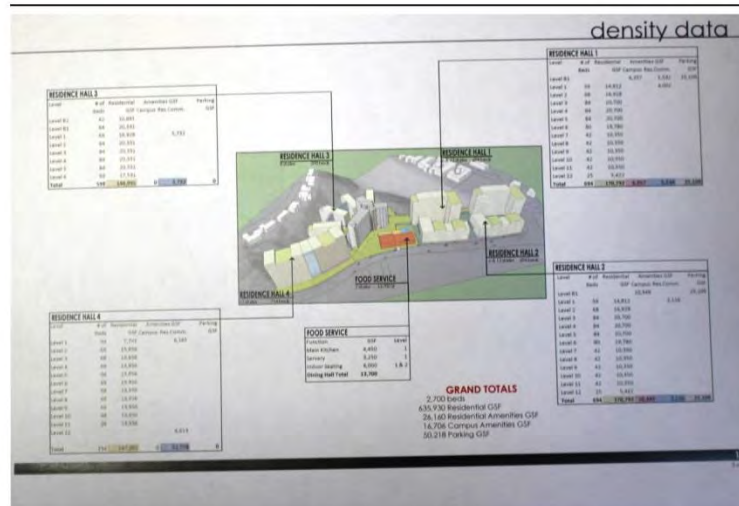
¹¹ http://newscenter.sdsu.edu/chapultepec-info/files/08260-71117_West_Campus_Housing_Atkins-Gomez_Letter.pdf

¹² Carrier Johnson 2013 Work for SDSU

1166-1
Cont.



I166-1
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1166-1
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Response to Comment Letter I166

Mark Nelson

July 13, 2017

I166-1 The comment states that “SDSU appears to be reducing the scale of the ‘reasonably foreseeable’ project ... in order to reduce the environmental impact, yet SDSU may also be planning to ‘piecemeal’ the project at a later date.” Specifically, the comment states that “SDSU has stated that it will re-evaluate its project in the future, and in both letters and public meetings, SDSU has implied that it may attempt to build Phase II and/or Phase III later[.]” As explained below, SDSU does not concur with these comments.

In summary, when the Draft EIR was made available for public review and comment, SDSU proposed a three-phased project. SDSU has decided to move forward with a smaller-scale project in response to both public and agency comments and the opposition it received to the original proposed project. The Final EIR includes a “Preface” explaining the project modifications that led to realizing a smaller-scale proposed project. Based on the disclosed project modifications, SDSU has committed to eliminating two phases of the originally-proposed project (Phases II and III). In this response, SDSU also commits it has no intent to proceed with Phases II and III of the original proposed project.

Additionally, as explained below, the above comments confuse CEQA “piecemealing” and other related claims, which are factually and legally inapplicable. The CEQA piecemealing doctrine generally presumes that a project has been segmented to avoid or evade environmental review. Here, in contrast, SDSU’s EIR thoroughly analyzed all environmental consequences associated with the originally-proposed project (Phases I through III). As a result of agency and public comments received on the Draft EIR, SDSU has modified the project to reduce its size and scale to one phase only. The proposed project modifications avoid or substantially lessen impacts identified in the EIR. In short, the CEQA process worked in the manner contemplated.

SDSU also desires to be clear about comment references to the so-called Carrier Johnson plans. In 2013, Carrier Johnson, a local, highly-regarded architectural firm, prepared a “feasibility study” in response to SDSU’s request to identify optimal available on-campus sites for student housing and related amenities. The Carrier Johnson feasibility study was titled, “West Campus Housing Site Master Plan & Program.” This feasibility study is just that — it is a planning document assessing the feasibility of the provision of on-campus student housing; nothing more. SDSU retains the full and independent discretion to use or reject any aspect of the feasibility

study. It is not bound to implement the study, or any portion of it. For additional information responsive to comments related to utilization of the Carrier Johnson study, please refer to Response I167-3.

Comments also have stated that if SDSU is not going to develop Phases II and III in the future, it should commit to a “conservation easement or other irreversible encumbrance on the land.” SDSU does not concur with this comment.

First, SDSU has revised its originally proposed project and thereby eliminated Phases II and III; and thus, the conservation easement or other encumbrances are not needed. Specifically, the proposed smaller-scale project, as described in the Final EIR, will be presented to CSU’s Board of Trustees for review and possible approval. If the smaller-scale project is ultimately approved, SDSU will implement the project approved — not the original proposed project.

Second, the suggested easement or encumbrance is not required to implement any mitigation measure recommended in the EIR. Thus, SDSU is under no legal obligation to grant any conservation easement or other encumbrance over its property.

Third, SDSU’s land use practices do not restrict or encumber property unless there is a legal reason to do so. Absent such a showing, SDSU has exercised its discretion to not needlessly encumber its property in response to this comment.

The remaining response provides further information responsive to the comments. The information shows that SDSU already has eliminated Phases II and III from the original proposed project. Thus, Phases II and III are no longer proposed; and they are no longer part of the project proposed to be approved. As a result, the CEQA law does not consider the two eliminated phases to be probable future projects or reasonably foreseeable future expansions of the proposed smaller-scale project — should it be approved by the Board of Trustees.

The Draft EIR and The Modified Proposed Project

The Draft EIR thoroughly analyzed a three-phased project consisting of the development of facilities to accommodate 2,566 student housing beds. The project’s first phase would include construction of dormitory facilities to house up to 850 student beds and a related food services building on the existing Parking Lot 9, east of the existing Chapultepec Hall. The project’s second phase would include construction of facilities to house up to an additional 850 student beds in the area located to the west of the existing Chapultepec Hall. The project’s third phase would include construction of facilities to house up to an additional 866 student beds in buildings that would cantilever over the canyon behind Chapultepec Hall. The Draft EIR

addressed the environmental impacts associated with all three phases of the originally-proposed project.

In response to comments received during the public and agency review process, SDSU modified the project from that proposed in the Draft EIR to reduce the project's environmental impacts. The project was modified to eliminate Phases II and III. These modifications would result in reduced environmental impacts, including the elimination of significant unavoidable impacts. As a result, the project to be considered by the CSU Board of Trustees for approval will include Phase I only. Based on the project modifications, the total number of beds to be provided would be reduced to 850 student housing beds.

Phases II and III Are Not Probable Future Projects

“CEQA does not require that an EIR consider potential cumulative impacts of every proposed future project; it only requires that an EIR consider the impacts of ‘probable future projects.’” (*City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 398.) CEQA only requires an EIR include in a cumulative impact evaluation those future projects that have progressed to such a stage as to be characterized as not only possible, but also “probable.” (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1127; see also *City of Maywood, supra*, 208 Cal.App.4th at p. 398.) “Probable” means “reasonably probable” and “sufficiently certain to allow for meaningful cumulative impact analysis.” (*Id.*)

A future project may be reasonably probable when the project is currently “under environmental review” and working towards project approval. (See *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 74, 75.) “A significant investment of time, money and technical planning in the construction of a high-rise office building have necessarily occurred . . . [A] project that is awaiting environmental approval has reached a stage of development where the developer, financial institutions, and contractors almost certainly view its construction to be a very real probability, and not without reason.” (*Id.*; see also *City of Maywood, supra*, (2012) 208 Cal.App.4th at pp. 397–98 [finding I-710 and off-ramp development was not probable where, despite project having commenced environmental review, project development was not yet sufficiently certain to allow for analysis.]; and see also *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859 [cumulative project “probable” where environmental review was ongoing and project approval was being sought from another regulatory agency].)

Further, a future project is sufficiently certain where development involves more than a mere awareness of other phases. The “mere awareness of proposed expansion plans

or other proposed development does not necessarily require the inclusion of those proposed projects in the EIR. Rather, these proposed projects must become ‘probable future projects.’ (CEQA Guidelines, § 15130(b)(1)(A).)” (*Gray, supra*, 167 Cal.App.4th at p. 1127.) In *Gray*, the project was not “probable” because “the County could not locate any project where an applicant ha[d] filed for review with the County Planning Department[.]” (*Id.* at p. 1128.)

SDSU has committed not to proceed with Phases II and III; and, thus, Phases II and III are no longer under environmental review, nor proceeding toward approval. Instead, the phases were eliminated and approval of Phases II and III cannot proceed. Hence, while a project may be deemed probable once the environmental review process is underway, because the key criteria is that the environmental review is a step towards project approval, Phases II and III are not “probable.”

In addition, while SDSU and the public are aware of Phases II and III, like *Gray*, mere awareness does not mean these phases have become “probable.” Rather, because SDSU has committed not to proceed with these phases. As in *City of Maywood*, here, even though the public has knowledge of the plans for developing Phases II and III, and even though environmental review exists, there is no evidence development of those phases will or can proceed. Instead, evidence exists showing those phases are not currently proposed for development, and in any event, the impacts were disclosed and analyzed in the Draft EIR.

Phases II and III Are Not Reasonably Foreseeable

“Piecemealing” occurs when a public agency chops up a large project into many little projects, each with a minimal potential impact on the environment, but cumulatively could have significant effects. (See *Bozung v. Local Agency Formation Comm.* (1975) 13 Cal.3d 263, 283-284; and, see Pub. Resources Code, § 21159.27; 14 Cal. Code Regs., § 15165.) Specifically, “piecemealing” occurs where future expansion is a reasonably foreseeable consequence of the initial project, and the future expansion will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1222 citing *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 396.) Future expansion is “reasonably foreseeable” when “the purpose of the reviewed project is to be the first step toward future development. [Citations omitted.] . . . And . . . when the reviewed project legally compels or practically presumes completion of another action. [Citation omitted.]” (*Banning Ranch, supra*, 211 Cal.App.4th at p. 1223.) By contrast, “two projects may properly undergo separate environmental review (i.e., no piecemealing) when the projects . . . can be implemented independently. [Citations omitted.]” (*Id.*)

When a project is implemented in phases, the EIR must discuss and analyze the significant environmental effects of the entire project. (See 14 Cal. Code Regs. §§ 15126, 15165, 15378, subds. (a), (c), (d); See 2 Kostka and Zischke, Practice Under the Cal. Environmental Quality Act (Cont.Ed.Bar 2016) §§ 4.19, 13.21.) Under the test set forth in *Laurel Heights, supra*, future activities must be treated as part of the project and included in an EIR's impact analysis if those activities are likely to result from project approval. (See Zischke, § 13.21.) However, CEQA does not require a lead agency to include in its environmental review potential later phases or later expansions of a project that are not reasonably foreseeable consequences of the approval, or if no commitment has been made to future expansion. (Zischke, § 6.32 citing *Laurel Heights, supra*, 47 Cal.3d at p. 376 and citing *El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1600 [finding future expansion was not a foreseeable consequence of project approval because decision to allow future expansion would depend more on environmental, social, and political factors]; *Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 575 [finding future use of tentatively reserved landfill sites was not reasonably foreseeable because tentative reservation of such sites in county solid-waste plan was not substantial evidence of potential impact].)

“Under CEQA, an agency may prepare one EIR for several similar projects that do not comprise a single larger project, or prepare one for each project, in its discretion. (14 Cal.Code Regs., § 15165.)” (*Paulek v. California Department of Water Resources* (2014) 231 Cal.App.4th 35, 47-48.) Projects that are “independently justified separate projects” or that have “independent utility” are not piecemealed components of the same project. (See *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 99; see also *Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal.App.4th 712, 732-35 [finding a project that has separate, but potentially adjoining and interdependent phases are not required to be studied in the same CEQA document where future projects are contingent]; and see also *Pala Band, supra*, 68 Cal.App.4th at pp. 575-76 [determining tentatively reserved sites in a broader solid waste management network were not required to be studied in an EIR for a specific landfill proposal].)

The Draft EIR separately disclosed and analyzed the potential significant impacts of Phases I, II, and III. This disclosure and analysis in the Draft EIR is distinguishable from the circumstances in *Laurel Heights, supra*. In *Laurel Heights, supra*, the Court determined the university wrongly piecemealed environmental review because “it failed to ‘discuss the additional environmental effects, if any, that will result from [the university’s] use of the remaining 254,000 square feet when it becomes available’ . . . But school officials had publicly announced their intention to use the whole building.” (*Banning Ranch, supra*, 211 Cal.App.4th at p. 1222.) The EIR at

issue in *Laurel Heights, supra*, “failed to discuss additional environmental effects that would result from the university’s use of the remaining building space.” (*Id.*; see also *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, 280 (“*Aptos Council*”) [noting a lead agency engages in piecemealing when it fails to consider a project component that is a “condition precedent to development”].) Here, the opposite has occurred. SDSU disclosed and analyzed all three phases of development in the Draft EIR, and has expressly committed not to proceed with Phases II and III.

SDSU analyzed Phases II and III and has determined not to proceed with development of those phases. The Draft EIR analyzed all phases of the original proposed project, and based on that analysis and public comments, SDSU has decided not to proceed with Phases II and III. Thus, there is no evidence to support a piecemealing claim against SDSU. Instead, SDSU analyzed a three-phased project in the Draft EIR, and in its discretion, eliminated two of the phases from development in the Final EIR (in response to the Draft EIR’s analysis and agency/public comments).

Responses to Comments – Late Letters

Comment Letter I167

Mark Nelson
5417 Hewlett Dr.
San Diego, CA 90277
menelson@gmail.com

July 18, 2017

Chancellor Timothy White
The Trustees of the California State University
By email to the Chancellor and the Trustee Secretariat for distribution

SUBJECT: SDSU West Campus Residence Hall Plans and DEIR

Dear Chancellor White and the Trustees:

Pursuant to a request from a party, I am making a larger scale copy of the California Public Records Request fulfillment by SDSU providing 2013 work that SDSU contracted from Carrier Johnson.

I 1167-1

The work was included in a smaller scale in my letter of July 13, 2017.

I 1167-2

Briefly, the Carrier Johnson designs show 1388 to 1430 beds on the already disturbed Lot U/9 east of Chapultepec Hall, making fuller utilization of the site than SDSU's current Phase I plan of 850 beds. These designs by Carrier Johnson include food service as envisioned by SDSU. Furthermore, to the extent that SDSU believes that it created an isolated community by its construction of Chapultepec Hall, the addition of 1400 students would more effectively mitigate isolation than the proposed 850 students. This fuller utilization is also a clear method to mitigate the need for any further construction in the undeveloped, biologically sensitive canyon.

I 1167-3

Sincerely,

Mark Nelson
Adjacent Landholder
Member - NRDC, EDF, Nature Conservancy, Sierra Club

Attachment: 2013 Carrier Johnson materials from SDSU PRA fulfillment

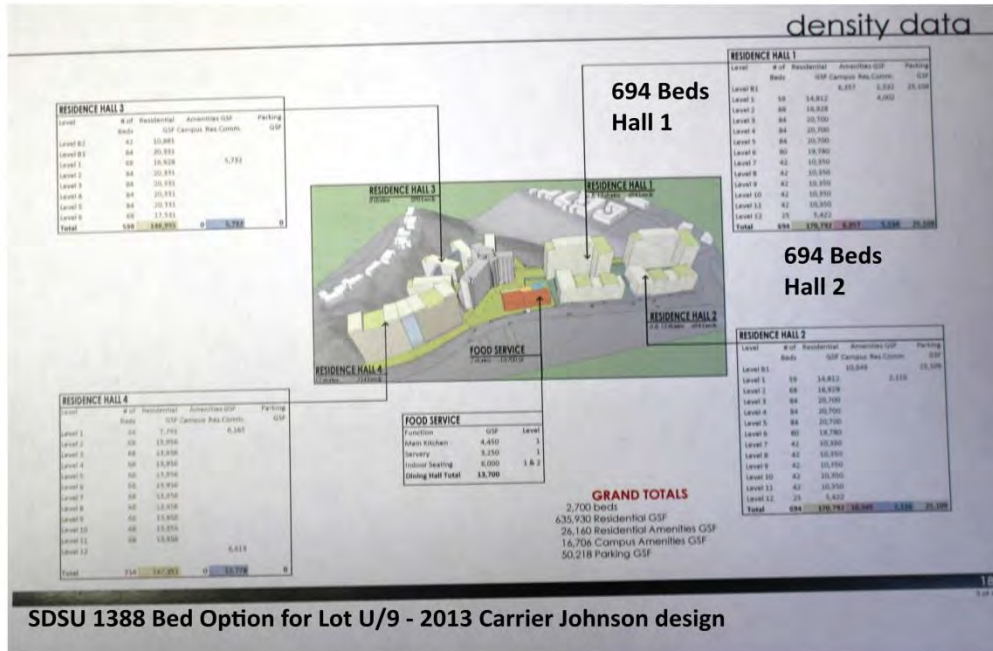
Increased Scale Supplement to Mark Nelson
Letter to CSU Trustees of July 13, 2017

Carrier Johnson Layouts 1388 Beds and 1430
Beds for SDSU Phase I

I167-4

Responses to Comments – Late Letters

2013 Carrier Johnson Layout for Lot U/9 Disturbed Land East of Chapultepec Hall on SDSU Campus – 1388 Bed Density (From SDSU Public Records Act Request)



I167-4
Cont.

Responses to Comments – Late Letters

2013 Carrier Johnson Layout for Lot U/9 Disturbed Land East of Chapultepec Hall on SDSU Campus – 1430 Bed Density (From SDSU Public Records Act Request)



I167-4
Cont.

Response to Comment Letter I167

Mark Nelson

July 18, 2017

- I167-1** The comment provides background information and cites to a California Public Records Act request involving “2013 work that SDSU contracted from Carrier Johnson” and does not appear to relate to any physical effect on the environment. Please see the response to comment PRA-4 for information responsive to the “2013 work from Carrier Johnson.”
- I167-2** The comment relates to the “letter of July 13, 2017.” The commenter’s July 13, 2017 letter is marked as I-166. For information responsive to this comment, please see the response to I166.
- I167-3** The comment recommends “fuller utilization” of the proposed project with “the addition of 1400 student [to] more effectively mitigate isolation . . . [and] the need for any further construction in the undeveloped, biologically sensitive canyon.” However, rather than mitigating impacts, the comment’s recommendation could increase impacts from increased density on the Phase I site and would reduce the outdoor space provided by the proposed project. First, construction of Phase I would not directly impact the canyon, but an increase in density would increase indirect impacts to biological resources. Second, increasing the height of the proposed project’s building to accommodate more beds would diminish the amount of light and air available in the outdoor community spaces, and would as a practical matter, eliminate the ability to provide useable community space. The proposed project site provides the only opportunity for reasonable and useable outdoor community space that is also secure for the student community. The courtyard design of the buildings would create a secure zone that can be open and accessible to the immediate community. In this configuration, the buildings must be kept at a lower height to provide adequate light and air in both the courtyards and the rooms surrounding those courtyards. Finally, SDSU has thoroughly analyzed the housing demand against its current enrollment and the implementation of its Sophomore Success Program. Building additional beds would cause a needless financial burden for the university and its students. For additional information responsive to this comment, please see the Thematic Responses, Alternatives to the Proposed Project and Biological Resources and Adjacent Canyon, and see response to comment I-166.

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