

### Comment Letter O1



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April 27, 2017

Ms. Laura Shinn  
Dir., Fac. Plan. Design. & Constr.  
SDSU  
550 Campanil Drive  
San Diego, CA 92182

RE: Student Housing next to Chapultepec Hall

Dear Ms. Shinn,

The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site is has cultural significance or ties to Viejas.

Viejas Band request that a Kumeyaay Cultural Monitor be on site for ground disturbing activities to inform us of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains.

Please call Ernest Pingleton for scheduling at 619-658-2314 or email [epingleton@Viejas-nvns.gov](mailto:epingleton@Viejas-nvns.gov). Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Torres".

Ray Torres, Resource Management  
VIEJAS BAND OF KUMEYAAI INDIANS

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**Response to Comment Letter O1**

**Viejas Tribal Government**

**Ray Teran**

**April 27, 2017**

- O1-1** The comment claims that the proposed project site has cultural significance or ties to the Viejas Band of Kumeyaay Indians. This statement does not claim the presence of known cultural resources or Tribal Cultural Resources within the project site. It does, however, emphasize Viejas' cultural ties to the setting of the project. These ties lead to Viejas' request in comment O1-2.
- O1-2** This comment request that a Kumeyaay Cultural Monitor be on site for ground disturbing activities associated with the project. Section 4.4.6 of the Draft EIR states that no archaeological or historical resources or Tribal Cultural Resources have been identified through the South Coastal Information Center records search, the Native American Heritage Commission Sacred Land File records search, tribal correspondence, or through intensive pedestrian survey of the area. Additionally, previous disturbances of the project area make the discovery of archaeological or Tribal Cultural Resources unlikely. Cultural resources analysis conducted for the Draft EIR and Appendix E suggest that cultural or Native American monitoring during construction is not necessary. However, as noted in Cultural Resource Mitigation Measure MM-CUL-1, despite the low likelihood of cultural resource discovery during construction, SDSU, as the reviewing agency, has the option to include a Native American monitor should resources be discovered. SDSU has noted the Viejas Tribal Government's offer to provide a Kumeyaay Cultural Resource Monitor.

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### College Area Community Planning Board

P.O. Box 15723, San Diego, CA 92175  
<http://www.collegearea.org/sacc/>  
[info@collegearea.org](mailto:info@collegearea.org)

Laura Shaw  
Director, Facilities Planning, Design, and Construction  
San Diego State University  
5000 Campanile Drive  
San Diego, California

May 18, 2017

Re: SDSU Draft EIR for New Student Housing at 55<sup>th</sup> and Remington

Dear Ms. Shaw:

The College Area Community Planning Board held public hearings on May 5 and May 10, 2017 to receive public comments on SDSU's Draft Environmental Impact Report for new student housing at 55<sup>th</sup> and Remington.

The College Area Community Planning Board and Community Council is very supportive of SDSU building more student housing on campus. We would like to see all of these dorms built. However, they need to be designed and built in a responsible manner that doesn't destroy our sensitive canyon lands and minimizes the impact on the neighboring single-family residential areas. We're pleased that SDSU has made a commitment to redesign the project such that there won't be any significant unavoidable environmental impacts. Since the redesign is not yet available, however, and it appears that SDSU does not plan to issue another draft EIR, the comments below obtain to the DEIR as currently written.

Public comment indicated that the DEIR is inadequate in addressing many of the concerns identified during the Scoping Process. Among the inadequacies reported during our two public hearings are the following, which we respectfully request be addressed in the final EIR:

#### Cumulative Impacts and Mitigation

- Transportation/Circulation/Parking study (Appendix K) purports to take into account cumulative impacts of planned and existing development outside the boundaries of the SDSU campus, but the Cumulative Impacts chapter lists only projects within the campus footprint. The EIR needs to clarify which is correct, and if only the projects listed in the Cumulative Impacts chapter are included in the analysis, this needs to be corrected. SDSU does not exist in a bubble, but has impacts on, and is impacted by, the surrounding community.

#### Aesthetics Impacts

- DEIR does not address the inadequate transition from the bulk and scale of the proposed multi-story dormitories to the single family, mostly single-story structures in the abutting residential neighborhood. This EIR should address this transition and provide mitigation measures, such as buffer zones.

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## Biological Resources

- Shade analysis shows extensive shadow effects on the canyon from all three phases, which are not taken into account in analysis of impacts to biological resources (e.g., California Goldenflower, coastal sage scrub). The EIR needs to account for impacts of increased shade in the canyon on canyon flora.
- The EIR must be more specific about canyon mitigation measures re: coastal sage scrub.
- DEIR fails to recognize the loss to the community and to regional habitat of the canyon, which is an important natural resource.
- DEIR fails to provide adequate analysis of fire danger to the canyon and proposed adjacent structures.

## Transportation/Circulation/Highway

- Phase III impacts to College Avenue from Montecima to Sierra are labeled Significant and Unmitigable because City doesn't currently have plans/funding for a raised median to ease traffic flow (NMA-TRA-4). SDSU needs to work with the City to determine cost, and schedule to be fair share toward future build-out of this mitigation measure.
- DEIR traffic analysis is inadequate, and based on flawed assumptions:
  - Rather than examine actual traffic flows in and around SDSU, the trip generation data (ADT, or average daily trips) is at least partially based on assumptions stemming from data at Chapman University, a small, private university not located in a large municipality. Unlike SDSU, Chapman is situated in the middle of town and is surrounded by many walkable amenities. The traffic conditions are not comparable. The EIR analysis should be based on actual data at SDSU.
  - Trip generation data is based only on the vehicles 1/3 of the students at this location would be expected to bring to campus, and does not include additional trips by, for example, Uber, pizza delivery trucks, and parental visits. These additional trips should be factored into the mix in the EIR, and should be based on observations at SDSU.
  - DEIR assumed that sophomores would bring vehicles to campus at the same rate as freshmen, who are currently discouraged from bringing cars. Unless SDSU also plans to discourage on-campus sophomores from bringing vehicles, this figure should be revised upward to account for the higher percentage of sophomores who would bring cars.
- DEIR parking analysis is inadequate, and based on flawed assumptions:
  - While there may be no net increase in vehicles parked on campus, as detailed in the analysis, the location of the parked vehicles will change from classroom venues to the west campus residential venues. EIR should factor this relocation into the parking analysis and trip generation analysis.
- DEIR inadequately forecasts impacts on Remington Road from this project:
  - Remington is classified by the City of San Diego as a two-lane collector street with no frontal usage, but EIR designates Remington for move-in, move-out use, assuming students will park in a lot 3,000 ft. away and hand carry heavy objects uphill to their dorms. This is unrealistic. Move-in, move-out procedures must be redesigned.
  - Measurements by neighborhood residents have shown frontal used currently block Remington Road 50% - 80% of the time, depending on time of year.
  - DEIR proposes to quadruple the population utilizing Remington, with no alternative access provided.

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## Responses to Comments - Organizations

- Mitigation measures proposed for Remington, with exception of a "No Stopping" sign, are already in place, and have proven ineffective. EIR must propose realistic mitigation measures.
  - DEIR inadequately projects impacts on abutting residential neighborhood to emergency access via Remington Road.
    - DEIR states there will not be a problem because there is adequate room on Remington for vehicles to pull over to allow emergency vehicles to pass. This would only be true if road is unblocked by stopped vehicles. Observations show vehicles are currently stopped in the red zone 30 – 80% of the time.
  - DEIR does not examine impacts to Hewlett Drive, the street closest to Remington Road. EIR should examine impacts to Hewlett Drive.
  - DEIR assumes virtually no increase in traffic through the abutting residential neighborhood. This is unrealistic and should be corrected in the EIR. Use of GPS devices directs traffic from west campus through the residential neighborhood, in order to get to points west, such as Fairmount Avenue. If the GPS can figure this out, so will students, their visitors and their parents.

### Land Use and Planning

- See comments under Aesthetics above.
- The DEIR rejects a number of alternatives to the proposed site without giving valid reasons. We have heard this is because of plans for other facilities at those sites, but SDSU does not have an approved Campus Master Plan. For purposes of transparency, a proposed Campus Master Plan should be included in the EIR.

### Population Estimating

- Page 9 refers to November 2016 City of San Diego "College Area Minimum Ordinance", There is no such ordinance. DEIR may be referring to "Residential High Occupancy Single Dwelling Unit Ordinance", passed on first reading November 2016.

### Alternatives

- Project goals appear to have been deliberately formulated in such a way as to preclude consideration of any reasonable alternatives. Valid alternatives are dismissed for reasons which appear to be trivial. (e.g. – Most structures on the 55<sup>th</sup> Street Peninsula are owned by Aztec Shops, and the location is therefore unavailable for consideration.) Valid reasons for rejection of a proposed alternative should be offered in the EIR.
- Analysis fails to consider an alternative requested in the response to the Notice of Preparation by the College Area Community Planning Board: Prohibit vehicles for residents of the proposed dorms. If this is considered infeasible, prohibit vehicles for all incoming freshmen who live on campus. Many schools prohibit cars for freshmen, and this would reduce Transportation/Circulation impacts to levels below Significant. EIR should consider this option.
- Analysis fails to demonstrate why the goal of achieving a "distinct west campus housing community" and alleviating "isolation of Chapultepec" could not be accomplished by Phase I alone, which would add three buildings (two dormitories and a food service structure, plus amenities) and 850 students to the west campus site. Phase I would result in 5880 freshmen residents at this site (830 at Chapultepec plus 850 at Phase I housing). EIR must demonstrate why a 1,680 resident, four building complex could not achieve these two stated goals.

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## Responses to Comments - Organizations

- Analysis fails to demonstrate why locating phases II and III at alternative on-campus sites is infeasible:
  - See Land Use and Planning, above: Lack of Campus Master Plan.
  - 55<sup>th</sup> Street Peninsula: DEIR dismisses placing Phases II and III at this site because: 1) structures there are currently owned by Attec Shops; and 2) they currently house 700 students, who would be displaced. This reasoning is bogus because 1) Attec Shops is an affiliate of SDSU, and transfer of ownership would not necessarily be required; it could easily be accomplished during construction of Phase I; and 2) Construction at this site could be phased so that only a minimal number of students are displaced at any given time, by, for example, a four-phase construction schedule. While this site is not currently within campus boundaries, that situation could be remedied during Phase I construction.
  - Alternatives I and 2: dismissed because they would not achieve West Campus objectives. See first comment in this section.
  - DEIR cites similar environmental problems for all locations. This is not demonstrated in the analysis and these other areas are mostly parking lots, which would not require destruction of any canyon lands.
- DEIR must examine the alternative of putting Phase I in the proposed location to create a "distinctive west campus housing community" for freshmen and eliminate isolation of Chicouteped Residence Hall; and relocating Phases II and III to the 55<sup>th</sup> Street Peninsula, or Alternative sites 1 or 2.

### Appendix K

- Appendix K repeatedly states, with regard to Transportation/Circulation that "Mitigation is proposed that would mitigate all identified impacts to a level below significant" (see pages 9 and 24, for example). This statement is in disagreement with the rest of the DEIR. (See Executive Summary, Transportation section, etc., which clearly identify Significant, Unmitigable Impacts). Either the DEIR has eliminated some proposed mitigation measures, or the contradiction is indicative of the sloppy workmanship with which the transportation section was apparently prepared. (See comments above, Transportation, Circulation and Parking). Appendix K needs thorough review, and conclusions must be reflected in and consistent with the Transportation, Circulation, and Parking section.

Thank you for your consideration of these concerns.

Sincerely,

Rhea Kuhlman/Chair  
College Area Community Planning Board

cc:  
Mayor Kevin Faulstich  
Councilmember Georgette Gomez  
Eric Young  
Roberto Torres

O2-23

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## Responses to Comments - Organizations

### Written comments received by CACFPB:

Oliver Campbell  
President  
College View Estates Association

*I believe the community is supportive of SDSU's desire to build more housing on campus. However, such housing should be built in a way that is both responsible and affordable to students. With some design tweaks and additional plans to mitigate both existing and increased traffic, parking, drop-off/pick-up issues and move-in/move-out problems, Phase 1 can be built in the parking lot off of Remington Road and 35th Street with much community support. However, as currently designed, Phases 2 & 3, cannot be supported in the locations currently proposed. Building two limited together 14-story buildings and four 11-story buildings in the environmentally sensitive canyon directly adjacent to single-family homes, in an area that is already suffering from being the most congested area of the campus and on a street that is the main entrance to a single-family zoned residential community, is irresponsible and unacceptable. We urge SDSU to incorporate more of the ideas suggested during the NOD public comments periods as well as other comments that may arrive during the DEIR comment period into the design and mitigations for Phase 1 and build Phase 2 and 3 in one of the many other areas on campus that have been identified. By working together with the community on these issues, the entire project can be built in a manner that enhances both SDSU and community goals for greater student success and more affordable housing on campus for SDSU students.*

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Simon Richardson  
5433 Hewlett Dr.  
San Diego, CA 92115  
619-552-8602  
[sgrime@cox.net](mailto:sgrime@cox.net)

*I am not able to make the May 10th CACC meeting, therefore, I am submitting written comment for the record on two issues in particular: 1) Violations of red curb rules in front of Chapultepec dorm and 2) lack of parking reinforcement for SDSU events and activities, particularly on the weekends (College View Estates).*

O2-28

*1) There are constantly service trucks, ride sharing services, food delivery and parents parked at the red curb in the bike lane in front of Chapultepec dorm. This causes a safety hazard for bicyclists and makes the street narrower for traffic. SDSU police do not address the issue saying it is a city street. I have contacted San Diego Eastern Division and the street department requesting assistance in signage and enforcement. In addition, I would recommend that the CACC put pressure on SDSU to come up with an alternate route parking for deliveries and temporary parking such as the turn around across the street by the baseball field.*

O2-29

## Responses to Comments - Organizations

2) There has been an increasing number of SDSU visitors parking in College View Estates (Remington and Hewlett) on the weekends to attend events and facilities at SDSU (baseball softball, fitness center, Aquatics center). I believe the agreement requiring a parking enforcement person is insufficient (and lacking for even the baseball and arena events that they are required to staff) and should be expanded for other events. I recommend that the CACC work with SDSU to require them to provide better signage for visitors to the campus for parking in designated lots. With the upcoming addition of student housing on the west side of campus (resulting in a net loss of parking spaces) this problem will increase. Please feel free to contact me if you need additional information.

O2-30

Andre Bonaparte  
College Area resident  
[andreb@att.net](mailto:andreb@att.net)

Laura Skene, Director  
Facilities Planning, Design and Construction  
Business and Financial Affairs  
San Diego State University  
3500 Campanile Drive  
San Diego, CA 92182-1624  
[lskene@mail.sdsu.edu](mailto:lskene@mail.sdsu.edu)

Re: NOP of a Draft EIR for Dormitory Complex Centered Around Chapultepec Residence Hall

January 19, 2017

Dear Ms. Skene,

I am a long-time home owner in the College Area. I am also on the College Area Community Council/College Area Community Planning Board (CACC/CACP/B). However, in this letter I am writing only as myself, not as a representative of the CACC/CACP/B.

I deeply appreciate SDSU wanting to provide more on-campus student housing. This will benefit both SDSU by way of helping students graduate and also by helping the College Area community control noise levels.

However, I feel that the proposed Chapultepec area for these new on-campus dorms is not the best site. Below are my main objections to building in the Chapultepec area:

### **San Diego's "Sacred" Canyons:**

One obvious objection is the building into the Chapultepec canyon itself. Canyons, to many San Diegans, are almost sacred open spaces that make us unique among many other cities. The City of San Diego web site states that: "San Diego's canyons contain natural and cultural history unique to our region. For many communities these canyons are all that remain of undeveloped natural landscape. Canyons provide the citizens of San Diego with such benefits as scenic vistas, preservation of natural resources, outdoor recreation, and other benefits to health and well-being."

"The City of San Diego Park & Recreation Department's Open Space Division manages over 24,000 acres of open space, including open space canyons and parklands. Some 3,200 acres are

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citywide neighborhood centers and parklands which are overseen by the Open Space Canyon Program staff.

"The Open Space Division Canyon Program supports various "Friends of Canyons" groups by assisting with environmental education, canyon enhancement planning, weed management, trail maintenance, and kiosk installation."

One of these "Friends of Canyons" groups is the San Diego Canyonlands group. Their web site states: "San Diego is unique as a major metropolitan area with natural open spaces, including hundreds of canyons and stretches of creek habitats scattered throughout the urban environment. These canyons, these islands of open space, are like mini-regional parks in our back yards. They play an important role in our wellness through filtration of air and water, serving as our City's kidneys & lungs."

"San Diego Canyonlands works towards preserving and restoring our canyons and influence policies towards their protection. We are also committed to finding opportunities to utilize our Canyons as "Nature Classrooms" where San Diego's youth can learn about our unique wildlife and eco-systems with hands-on experiences. We promote passive recreational use in San Diego's urban wildlands."

## "Substantial Adverse Effects On Human Beings"

According to the subject "NOP of a Draft EIR" document, many environmental issues listed in the various tables possess "Potentially Significant Impacts". Of special note is the last table (in-late added), "5.19 Mandatory Findings Of Significance". In this table is "Environmental Issues", which asks: "Does the project "Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?" The column marked "Potentially Significant Impact" is checked. This is probably the most serious finding in the whole document. However, nothing about this is in the Discussion that follows this table. This appears to be a significant omission.

## 55th Street Alternative

As I understand, an EIR must also discuss alternative solutions to the reason for the EIR. I would propose that an alternative solution would be to instead build dorms on the several blocks at the end of 55<sup>th</sup> Street, known as the "Albert's Apartments". This area is located on the finger-mat just to the east of the Chapultepec area. The best view of this area is on the map in Figure 3 in the NOP. Currently, there are only 700 tenants in this under-used area. This is a great waste of potential space, where large 25+ story dorms could be built which could contain many more thousands of tenants (as next described).

## 55th Street Alternative - number of beds on Chapultepec (2700) vs 55<sup>th</sup> St. (10,800-13,500)

On page 4 of the Initial Study, are listed the details of the proposed Chapultepec dorms. There are a total of 4 residence halls, containing a total of 9 buildings with a total of 74 stories (using the maximum number of stories built), for a total of 2,600 beds (rounded to 2,700 beds). That is approximately 36 beds per story.

Using the above figures, one 25 story building on the alternate 55<sup>th</sup> St. site would contain 900 beds

(23 stories X 36 beds per story). Therefore, only 3.25-story dorms on the alternate 55<sup>th</sup> St. site would contain 2,700 beds - which equals the total number of beds on the proposed Chapultepec

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## Responses to Comments - Organizations

site - a total of 12-18 25-story dorms could be built on 55th St. That's a total of 16,000 - 33,000 beds for the alternate site of 55th St.

### 55th Street Alternative - additional advantages

I suggest some additional advantages of building on the 55th St. site as opposed to the proposed Chapultepec site:

1. Dorms could be built 25+ stories high, housing thousands more students than at the proposed Chapultepec site, as shown above.
  - a. If there currently aren't funds for such tall dorms, build shorter dorms that could easily support added stories in the future.
  - b. Housing for the 700 current tenants during demolition and construction could be accomplished by building in phases. Build one 25+ story dorm at the nearest south end which then could house all the 700 current tenants. Build the rest of the dorms starting from the south end to the north, so students wouldn't have to walk in the construction zone. Following phases would build the remaining 25+ story dorms. These phased-in new dorms would be filled as they are completed. Any moving of students during construction/remodeling could be similar to what happened during the recent renovation of some dorms on East Campus.
2. This area could be a great "student village", that would be car-free. Only bikes and skateboards would be allowed.
3. This could be a mixed-use student area, with various student-oriented retail stores, indoor recreational areas, restaurants, entertainment venues, etc. built on the first floors of the dorms, similar to South Campus Plaza.
4. An emergency road could be built around behind the dorms near the canyon edge, with access only to emergency vehicles. A paved road for only emergency vehicles could also be built where the current road is down the middle of the mesa, for emergency access to building fronts.
5. Parking for any resident or visitor vehicles could be provided in the existing "Pit" parking lot, just to the east of these 55th St. dorms. If needed, a parking structure could be built in the Pit, around the existing trolley tracks. Other parking could be in the existing parking structure next to the Pit.
6. Pedestrian access to Pit parking from these new dorms could be provided by a pedestrian bridge from the new dorms to the Pit. Elevators might be required if no parking structure is built in the Pit.
7. The back of the dorms on the west side would act as a noise barrier for the residents on Hemlock Dr. and Remington Road.

I understand that either SDSU or Altus/Shops must absorb all the property on this part of 55th St. Any private property could be negotiated as a public-private joint arrangement to tie in with the rest of this area, maybe similar to the arrangement the previous builder made with SDSU for the apartments on Hill College Ave.

Thank you for your time and consideration in working with the community to select the best area for new dorms that will benefit both SDSU and the community.

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**Response to Comment Letter O2**

**College Area Community Planning Board**

**Rhea Kuhlman**

**Dated May 18, 2017**

- O2-1** The comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. 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.
- O2 -2** The comment is an introduction to comments that follow. No further response is required.
- O2 -3** The comment is an introduction to comments that follow. No further response is required.
- O2 -4** The comment regards the EIR's analysis of traffic-related impacts and notes a discrepancy between the cumulative projects listed in EIR Section 3, Cumulative Methods and Projects, Table 3-1, and those listed in the Transportation Technical Report, Appendix K, Table 7-1. The list of cumulative projects analyzed as part of the traffic impacts analysis is provided in Appendix K, Table 7-1. As shown, Table 7-1 includes 11 cumulative projects not within the campus boundaries, including projects both within the City of San Diego and City of La Mesa.
- O2 -5** The bulk, scale, and architectural character of the Project is analyzed in Chapter 4.1, Aesthetics, of the EIR. As explained in the Final EIR, the proposed project has been modified to eliminate Phases II and III. Please see Final EIR, Preface, for additional information regarding the project modifications. With the elimination of Phases II and III, proposed project impacts from bulk, scale and architectural character would be less than significant. Shading and shadow impacts of the Project are also addressed in Chapter 4.1 and in the Shading Technical Report prepared for the Project. Based on the technical report and with the elimination of Phases II and III, the proposed Project would not cast shadow onto shadow-sensitive areas for a duration in excess of the established significance thresholds throughout the year. Therefore, shadows that were generated by the project were determined to be less than significant and disclosed as such in the Draft EIR.
- O2 -6** See Biological Resources Thematic Response, which states that Phases II and III will not be developed, thus eliminating potential shade effects from those buildings. Based on the analysis described in the Shading Technical Report to the Draft EIR, the development of Phase I would not increase shading in the canyon. The existing Chapultepec Hall, as well as the natural topography of the canyon, results in limited

## Responses to Comments - Organizations

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shading of portions of the canyon as the sun moves across the sky throughout the day. The plants and vegetation communities receive enough sunlight throughout the day to grow and thrive in existing conditions.

- O2 -7** The comment does not provide specific recommendations or inadequacies related to the mitigation measure regarding coastal sage scrub. The mitigation measures have language specific to avoiding impacts to coastal sage scrub. For example, mitigation measure MM-BIO-3 requires fencing to “protect from inadvertent disturbance outside of the limits of grading as well as to prevent unauthorized access into the canyon”; and MM-BIO-5 states that all outdoor light fixtures must be directed away from the undeveloped canyon. See Biological Resources Thematic Response, which states that Phases II and III will not be developed, thus eliminating direct impacts to coastal sage scrub. As required, all of these mitigation measures contain standard language in terms of trigger, quantity and timing.
- O2 -8** Impacts to each vegetation community or land cover is specifically analyzed in the Draft EIR, including those located in the canyon. Direct impacts are summarized in Table 4.3-3 on pgs. 4.3-23 and 4.3-24 of the Draft EIR and described in more detail on pgs. 4.3-31 and 4.3-32. Impacts to the canyon related to wildlife movement are described on pgs. 4.3-34 and 4.3-35. Additionally, as stated in Biological Resources Thematic Response, Phases II and III will not be developed and therefore will significantly reduce impacts to the canyon.
- O2 -9** Wildland fire hazards associated with the project were analyzed in the Fire Fuel Load Modeling Report (Dudek 2017); the results of this evaluation were summarized in Draft EIR Chapter 4.8 and begin on page 4.8-24. Based on the results of that evaluation, fire safety measures were developed to protect the proposed structures from wildfire threats, enable fire department access, and provide a defensible Project. The Canyon is considered to include the potential for wildfire and that potential has been addressed through project design features and measures above and beyond code requirements. Please also refer to response to comment I-17-30 for additional details on Project requirements for constructing in a Very High Fire Hazard Severity Zone (VHFHSZ).
- O2 -10** The comment regards mitigation measure MM-TRA-4, which would be triggered by implementation of Phase III. In response to comments submitted on the Draft EIR, the proposed Project has been modified to eliminate Phase III from development. Therefore, mitigation measure MM-TRA-4 is no longer applicable.
- O2 -11** The comment contends the traffic analysis trip generation rate is inadequate for multiple reasons. With regards to use of Chapman University trip generation rates, the relative differences in the areas surrounding Chapman and SDSU was taken into account by the traffic engineers, Linscott, Law & Greenspan, (LLG) in considering

the appropriate trip generation rate. While Chapman does have a town center two blocks from campus, SDSU also has numerous retail, restaurant, and entertainment opportunities within walking distance to campus. In addition, unlike Chapman, SDSU has an on-campus light rail trolley stop from which students can ride the trolley to Old Town San Diego, downtown San Diego, and numerous other destinations supportive of most student needs without using a vehicle. Lastly, the student trip generation rate for the suburban-located University of California at San Diego (UCSD), one of the trip rates considered by LLG, is actually *lower* than the rate used for the SDSU student housing project, and UCSD is not located near a town center, nor does it have an on-site trolley stop providing access to student attractions.

As to the suggestion to use trip rates based on SDSU data, conducting traffic counts in order to derive trip generation rates at student housing facilities on the SDSU campus was considered by LLG. However, deriving trip rates for students residing at Chapultepec Hall (or other SDSU residence halls) requires that the students living at Chapultepec park their car in a parking area dedicated exclusively for Chapultepec residents so that traffic counts of Chapultepec residents can be determined. However, students who reside at Chapultepec Hall do not park exclusively in one designated area and, instead, park at various locations on campus. Therefore, LLG, or any traffic engineer, is unable to conduct a trip generation study specific to Chapultepec Hall or any other SDSU campus student housing residence.

Contrary to the comment, the trip generation rate is based on the university student housing rate on a per bed basis, and does not make assumptions regarding how many students would bring vehicles to campus. Any assumptions regarding the number of student vehicles applies only with respect to the EIR parking analysis. With respect to additional trips by Uber, pizza delivery, and parental visits, these additional trips are incorporated within the student housing trip rate that was used in the analysis.

The student housing trip generation rate used in the analysis does not distinguish between freshmen and sophomores and, as noted above, is applied on a per bed basis.

For additional information responsive to this comment, please also see response to comments O-6-25, O-6-26, O-6-27, and O-6-28.

- O2 -12** The comment states the Draft EIR parking analysis is inadequate because the location of the parked vehicles will change from classroom venues to west campus residential venues. To the comment's concern, the Draft EIR parking assessment specifically addressed spillover parking in the College View Estates Area and determined that the proposed Project would not result in significant impacts for several reasons, including the fact that the neighborhood implements a parking permit program that prohibits non-resident parking in the areas closest to SDSU on Monday through Friday from

8AM to 7PM. Nonetheless, as part of the proposed Project, a permanent sign will be installed on Remington Road at the SDSU campus boundary with the College View Estates that reads “No SDSU or Event Parking in Residential Neighborhoods – Violators May be Fined and/or Towed Away.” (Please see Draft EIR Section 4.14.6.4 for additional information responsive to this comment.)

- O2 -13** The comment states the analysis of impacts on Remington Road is inadequate because the road is improperly sized to handle move-ins/move-outs. However, as part of the proposed Project, move-ins/move outs will take place in an area located on the north side of the Phase I building, removed from Remington Road. Additionally, the proposed Project will include off-street spaces on the north side of Remington in front of the Phase I building for up to 6 vehicles for the purpose of accommodating pick-ups/drop-offs, thereby alleviating the existing problem of cars blocking the flow of traffic on Remington when picking up/dropping off persons. Please see Final EIR, Project Description, Figure 2-11, for illustration of the move-in/move-out and pick-up/drop-off areas.

For additional information responsive to this comment, please also see O-6-33, O-6-36, O-6-37, O-6-38, O-6-39, and O-6-40.

Other comments raised address general subject areas, which received extensive analysis in the Draft EIR. These comments do not raise any specific issue regarding the 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.

- O2 -14** The comment states the Draft EIR inadequately assesses emergency access via Remington Road. The EIR addresses access issues, generally, in Section 4.14.6.5., and emergency response related issues in Section 4.14.6.11. As noted above, the proposed Project includes off-street parking areas to accommodate pick-ups/drop-offs, thereby alleviating a source of congestion on Remington Road and freeing up right of way for emergency vehicles. In addition, the Project would re-paint the red curbs on Remington Road and replace the existing “No Parking” signs with “No Standing at Any Time” signs. These project features will facilitate emergency access on Remington Road.

For additional information response to this comment, please also see the responses to comments L-5-12, L5-13, and L-5-14.

- O2 -15** The comment states that the EIR does not address impacts on Hewlett Drive. The geographic distribution of vehicle trips generated by the proposed project was determined using the SANDAG travel demand model. The model is a computerized

travel demand model that utilizes a sophisticated trip distribution function to derive the distribution of vehicle trips. Based on application of the SANDAG model, the traffic engineer determined that only two percent of Project traffic would access the Project site from the west, through the College View Estates area; thus, traffic through the College View Estates area was considered as part of the analysis. The Project traffic distribution, as derived through application of the SANDAG traffic model, is illustrated on Draft EIR Figure 4.14-3, Project Traffic Distribution. (See also Draft EIR p. 4.14-7, and Appendix K, Sections 3.0 and 8.2.) In addition, based on the low traffic volumes on Remington Road (current level of service (LOS) A), and the low number of vehicles that use the intersection College View Estates residents use to reach Montezuma Road (the Montezuma Road / Yerba Santa Drive intersection, which also operates at LOS A), even if 20% of the Project traffic utilized the roads through College View Estates, there would be no significant impacts.

For additional information responsive to this comment, please also see the responses to comments O-6-29 through O-6-32.

- O2 -16** The comment is related to the prior comment. Please see the response to comment O-2-15 for information responsive to this comment.
- O2 -17** Please see response to Comment O2-5, above.
- O2 -18** The comment contends the Draft EIR rejected a number of alternatives without giving valid reasons. Draft EIR Section 6, Alternatives, presents an extensive analysis of project alternatives, both on- and off-campus, and provides the reason for rejecting each alternative. For additional information responsive to the comment, please also see the Alternatives Thematic Response in this Final EIR.
- O2 -19** Thank you for your comment regarding the 2016 City of San Diego “Residential High Occupancy Single Dwelling Unit Ordinance” being the correct name of the ordinance. This revision will be incorporated into the Final EIR.
- O2 -20** The comment is critical of the Draft EIR’s Project Goals and Objectives; however, the Goals and Objectives fully comply with the requirements of the California Environmental Quality Act. Also, the comment is critical of the analysis, evaluation, and elimination of alternatives as contained in the Draft EIR, Chapter 6.0, Alternatives. However, Alternatives to the proposed Project location received extensive analysis in the Draft EIR. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, following distribution of the Draft EIR and the close of the public comment period, the

## Responses to Comments - Organizations

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- proposed Project was modified in response to public comments to eliminate Phases II and III. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.
- O2 -21** The comment states the Draft EIR did not consider a prohibition against vehicles for residents of the proposed dorms or against cars for freshman. However, the Draft EIR analyzed and evaluated a range of reasonable alternatives, and in doing so, complied with the requirements of the California Environmental Quality Act. Please see the Alternatives Thematic Response for additional information responsive to the comment. Also, the comment addresses, generally, the subject of traffic impacts resulting from students residing at the proposed Project. The Draft EIR, Chapter 4.14, Transportation/Circulation and Parking, evaluated traffic impacts relative to students and student-generated traffic.
- O2 -22** The comment claims the development of only Phase I of the proposed Project could achieve the Project's goals of achieving a distinct west campus housing community and alleviating Chapultepec's isolation. 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment..
- O2 -23** The comment is critical of the proposed Project's development and selection of alternatives. The comment claims the Draft EIR failed to demonstrate why locating Phases II and III at alternative on-campus sites, including the 55th Street Peninsula and Parking Lots 2A and 17, is infeasible. Please see the Alternatives Thematic Response for information responsive to the comment. Also, the proposed Project has been modified to eliminate Phases II and III. With respect to the comment regarding the Campus Master Plan, please note 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.
- O2 -24** The comment is critical of the proposed Project's development and selection of alternatives. The comment claims the Draft EIR failed to demonstrate why locating Phases II and III at alternative on-campus sites, including the 55th Street Peninsula

and Parking Lots 2A and 17, is infeasible. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for information responsive to the comment.

- O2 -25** The comment states that Draft EIR Appendix K incorrectly reports that mitigation is proposed that would mitigate all identified impacts to a level below significant. However, Appendix K also adds “with the exception of.....”, noting that certain impacts would remain significant and unavoidable. However, the statement in any event is no longer applicable. With the elimination of Phases II and III from the proposed Project, all potentially significant traffic-related impacts will now be mitigated to less than significant.
- O2-26** The comment does not oppose the development of Phase I, but disagrees with the proposed development of Phases II and III. In response to comments like these submitted on the Draft EIR, the proposed Project has been modified to eliminate Phases II and III. Please see Final EIR, Preface, for additional information regarding the project modifications. Other portions of the comment address general subject areas that received extensive analysis in the Draft 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, as is the case with all of the comments submitted by CACPB, will be included as part of the record and made available to the decision makers prior to a final decision on the Project.
- O2-27** The comment urges SDSU to incorporate more of the comments submitted by the community during the EIR process as part of the Project. As illustrated throughout the responses to comments included in this Final EIR, SDSU has modified the Project and incorporated Project Design Features into the Project in direct response to the community’s comments throughout the process. Other portions of the comment express the opinions of the commentator. 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. However, no further response is required.
- O2-28** The comment is an introduction to comments that follow. No further response is required.
- O2-29** The comment regards the illegal parking in front of the Chapultepec dorm. As noted in the prior responses, as part of the proposed Project, the Project will include off-street spaces on the north side of Remington Road in front of the building for short-term

parking for up to 6 vehicles for the purpose of accommodating pick-ups/drop-offs, thereby alleviating the existing problem of cars blocking the flow of traffic on Remington Road when picking up/dropping off persons. Additionally, move-ins/move outs will take place in an area located on the north side of the Phase I building, removed from Remington Road. Please see Final EIR, Project Description, Figure 2-11 for illustration of the pick-up/drop-off and move-in/move-out areas. In addition, the Project would re-paint the red curbs on Remington Road and replace the existing “No Parking” signs with “No Standing at Any Time” signs. Lastly, while enforcement of the parking restrictions is within the jurisdiction of the City of San Diego Police Department, SDSU Police are available to enforce the restrictions as necessary.

- O2-30** The comment regards student parking in the College View Estates neighborhood. As explained in response O-2-12, the Draft EIR parking assessment specifically addressed spillover parking in the College View Estates Area and determined that the proposed Project would not result in significant impacts for several reasons, including the fact that the neighborhood implements a parking permit program in those areas closest to SDSU that prohibits non-resident parking Monday through Friday from 8AM to 7PM. Nonetheless, as part of the proposed Project, a permanent sign will be installed on Remington Road at the SDSU campus boundary with the College View Estates that reads “No SDSU or Event Parking in Residential Neighborhoods – Violators May be Fined and/or Towed Away.” (Please see Draft EIR Section 4.14.6.4 for additional information responsive to this comment.)

The comment also includes an introduction to comments that follow from a separate commentator. As an introduction, no further response is required.

- O2-31** The comment states that the proposed Chapultepec area is not the “best site” for the proposed Project. The comment raises general issues regarding the subject of Alternatives, which received extensive analysis in Draft EIR Section 6. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Additional analysis also is provided in the Alternatives Thematic Response, included in this Final EIR. Because the comment does not raise any specific issue regarding the analysis, 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.



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- O2-32** The comment is an introduction to comments that follow. No further response is required.
- O2-33** The comment expresses the opinions of the commentator and provides factual background information. The comment does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the Proposed Project. No further response is required because the comment does not raise an environmental issue.
- O2-34** 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.
- O2-35** The comment states the Draft EIR omitted from discussion whether the Project would have “substantial adverse effects on human beings.” This comment addresses a general subject area that 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.
- O2-36** With respect to the comment regarding environmentally preferable siting choices and the Proposed Project’s goals and objectives, the comment relates to alternative siting locations for Phases II and III. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment.
- O2-37** With respect to the comment regarding environmentally preferable siting choices and the Proposed Project’s goals and objectives, the comment relates to alternative siting locations for Phases II and III. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to

## Responses to Comments - Organizations

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any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment.

**O2-38** With respect to the comment regarding environmentally preferable siting choices and the Proposed Project's goals and objectives, the comment relates to alternative siting locations for Phases II and III. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment.

**O2-39** With respect to the comment regarding environmentally preferable siting choices and the Proposed Project's goals and objectives, the comment relates to alternative siting locations for Phases II and III. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment.

**O2-40** With respect to the comment regarding environmentally preferable siting choices and the Proposed Project's goals and objectives, the comment relates to alternative siting locations for Phases II and III. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment.

**O2-41** With respect to the comment regarding environmentally preferable siting choices and the Proposed Project's goals and objectives, the comment relates to alternative siting locations for Phases II and III. However, 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. Please see Final EIR,

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Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment.

**O2-42** With respect to the comment regarding environmentally preferable siting choices and the Proposed Project's goals and objectives, the comment relates to alternative siting locations for Phases II and III. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment.

**O2-43** The comment relates to the 55<sup>th</sup> Street alternative and suggests providing access via a pedestrian bridge. The 55<sup>th</sup> Street alternative is analyzed in Draft EIR Section 6, Alternatives, and the Alternatives Thematic Response included in this Final EIR. The comment represents the opinion of the commentator and does not raise any specific issue regarding the EIR analysis. 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.

**O2-44** With respect to the comment regarding environmentally preferable siting choices and the Proposed Project's goals and objectives, the comment relates to alternative siting locations for Phases II and III. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment.

**O2-45** With respect to the comment regarding environmentally preferable siting choices and the Proposed Project's goals and objectives, the comment relates to alternative siting locations for Phases II and III. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result,

## **Responses to Comments - Organizations**

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the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment.

### Comment Letter O3



San Diego County Sierra Club  
8304 Clairemont Mesa Blvd #101  
San Diego, CA 92111

Ms. Laura Shinn, Director  
Facilities, Planning, Design, and Construction  
5500 Campanile Drive  
San Diego, CA 92161-1624

June 7, 2017

Dear Ms. Shinn:

Sierra Club San Diego finds significant questions, problems, and concerns with the proposed San Diego State University New Student Housing Project (project). The following are our comments regarding the DEIR that we expect to see addressed in the EIR and/or modified in the project to ameliorate these concerns and their impacts.

O3-1

Our first and major concern is that phases two and three of the proposed project develops and destroys a coastal sage scrub canyon. Moreover, this canyon is part of a network of canyons and open space that connects with Mission Valley, Alvarado Canyon, green space east of Fairmount Avenue, green space north of Montecuma road, and with several branches of green space canyons into Alvarado Estates. In effect, the SDSU green space destruction threatens an entire functional and cohesive ecosystem specifically preserved by the City of San Diego, the United States Fish and Wildlife Service and the California Department of Fish and Wildlife by the San Diego Subarea NCCP plan and Multiple Species Conservation Program (MSCP).

O3-2

Ratified in July of 1993, the State of California was represented in this CEQA-based public decision-making process by the California Department of Fish and Game, with clearly required conditions of contract found here in the <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=43635&inline>

*"The State agrees to the following regarding the City's enrollment in the NCCP program:*

*a. The State recognizes and accept the MSCP as the functional equivalent of the NCCP.*

O3-3

*b. The State recognizes that the City of San Diego is investing considerable time and public resources in preparation of the MSCP plan and that on-time completion of the MSCP plan is vital to the City's ability to fulfill its obligations to upgrade the Metropolitan Sewerage System. The State agrees that it will not impose requirements on the City that would cause delay, require redesign or affect by regulation development of the MSCP plan or adversely impact the potential for the MSCP plan to be implemented."*

## Responses to Comments - Organizations

Sierra Club, San Diego residents, and the hundreds of directly impacted local residents surrounding SDSU finds it surprising and unfortunate that SDSU would attempt to circumvent this State of California protective covenant with the City of San Diego. Aside from habitat for both federal and state listed species, San Diego's canyons are virtually the only natural surroundings remaining in the City's historic communities. Dozens of community groups have been formed with hundreds of volunteers to protect San Diego's canyons from the exact type of development proposed by SDSU. SDSU's disinclination to uphold a stakeholder role in preservation and planning of the local canyons brings the question of whether SDSU has any standing - let alone its claimed ability to destroy greenfields in the MSCP which has long been represented by the California Department of Fish and Wildlife.

O3-4

The DEIR admits that several acres of "Diegan Coastal Sage Scrub" will be taken and that "Diegan coastal sage scrub and all its variants generally are recognized as sensitive plant communities by local, state, and federal resource agencies. It supports a diversity of sensitive plants and animals, and it is estimated that it has been reduced by 75% to 80% of its historical coverage throughout Southern California. Diegan coastal sage scrub has a global rank of G3 and state rank of S3.1, meaning it is considered vulnerable and is considered a sensitive biological resource by CDFW under the California Environmental Quality Act (CEQA; CDFG 2010).<sup>7</sup> There is no sound rationale for taking of this important and scarce resource in any case, but especially when better alternatives exist.

O3-5

Building in green canyons rather than developed areas are clearly not the intent of the California Environmental Quality Act (CEQA), Executive Order S-13-08, the California State University Sustainability Policy adopted by the Board of Trustees of the California State University, the City of San Diego General Plan, or current urban building practices. Nor should building in green open space be the intent of a campus that purports to be a green campus and advertises itself as such. Taking of canyon high value habitat reduces plant and animal resources, diminishes San Diego's valuable canyon space, takes land that reduces carbon and produces oxygen, and denigrates the community character of surrounding neighborhoods.

O3-6

Phase one of the project presents no problem from our standpoint; it is being built on developed land and existing parking lot 9. This is consistent with SDSU's goal to create additional student housing and to expand the sophomore success program. However, phase one could accommodate a much larger building, one the same height of the existing Chapultepec Hall which could accommodate far more than the proposed 850 students. Failing to utilize feasible capacity, as well as connecting to existing onsite infrastructure illustrates imprudent and uneconomical planning, antithetical to the long established principles of Smart Growth.

O3-7

Building additional dormitory space on the parking lot nine site and/or additional sites in the vicinity would achieve goals 1, 2, 3, 4, 5, 7, 8 of the project. The deceptive reference in goal 6 of a coastal sage scrub canyon as "an existing undeveloped area" unfairly characterizes the importance of San Diego Canyons and is inconsistent with guidelines under CEQA. Moreover, building on undeveloped land should never be a goal of the project-which should be confined to the building goals of SDSU, not a Facilities Management desire to develop natural habitats specifically preserved under the auspices of City, State, and Federal mandates.

O3-8

In addition to building a larger structure in phase 1 on the existing parking lot, the campus has more than a dozen alternative sites on which to build. This includes a number of areas within campus with no existing structures, replacement of obsolete or dilapidated structures owned by the university or Aztec

O3-9

## Responses to Comments - Organizations

Shops. Other areas adjacent to campus that could be obtained with simple bargaining, or as a ravi resort, SDSU's ability to initiate eminent domain.

O3-9  
Cont.

The potential for additional student housing at the former Qualcomm Stadium site has reached the point of being a frequent subject in the daily news. Ignoring the potential of construction on 186 available urban acres in nearby Mission Valley featuring fully installed utilities is incomprehensible to resident taxpayers, SDSU students and faculty. This latest dumbfounding SDSU walk away from negotiations with the City of San Diego is now emerging as a series of 2-year secret talks, without benefit of public discussion and engagements.

O3-10

Moreover, the DEIR suggests that the project would have a less than significant impact on a scenic vista. This is patently false as the view from homes and existing dormitories in the area would look out on a series of buildings rather than a scenic canyon if phase 2 and 3 were to be constructed.

O3-11

The DEIR suggests that the project would have a less than significant impact on a light or glare that would affect nighttime views of the area. This too is false, as light from several new buildings would fill a heretofore dark and undeveloped canyon.

O3-12

Additionally, there is no mention that we can find in the DEIR regarding the noise impacts once a fully build project containing 2600 students is fully operational. Clearly this will have substantial unmitigable impacts on the adjacent residential neighborhood and the remaining coastal sage canyon.

O3-13

Additionally, the DEIR admits impacts on nesting birds but ignores the potential for endangered and threatened birds in the area. The DEIR ignores that construction would take place in a green canyon, the habitat for considerable flora and fauna. The comments on buffers is disingenuous since construction of the buildings takes place in a green canyon. Shockingly, one of the proposed mitigation measures is to, "Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities." The removal of special status species is inconsistent with CEQA guidelines and in fact constitutes an admission of the impact of the project on these species. The existing survey in the DEIR was conducted in 2014 during a drought and no subsequent survey is planned, following a rainy year, by the consultants until June 2017, after comments on the DEIR are due.

O3-14

SDSU makes claims they will accomplish a 2-1 migration on gnatcatchers. This is a gift and unsubstantiated response. Will SDSU turn otherwise developed land into parkland for gnatcatchers? What habitat land is involved, and exactly where is this mitigation land to be located? California gnatcatchers are not a simple commodity, transferable or renewable, but a key indicator of rare and distinct habitat of Diegoan coastal sage scrub which has lost thousands of acres of prior habitat to development. SDSU fails to report to the decision-makers and public that the canyon to be occupied by proposed student housing has potential to be a CAGC dispersal area, serving to replenish other corridor sites with fledged offspring. As mentioned, the timing of the survey reports from SDSU's consultants preclude such documentation with a June 5<sup>th</sup> due date for DEIR comments.

O3-15

The DEIR admits that it will have a potentially significant effect on a riparian habitat or other sensitive natural community. It also admits it may have a significant impact on "the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors; or impede the use of native wildlife nursery sites."

O3-16

## Responses to Comments - Organizations

The DEIR also admits that significant erosion could occur because of the project. The geotechnical review states: "Proposed grading and construction would result in removal of vegetation and exposure of soils to erosion, which in turn could result in sedimentation of on-site drainages and downstream Alvarado Creek and the San Diego River. The effects of erosion would be intensified by the steepness of the existing slopes. Increased rate of runoff would increase the amount of sediment transported downslope and would create rilling and gullying, which in turn would increase the runoff velocity." We have great concerns about the project disturbing an existing green canyon with possible impact on streams and uncertain mitigation measures.

03-17

DEIR says that there is less than significant impacts on cumulative projects of which there are many at SDSU. SDSU has many current renovation and building projects and these need to be listed and the cumulative impact assessed.

03-18

The DEIR suggests there is less than a significant impact on substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? It is difficult to envision the addition of 2600 students, with outdoor recreation areas and green spaces creating no additional noise in the canyon or in the surrounding neighborhood.

03-19

The subject of climate change and Green House Gas (GHG) generation are such a salient issue and central focus in California that it would seem to be a central and an unavoidable topic and a government mandate which could not be absent from a DEIR in an acclaimed California University. However, after reading a 54-page generalization of California conditions and environmental response to GHG production and control, followed by a 1,000-page appendix consisting largely of statistical data, we were not able to locate a San Diego State University Climate Action Plan (CAP). However, following an exhaustive process over several days, it came to light that SDSU indeed had constructed a so-called Climate Action Plan, however SDSU also secreted the plan in a non-profit, precluding even Google from identifying the critical CAP. Worse, reference to this plan was absent from the DEIR!

03-20

<https://reporting.sustainability.sdsu.edu/neutral/university/cap/517-a-2016-into2019.pdf>

Readers and decision-makers are urged to download this SDSU Climate Action Plan and identify for themselves what SDSU has hidden from the public. Decision-makers and with few exceptions, the entire 35,000 student body and faculty members have been deprived of the University's own conclusions as to what is required to meet GHG reduction standards.

03-21

**San Diego State University SDSU GHG Emission-Reduction Goals.**

***Each campus selects its own neutrality date, with 85 percent committing to 2050 or sooner and 40 percent committing to 2040 or sooner. SDSU will have a goal of campuswide carbon neutrality of no later than 2050.***

03-22

The CAP appears to be strictly aspirational, presented much like a public relations piece, but an eye opener on how much pollution is being created by co-generation on campus. A quick reading points to the generation system as being blamed for inefficiencies throughout the campus. SDSU has gone so far as to claim their natural gas co-generation is a larger source of GHG generation than the entire mobility modes associated with motorized transit to and from the university, including 35,000 students, and thousands staff and faculty. By its own admission, SDSU concedes selecting its GHG evaluation

03-23



## Responses to Comments - Organizations

techniques were solely selected by their "popularity" with universities which "publicly reported their greenhouse gas emissions".

The Campus Carbon Calculator was chosen for this study due to its **popularity** in academia. Over 90 percent of universities that have publicly reported their greenhouse gas emissions did so through its use.

Until this CAP revelation, SDSU has portrayed itself as a concerned, if wholly passive entity, dependent entirely on the City of San Diego's own Climate Action Plan for climate change and GHG guidance. Incredibly, SDSU fails to feature itself as one of the largest Vehicle Miles Traveled (VMT) trip generators in the entire geographical area of San Diego County. The commuting emissions load from a 35,000 student university, including staff and faculty, creates a substantial percentage of the total of San Diego's GHG generation, as well as air quality, congestion, and related inefficiencies impacting the entire region. A critical examination of SDSU's Climate Action Plan will reveal whether the University has undergone a factual emissions inventory, or a public relations event which has been purposely hidden from the public's examination. These questions must be responded to in the FEIR in a comprehensive manner for the public to understand how SDSU can claim to have a less than significant on GHG generation in our City of San Diego.

Further examination of SDSU's commitments to GHG reductions met with similar dismissive and irrelevant and distancing commentary. The SDSU Campus Sustainability Presentation: <http://files.sdsu.edu/campus/facilities/services/General%20Sustainability%20Presentation.pdf> demonstrates a philosophy of detachment to the very largest GHG factor on Campus, the carbon-based natural gas co-generating system. Installed and paid for by taxpayers on the university property for creating electricity and steam. Here are the comments associated with Co-generation and GHG:

**Reduces energy costs, increasing capability, Historically, reduces environmental impact; but the grid is getting cleaner, Optimization effort expected to reduce operational emissions by nearly 10%**

Clearly residents and the public are experiencing a "sand bagging" exercise in the Sustainability Presentation as well as the secreted and undisclosed Climate Action Plan. Evaluating the GHG impacts of a huge influx of new students is made impossible for decision-makers and the public by the deceptive practices in place, apparently in conjunction with rolling out the Draft Environmental Impact Report.

Please discuss in detail how the public and decision-makers could have possibly been informed by these SDSU environmental documents, one claiming sustainability, the other secured away until the project central to its existence would be finished undergoing evaluation.

In sum, we can conclude, based on omissions from the DEIR as well as significant admissions in the DEIR, that the project is out of compliance with CEQA and unnecessarily encroaches on an undeveloped canyon. We urge San Diego State University to abandon phases two and three of this project, consider alternative sites for these dormitories, and to produce a document in compliance with CEQA and the commitment of SDSU to be a green campus.

Respectfully Yours,

Peter A. Andersen, Vice-Chair  
San Diego County Sierra Club  
[webone47@gmail.com](mailto:webone47@gmail.com)

George Courser, Chair Conservation Committee  
San Diego County Sierra Club  
[gcourser@sierraclub.org](mailto:gcourser@sierraclub.org)

O3-23  
Cont.

O3-24

O3-25

O3-26

O3-27

O3-28

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## **Response to Comment Letter O3**

**Sierra Club  
June 2, 2017**

- O3-1** The comment is an introduction to comments that follow. No further response is required.
- O3 -2** The comment regards Draft EIR Phases II and III, noting that development in the area is the Sierra Club's "first and major concern." However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. See also Biological Resources Thematic Response for additional related information. It also should be noted that with the elimination of Phases II and III (which would have constituted the majority of impacts to sensitive biological resources), impacts associated with these phases will no longer occur; Phase I does not impact the canyon. Further, the City of San Diego and SDSU have discussed the project's relationship to the MSCP and have agreed that designation of SDSU land in the canyon as part of the MHPA and included in the City's Habitrak database as a "gain" is incorrect. In addition, the City confirmed that development of the project would not have an impact on the City's ability to meet the MSCP's goals for conservation of coastal sage scrub. The City has discussed this project with the US Fish and Wildlife Service and California Department of Fish and Wildlife and both agencies have agreed that the mapping errors should be corrected and in doing so, will not affect the City's efforts to achieve the goals of the MSCP and specifically the goals for preservation of coastal sage scrub habitat.
- O3 -3** The comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. 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.
- O3 -4** See Biological Resources Thematic Response. The City of San Diego and SDSU have discussed the project's relationship to the MSCP and have agreed that designation of SDSU land in the canyon as part of the MHPA and included in the City's Habitrak database as a "gain" is incorrect. Further, the City confirmed that development of the project would not have an impact on the City's ability to meet the MSCP's goals for conservation of coastal sage scrub. The City has discussed this project with the US Fish and Wildlife Service and California Department of Fish and

## Responses to Comments - Organizations

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Wildlife and both agencies have agreed that the mapping errors should be corrected and in doing so, will not affect the City's efforts to achieve the goals of the MSCP and specifically the goals for preservation of coastal sage scrub habitat.

While not required, SDSU performed a consistency analysis with the City of San Diego's MSCP Land Use Adjacency Guidelines. Several design specifications were developed during project design (ie, fencing treatment, etc.) that will ensure that construction and operation of the proposed project adjacent to sensitive canyon areas will not have an indirect impact to the flora and fauna present in the canyon.

**O3 -5** Please see Biological Resources Thematic Response for information responsive to this comment.

**O3 -6** The comment expresses the Sierra Club's objection to SDSU's decision to build a project in what the Sierra Club refers to as a "green canyon." The comment then states that such a project is inconsistent with the intent of CEQA, Executive Order S-13-08, the California State University Sustainability Policy, the City of San Diego General Plan, and current urban building practices. None of these statements, however, raises a CEQA issue or identifies any defect in the subject EIR. The following information provides additional information relevant to this response. See response to comment O3-2. See also Biological Resources Thematic Response, which states that Phases II and III will not be developed, thus eliminating potential shade effects from those buildings. Additionally, analysis of the impact to the canyon was conducted in order to quantify the impacts to the canyon system. The canyon was defined by a combination of the MSCP MHPA designation combined with the SDSU ownership. The canyon included the area from Remington north to the right-of-way for Interstate 8 and also the canyon just west that joins with the subject canyon. Please see the accompanying exhibit. The total acreage of this canyon system is 31.7 acres. The total impact from Phase I is 0.4 acre, not including the existing parking lot. This results in the impact to 1% of the canyon system of which all is ornamental plantings. See figure below.



**O3 -7** The comment suggests that to be consistent with principles of Smart Growth and to maximize student housing capacity, the Phase I building should be constructed to the same height as Chapultepec Hall with correspondingly more bed space. As discussed in the Alternatives Thematic Response, construction of Phase I to the height of Chapultepec is not desirable from a planning perspective because it would not allow for sufficient outdoor program space that is necessary to serve the entire west campus residential community. The comment further expresses the opinions of the commentator and does not raise any specific issue regarding the analysis presented in the Draft EIR and, therefore, no more specific response can be provided. 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.

**O3 -8** The comment objects to Project goal number 6 and its description of the local canyon (sometimes referred to as “Aztec Canyon”) as “an existing undeveloped area.” According to the comment, this characterization devalues the importance of San Diego Canyons and is inconsistent with CEQA Guidelines. The comment then states that building in an undeveloped area should never be a goal of the project. SDSU does not agree that goal 6 mischaracterizes the canyon or diminishes its value as a resource. Nor is SDSU aware of any CEQA guideline that might be violated by goal

6. Goal 6 simply recognizes that it may be advantageous to build the project in an existing undeveloped area rather than to require temporary removal of much-needed existing beds from the campus inventory. Note also that goal 6 does not attempt to characterize the canyon at all; the purpose of the goal is to avoid the removal of existing housing from the campus inventory when providing new, additional housing. Moreover, as noted above, the proposed Project has been modified in response to public comments to eliminate Phases II and III. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III, and the related potential impacts to the canyon, have been eliminated. To the extent the comment also addresses the opinions of the commentator and does not raise any specific issue regarding the analysis presented in the Draft EIR, no more specific response can be provided. 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.
- O3 -9** The comment refers to alternative locations on campus, generally, implying that the Project should be built on one of these other locations. The subject of alternative locations is discussed in detail in the Alternatives Thematic Response. Because the comment does not raise any specific issue regarding the EIR analysis, no more specific response can be provided. However, 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.
- O3 -10** The comment refers to the alternative off-campus location of the Qualcomm Stadium site in Mission Valley and contends SDSU has ignored the potential of construction on the Qualcomm site. However, the Qualcomm site is one of the off-campus locations considered in Draft EIR Section 6, Alternatives. Additional information regarding the Qualcomm site is provided in the Alternatives Thematic Response. However, because the comment does not raise any specific issue regarding the EIR analysis, no more specific response can be provided. 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.
- O3 -11** The commentator disagrees with the Draft EIR's conclusion that the Project will have less than significant impacts on scenic vistas, including views of the canyon. While the canyon landscape adjacent to and encompassing a portion of the Project site displays scenic qualities, views from private residences and on-campus dormitories to the canyon are not considered scenic vistas. Private views from residences to the canyon are not specifically protected under CEQA and SDSU students residing in on-campus dormitories are not considered sensitive receptors. For the purposes of the EIR, scenic vistas are public vantage points offering broad and particularly long

views to valued scenic resources in the area. As stated in the EIR, the presence of scenic vistas in the surrounding area is generally limited (due to development and vegetation that tends to impede the availability of more distant views) and consists primarily of views to and from prominent terrain location in Mission Trails Regional Park. Views to and from prominent terrain location in Mission Trails Regional Park and the Project are analyzed in Chapter 4.1, Aesthetics, specifically Section 4.1.6, Impacts Analysis, of the EIR. The EIR addresses the Project's visual impacts and includes a photo simulation showing the project in relation to the canyon. (See Figure 4.1-11.) As indicated in the introduction to the Final EIR, SDSU has committed to eliminating Phases II and III. These project modifications further support the EIR's less-than-significant impact finding.

- O3 -12** The commentator disagrees with the Draft EIR's conclusion that the Project's light and glare impacts will be less than significant. According to the comment, the Project's light and glare impacts on the canyon will be significant. SDSU disagrees. Project impacts concerning substantial new sources of lighting and nighttime views are addressed in Chapter 4.1, Aesthetics and in the Lighting Technical Report prepared for the Project and included in Appendix B to the Draft EIR. The results of the lighting analysis demonstrate that light trespass associated with the operation of project lighting would be below the significance threshold of 0.74-footcandle as measured at adjacent residential property lines to the west of the Project site. As stated in Chapter 4.1, Aesthetics, Project lighting must conform to the requirements of CALGreen, which stipulates the light from project building and general site lighting must not exceed 0.74-footcandle at the project boundary. Based on the analysis presented in Chapter 4.1 and the Lighting Technical Report, the EIR determined that Project impacts related to lighting would be less than significant and would not require mitigation.

The commentator expresses their opinion regarding the glare impacts of the Project. Project impacts concerning substantial new sources of glare and daytime views are addressed in Chapter 4.1, Aesthetics and in the Lighting Technical Report prepared for the Project. Based on the results of the lighting analysis as presented in the technical report, Project lighting would create low contrast ratios that would be below established significance thresholds as experienced at identified receptor locations. Further and as detailed in Chapter 4.1, the Project would be required to demonstrate compliance with SDSU's Physical Master Plan to ensure structures would not contain large expanses of reflective glass or reflective metal surfaces that would cause undue glare to passing mobile viewers and/or present a visual hazard to adjacent land uses. Based on the analysis presented in Chapter 4.1, the EIR determined that Project impacts related to glare would be less than significant and would not require mitigation.

**O3 -13** The comment states that the Project will have significant noise impacts on adjacent residential receptors and biological habitat areas. The EIR, however, drew a different conclusion based on technical analyses. Project impacts concerning noise at human receivers is addressed in Chapter 4.11, Noise. Noise from operation of stationary equipment is addressed in Section 4.11.6 (Impacts Analysis). As to noise from students, 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 Dispatcher (Phone number: 619-594-1991), 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. Biological impacts, including potential noise impacts on biological habitat during construction, are addressed in Section 4.3, Biological Resources. See, for example, MM-BIO-6, on pages 4.3-42 and 4.3-43. Biological impacts regarding the operational noise impacts of the Project within biological habitat would be limited by the proposed project's site design. Because the proposed project buildings would be oriented in an east-west fashion with only the northern façade of the northern building having a direct exposure to the canyon, the number of student rooms with a potential to increase existing noise levels within the canyon would be a fraction of the total anticipated student room increase. Nonetheless, as a highly conservative estimate, if the anticipated increase in the number of New Student Housing Project students (approximately 850 students) were idealized as being at one point on the project site and added to the existing Chapultepec Hall student population (545 students), the increase in student noise levels would be approximately 5.7 dB. This is extremely conservative because in reality the additional students would be spread out all over the site, so at any one location in the canyon, the influence of larger numbers of students would be limited by distance, shielding from the buildings, etc. At the measurement receiver nearest to the canyon (R2), the measured noise level was 50 dBA  $L_{eq}$  on January 16, 2017 and 48 dBA  $L_{eq}$  on April 27, 2017. Noise levels within the canyon would be less than these because of greater distance from adjacent roadways and acoustical shielding from intervening terrain. However, if the theoretical worst-case noise level increase of 5.7 dB were added to the measured ambient noise level at R2, the resultant noise level would be approximately 56 dBA  $L_{eq}$  or less, and therefore would not exceed the 60 dBA  $L_{eq}$  threshold for listed biological species habitat.



**O3 -14** The Biological Resources Chapter of the Draft EIR (Chapter 4.3) specifically addresses all special-status species, including the potential for state- and federally listed endangered and threatened birds to occur on site. The Draft EIR specifically describes the potential for coastal California gnatcatcher, a federally-listed threatened species, to occur as well as the results of the focused protocol surveys for this species. As described on pg. 4.3-13 of the Draft EIR, the results of the 2014 surveys were negative. As indicated in the Draft EIR and summarized in the 2017 Gnatcatcher Focused Survey Report the 2017 survey was negative. The complete 2017 California gnatcatcher survey report is summarized in the Biological Resources Thematic Response and is included as an appendix to the Final EIR.

A more detail assessment of each special-status wildlife and plant species potential to occur is described in Appendices D1 and D2 of Appendix D to the Draft EIR.

The Draft EIR analyzes impacts associated with construction in the canyon. Specifically, Phases II and III would result in impacts to the canyon. These impacts are described in Table 4.3-3 on pgs. 4.3-23 and 24 of the Draft EIR and described in more detail on pgs. 4.3-31 and 4.3-32. Impacts to the canyon related to wildlife movement are described on pgs. 4.3-35 and 4.3-36. Additionally, as stated in Biological Resources Thematic Response, Phases II and III will not be developed and therefore will significantly reduce impacts to the canyon. Phase I does not impact the canyon.

The Draft EIR analyzes impacts to special-status species. For species that are not state or federally-listed as threatened or endangered, habitat loss is an accepted method of analyzing impacts, which is done on pgs. 4.3-24 through 4.3-26 of the Draft EIR. Flushing individual species, as specified in mitigation measure MM-BIO-2 is only one method to avoid impacts to direct species. Measures such as MM-BIO-1 have specific avoidance of active nests and establish nest buffers per the proposed Avian Monitoring Plan which will be submitted to and approved by the Wildlife Agencies.

Additionally, as specified on Table 4.3-1 on pg. 4.3-2 of the Draft EIR, all of the biological surveys were conducted in 2014 and again in 2017. The results of the first rare plant survey conducted in 2017 were included in the Draft EIR (see pg. 4.3-10) and the results of the June 2017 rare plant survey are described in the Biological Resources Thematic Response and the Final EIR. No additional special-status plants were observed during the June 2017 pass. All biological surveys were conducted by qualified biologists. The resumes of the biologists are below.

### Callie Amoaku

#### Biologist, Environmental Analyst

Callie Amoaku is a biologist with over 10 years' professional experience as an environmental analyst specializing in field surveys and report preparation. Mrs. Amoaku is committed to professional management of environmental resources, including land conservation. As a biologist with Dudek, she has coordinated large survey efforts and research and prepared biological sections for environmental impact reports (EIRs), biological technical reports (BTRs), and focused survey reports. She has also performed wildlife and plant surveys, vegetation mapping, and jurisdictional delineations throughout Southern California.

#### Project Experience

##### Development

##### Grapevine Project, Tejon Ranch, Kern County, California.

Currently serves as project assistant. Served as project task manager and field lead to conduct least Bell's vireo (*Vireo bellii pusillus*), special-status mammals, and bird surveys, wildlife camera studies, and habitat assessments for a variety of federally and state-listed wildlife species for the 15,315-acre study area. Also performed vegetation mapping, rare plant surveys, and habitat assessments for a variety of federally and state-listed wildlife species. Ongoing duties include preparation of a detailed BTR and 30 associated reports and appendices, data management and review, and project management.

**Ivanhoe Ranch Project, San Diego County, California.** As task manager, field lead to conduct wildlife surveys for Quino checkerspot butterfly (*Euphydryas editha quino*), Hermes Copper Butterfly, California gnatcatcher, least Bell's vireo, southwestern willow flycatcher (*Empidonax traillii eximius*), burrowing owl (*Athene cunicularia*), and nesting raptors. Conducted habitat assessments and vegetation mapping, and coordinated rare plant surveys. Identified nests for Cooper's hawk (*Accipiter cooperii*) and red-tailed hawk (*Buteo jamaicensis*).

**Proctor Valley Village 14 and Preserve, Jackson Pendo Development, San Diego County, California.** Field lead for mapping Hermes Copper Butterfly habitat and conducting focused surveys for species. Assisted in the preparation of the BTR in accordance with the County of San Diego guidelines.

**Bear Valley Parkway Project, Spieth-Wohlford, Escondido, California.** As project task manager and field lead, conducted biological studies and prepared the biological resources letter report in compliance with the County of San Diego's guidelines.

**Warner Ranch, Capstone Advisors, San Diego County, California.** As project assistant, primary author of the BTR, written in compliance with the County of San Diego's guidelines for format and determining significance. Prepared the Conceptual Resource Mitigation Plan. Attended multiple County of San Diego meetings and assisted in additional research. Assisted in the preparation of the biological section of the EIR.

##### EDUCATION

California Polytechnic State University,  
San Luis Obispo  
BS, Environmental Management and  
Protection/Major in GIS, Cum Laude, 2007

##### CERTIFICATIONS

USFWS Federal 10a Survey Permit No. TE-361165-1

- Quino Checkerspot Butterfly Surveys

- Casey's Juncos Beetle

CDFW Plant Voucher Collecting Permit No. 2081(a)-15-108-V

##### PROFESSIONAL AFFILIATIONS

Vice President, The Wildlife Society -  
Western Section's Southern  
California Chapter

### CALLIE FORD - CONTINUED

**Otay Ranch, JPB Development, San Diego County, California.** As project assistant, assisted in general biological surveys, including focused Quino checkerspot butterfly surveys; rare plant surveys; focused on mapping the federally threatened and state-endangered Otay tarplant; and construction monitoring.

**Camelot Property, Integral Communities, San Diego County, California.** As project assistant, conducted general biological reconnaissance surveys throughout the 67-acre site. Several special-status species were trapped, including white-tailed vireo (*Vireo lucorum*), northern harrier (*Circus cyaneus*), loggerhead shrike (*Lanius ludovicianus*), and California's adelphe (*Adelpha californica*).

**City of San Marcos, County of San Diego, California.** As project biologist, conducted focused surveys for least Bell's vireo along San Marcos Creek. Several special-status species were detected, including least Bell's vireo, yellow-breasted chat (*Icteria virens*), and yellow warbler (*Dendroica petechia*).

**Focused Wildlife Surveys, Yaqui Pass and Viking Farms, Borrego Springs, California.** As field assistant, conducted general nocturnal and diurnal surveys with a focus on special-status wildlife species on two proposed development properties.

**Mid-County Parkway Project, County of Riverside, California.** Field biologist for study area (approximately 11 to 4 miles in width and approximately 37 miles in length). Performed multiple focused surveys for least Bell's vireo and other special-status wildlife surveys for the mitigation areas. Identified nests for Cooper's hawk and red-tailed hawk.

**Trabuco Canyon, The Planning Center, County of Orange, California.** As project biologist, conducted focused surveys for least Bell's vireo on the 1,110-acre site in Orange County. Involved hiking in steep, rough terrain and collecting standardized data on field maps.

**Ferber Ranch (Trabuco Canyon), Orange County, California.** As project assistant, assisted with special-status plant surveys and focused surveys for least Bell's vireo. Involved steep, rough terrain and collecting standardized data on field maps.

### Energy

**Jacumba Solar, NextEra Energy Resources, San Diego County, California.** Conducted a formal wetland delineation and determination based on the regulations and guidance of ACCQ, RWQCE, and CDFW. Conducted focused surveys for Quino checkerspot butterfly, and mapped vegetation within the project area according to County of San Diego guidelines. Prepared the County of San Diego BTR and associated reports, assisted with the biological resources section of the EIR, response to public comments, and coordinated permitting with federal and state agencies.

**Tierra Del Sol Solar Project, Tierra Del Sol Solar Farm, San Diego County, California.** As project assistant and field biologist, conducted vegetation mapping and focused rare plant surveys, and assisted the permitted Quino checkerspot butterfly biologist during focused surveys for the 420-acre solar development site located within an unincorporated section of San Diego County. Prepared the biological resources technical report in accordance with the County of San Diego's guidelines, and attended public outreach meetings.

**Rugged Solar Farm, San Diego County, California.** As project assistant and field biologist, conducted a formal wetland delineation and determination based on the regulations of ACCQ, RWQCE, and CDFW for the 765-acre solar development site located within an unincorporated section of San Diego County.

### CALLIE FORD - CONTINUED

Conducted vegetation mapping, prepared the biological resources technical report in accordance with the County of San Diego's guidelines, and attended public outreach meetings.

**Tehachapi Renewable Transmission Project, Southern California Edison (SCE), Los Angeles and San Bernardino Counties, California.** As biologist, assisted senior botanist in conducting surveys for special-status plant species and vegetation mapping. Construction monitoring activities establishing Environmentally Sensitive Areas for active nests, and monitoring and updating active nests. Reported new nests observed. Field Reporting Environmental Database reports were completed each day to record daily monitoring activities and nest updates.

**Ocotillo Solar Farm, J Whalen & Associates, San Diego County, California.** As project task manager and field biologist, performed a formal jurisdictional delineation and mapped a series of ephemeral stream channels throughout the property. Prepared the biological resources technical report in accordance with the County of San Diego's guidelines.

**Devers Transmission Line, SCE, Riverside County, California.** Conducted monitoring for geotechnical testing over a 3-month period to assist with avoidance of sensitive areas and monitor for desert tortoise (*Gopherus agassizii*), Coachella Valley fringe-toed lizard (*Uma inornata*), and nesting raptors.

**East County (ECO) Substation/Tule Wind/Energia Sierra Juarez Gen-Tie Project EIR/Environmental Impact Statement (EIS), San Diego Gas & Electric, San Diego County, California.** As project assistant, assisted in review of environmental and focused survey reports for multiple years and various project sites. Assisted in the preparation of EIR/EIS biological resources section as required by the California Public Utilities Commission and Bureau of Land Management. Project includes a substation, approximately 14 miles of new transmission line, and rebuild of the Boulevard Substation. In addition to addressing the new substation project, the EIR/EIS also addressed, as "connected actions," a wind energy project encompassing approximately 15,000 acres, and a generation tie-in required for a transmission line to connect to a wind energy project in Baja California, Mexico. Also attended project planning meetings and provided guidance on key biological issues. Assisted in response to comments and revisions to the Draft EIR/EIS.

### Resource Management

**Habitat Assessment, Riverside Conservation Agency, Riverside County, California.** As field assistant, performed a habitat assessment for Quino checkerspot butterfly, a federally endangered species. The habitat assessment consisted of documenting butterfly species and surveying for Quino host plants.

**Salton Sea Species Conservation Habitat Project, Cardno ENTRIX, Imperial County, California.** As project assistant, assisted in species research for designing a series of ponds adjacent to the Salton Sea that will provide habitat for target bird species. Assisted in preparing the biological assessment.

**Rancho Mission Viejo, Orange County, California.** Conducted focused coastal cactus wren (*Campylorhynchus brunneicapillus*) surveys within suitable habitat. Multiple cactus wrens were observed and mapped.

**Championship Off-Road Racing Project, City of Chula Vista, California.** Conducted monitoring during races to assess the impacts of race activity on known occurrences of special-status bird species. Yellow-breasted chat was observed.



CALLIE FORD – CONTINUED

### Transportation

**Brown-Headed Cowbird Trapping Program, Oceanside-to-Escondido Rail Project, North County Transit District, City of Oceanside, San Diego County, California.** Responsible for daily operation and maintenance of a brown-headed cowbird (*Molothrus ater*) trapping program along Loma Alta Creek in the City of Oceanside. The trapping program is a U.S. Fish and Wildlife Service requirement as mitigation for impacts to habitat for federally listed species, including least Bell's vireo, southwestern willow flycatcher, and California gnatcatcher.

### Water/Wastewater

**Buena Vista Creek, San Diego County, California.** Served as a field biologist to conduct a formal wetlands jurisdictional delineation and mapped wetlands and waters under the jurisdiction of ACOE, RWQCB, CDFW, and the California Coastal Commission. Conducted weekly nesting bird surveys during invasive species removal. Identified the nest of Anna's hummingbird (*Calypte anna*) and established a buffer around the nest until it was inactive.

**City of San Diego, Pamo Valley Control Site, San Diego County, California.** Conducted riparian bird and nesting bird surveys along Santa Ysabel Creek. Additional duties included preparation of the BTR.

**City of Carlsbad Sewer Extension, City of Carlsbad, California.** As project manager, managed and conducted the jurisdictional delineation and biological reconnaissance survey, and prepared the BTR for two sewer extension projects within San Diego Multiple Species Habitat Conservation Plan areas. Coordinated monitoring during construction activities to avoid impacts to nesting birds, jurisdictional waters, and California adolphus.

**San Joaquin Marsh Natural Treatment System, Irvine Ranch Water District, Orange County, California.** As a field biologist and project assistant, assisted in preparation of agency permit applications. Performed surveys for special-status wildlife species, and mapped white-tailed kite, Caspian tern (*Hydroprogne caspia*), and osprey (*Pandion haliaetus*).

**San Vicente Dam Project, San Diego County, California.** Served as a biological monitor and conducted environmental training for new employees. Performed construction monitoring for removal of vegetation including reoccurring shrikes and common booby (*Phalaenoptilus nuttallii*).

### Relevant Training and Workshops

- Sea & Sage Audubon Society. Observing Birds Workshop. Huntington Beach, California. January-March 2008.
- Sea & Sage Audubon Society. Birds of Southern California. Huntington Beach, California. November 2008-January 2009.
- Sea & Sage Audubon Society. Basic Raptor Identification. Southern California Diurnal Raptors. Huntington Beach, California. February 2009.
- Orange County Trackers. Basic Tracking and Observing Class. Irvine, California. October 2009.
- Wildlife Society Conference – Western Section. Annual Conference 2010-2017.
- Wetland Training Institute. 40-Hour Wetland Delineation Training. July 2011.
- Desert Tortoise Council Workshop. Introduction to Desert Tortoise Surveying, Monitoring, and Handling Techniques Workshop. Ridgecrest, California. November 7-8, 2011.
- The Wildlife Society – Western Section. San Joaquin Kit Fox Ecology, Conservation, and Survey Techniques. July 2013.

### Erin Bergman

#### Biologist/Certified Arborist

Erin Bergman has over 12 years' experience in biological research and ecology. She has worked in a several communities, including the Pacific Northwest, Puerto Rico, the Midwest, Arizona, Nevada, and throughout California. She currently works as a biologist performing a variety of services including vegetation mapping (Keeler-Wolf Vegetation Classification System/Holland) and weed mapping/monitoring, wetland monitoring (including the California Rapid Assessment Method (CRAM)), general rare plant surveys for the military, solar projects and wind projects. Ms. Bergman conducts monitoring of vernal pools, completes bird surveys, and studies rangeland ecosystems while monitoring grazing.

She works on focused rare desert plant surveys, restoration efforts (focused mainly in riparian habitats, vernal pool communities, southern mountains regions, and both the Sonoran and Mojave desert) and specializes in biological monitoring on construction-related projects. She also manages field efforts related to Quino checkerspot butterfly (*Euphydryas editha quino*), burrowing owl, California vernal pool branchiopod, and California gnatcatcher (*Polioptila californica*) surveys and field wetland delineations. Ms. Bergman also focuses research and consulting in agricultural settings where she is working with agricultural leases to select farms and farming practices best suited to promote water quality, water use, and natural resource planning.

Ms. Bergman has experience working with a variety of clients, including San Diego Gas and Electric (SDG&E), City of Laguna Niguel, Marine Corps Base (MCB) Camp Pendleton, Marine Corps Air Station Miramar, State and County Parks, San Diego Association of Governments (SANDAG), California Department of Transportation (Caltrans), and confidential solar and wind clients. She has experience with the California Environmental Quality Act and National Environmental Policy Acts (CEQA/NEPA) and writing sections of the following reports: environmental impact report (EIR), environmental assessment, biological technical report (BTR), natural environment study (NES), pre-activity study report, biological resources report (BRR), and biological assessment. Ms. Bergman writes 10(a) reports, restoration reports, monitoring memos, works on data collection, data analysis, and data management.

#### EDUCATION

Oregon State University  
Undergraduate Coursework, Agricultural  
Science and Rangeland Management, Ongoing

San Diego State University  
MS. Biology/Ecology, 2009

Portland State University  
BS, Organismal Biology, 2007

Gonzaga University  
BA, Health and Fitness/Philosophy/  
Art Minor, 2002

BE/Secondary Teaching Certificate,  
Health, Physical Education, Art, Science,  
and Philosophy, 2002

#### CERTIFICATIONS

CRAM Practitioner South Coast  
- Estuaries Module, Vernal Pool Systems,  
and Riverine Systems

Authorization to Collect Voucher, State-  
Listed Endangered and Threatened  
Plants Permit No. 2081 (a)-(1-35-V-2011)

U.S. Fish and Wildlife Service Recovery  
Permit No. TE-820658

- Quino Checkerspot Butterfly (2010)

- Vernal Pool Branchiopods (2012)

- California Gnatcatcher (2014)

- Flat-tailed Horned Lizard Relocation of  
Species Permit (2014)

International Society of Arboriculture,  
Certified Arborist No. 201-WE 9348A

Department of Pesticide Regulation  
Licensing/Certification Program, Certified  
Pesticide Applicator License/Qualified  
Applicator Permit No. QAC 133863

Rangeland Management Certification,  
Oregon State

Emergency Response Certification: AED,  
CPR, Oxygen Administration, PDI (current)

RSD Certification (current)

#### PROFESSIONAL AFFILIATIONS

Association for Tropical Biology and  
Conservation

American Association for the  
Advancement of Science

California Native Plant Society

San Diego Farm Bureau

### Project Experience

#### Development

**Otay Ranch Village Four Development Project EIR and CEQA Compliance, Otay Valley Quarry, LLC, Chula Vista, California.** Serving as a field biologist conducting field surveys for butterfly species, rare plants, and host plants for the Quino checkerspot butterfly for a proposed residential development project. Additional biological monitoring and surveying tasks include jurisdictional delineation, focused wildlife surveys, and preparation of a biological resources report.

#### Energy

**Confidential Solar Project, Boulevard, California.** Serving as a biologist and certified arborist assessed oak tree populations to determine their health. A variety of oak trees and scrub oak populations were found on-site. Reviewed morphological characteristics of oak species, diseases, pathogens, branch structure, soils, recruitment, and issues regarding oak species related to cattle grazing. Participated in writing the final documents related to oak assessments.

**Rare Plant and Vegetation Mapping Protocol Surveys, Invenergy Wind California, Campo, California.** Participated in the botany effort during focused rare plant surveys at the Campo Reservation. Rare plants were documented with individual GPS locations and population numbers. Additionally, vegetation communities were recorded as habitat changed.

**Rare Plant Surveys, Confidential Solar Project, Boulevard, California.** As botanist, organized botanical field surveys for AECOM and independent botanists. Shaded rare plant specimens from Eastern San Diego County at the San Diego Natural History Museum. Performed field surveys for rare plants and assisted in management of rare plant data collection. Also, participated in writing the BLM.

**Natural Communities Conservation Plan (NCCP) Enhancement and Monitoring Project, SDG&E, San Diego County, California.** As project biologist, provided field survey and reporting support to SDG&E Land Planning and Natural Resources for habitat enhancement and monitoring associated with impacts as a result of routine operations and maintenance activities associated with electricity transmission and distribution lines within the SDG&E service territory. This project involved identifying temporary impact areas that required enhancement activities per the requirements of SDG&E's Subregional NCCP and monitoring the success of sites that have received habitat enhancement treatments or are recovering through natural recruitment. Specific duties included field surveys for sensitive plants and wildlife, assessing and delineating least-impact access routes and work areas, recommending mitigation measures, and writing project-specific reports.

**Sunrise Powerlink Restoration Services Seed Collection, SDG&E, San Diego County, California.** Participated in the field effort to collect seed from over 100 plant species from mountains west to the desert. Collected seeds from a variety of annuals and perennials.

#### Resource Management

**Fanita Ranch Project, HomeFed Fanita Ranch LLC, Santee, California.** Conducted general and focused biological surveys and habitat delineations on the 2,500-acre Fanita Ranch for the landowner in support of a general plan amendment (GPA), specific plan, rezoning, and tentative map being processed through the City of Santee. Conducted general wildlife surveys, raptor and host plant surveys, rare plant surveys and protocol level surveys for the California gnatcatcher and Quino checkerspot butterfly.



ERIN BERGMAN - CONTINUED

**As-Needed Environmental Services, City of San Diego, California.** The City of San Diego contracted with Dudek to provide as-needed environmental planning services to support the City's engineering and capital improvement program (CIP) and ancillary projects. Ms. Bergman provided services ensuring planning and permitting activities were in compliance with jurisdictional regulations. She worked on projects related to water and sewer, transportation, storm drains, and restoration activities, and specifically provided spillplacard reporting (including as-built plan preparation) during maintenance of Murphy Canyon and Sorento Valley channel maintenance projects. She also worked as a biological and air quality monitor for these projects.

**Vegetation Classification System Development, SANDAG, San Diego, California.** Collected data on plant community compositions, describing the most abundant vegetation at random points throughout the county. In addition, recorded all the vegetation in that local area to tough books (mini computer). A variety of data was collected, ranging from on-site plant species, integrated photos of the community, percent cover of vegetation, slope and aspect, latitude and longitude data, and site notes. Soils were keyed out using a soil key and recorded at each site similar to soils keyed in wetland delineations.

**Invasive Nonnative Species Plant Mapping, SANDAG, San Diego, California.** SANDAG is currently developing a regional framework and strategy for the management of invasive plants for approximately 1.3 million acres of Western San Diego County. Under a separate contract, SANDAG has tasked a project team of invasive plant experts with developing this plan. Ms. Bergman is working to create a new database of geospatially linked data to consolidate the attributes of the existing dataset and add additional fields useful for the management and interpretation of invasive species distribution. Will also participate in the field effort, which will verify the accuracy of the mapping effort.

### Transportation

**St. Paul's Cathedral EIR, Caltrans, San Diego, California.** This project-level EIR was prepared to evaluate the environmental effects of the proposed St. Paul's Cathedral and Residences project. As a biologist, provided knowledge and identification of ornamental plants from Mediterranean climate that surrounded the project site, ranging from South Africa to Australia.

**Escondido Creek Wetland Riparian Flood Avoidance Dredge Expansion Project, San Diego County Water Authority, California.** As a certified arborist collected data for over 300 ornamental trees. Documented all the species and recorded the nativity status. Some trees were to be removed prior to dredging activities.

**State Route (SR) 125 South Restoration Site, Caltrans and South Bay Expressway, San Diego, California.** As biologist worked on the mitigation for construction of SR-125 to include vernal pool restoration, and Quino checkerspot butterfly and cactus wren (*Campylorhynchus brunneicapillus*) habitat restoration. Provided qualitative and quantitative botanical surveys of vernal pools and Quino checkerspot habitats, and worked on the propagation of rare plants specific to Otay Mesa.

**Otay Truck Trail Road Expansion Vegetation Mapping and Biological Surveys, SANDAG and Caltrans, Otay, California.** As biologist worked on a field assessment reviewing rare plants and soils, and wildlife. Organized and completed the vegetation map for the site. Participated in and wrote the NES associated with this project. Organized and completed Quino checkerspot butterfly and western burrowing owl protocol surveys for the project site.



ERIN BERGMAN - COMORBULET

**SR-126 Widening Project Biological Survey and Monitoring, County of Los Angeles-Department of Public Works, Los Angeles, California.** Completed rare plant surveys, general wildlife surveys, and vegetation mapping and monitoring for construction at the SR-126 widening site. Specifically worked on finding legless lizard populations and relocating them to a CDFW approved location. Collected over 15 legless lizards for relocation and collected some of the native perennials for mitigation sites.

### Water/Wastewater/Agriculture

**Wetland/Riparian Enhancement Project, San Diego County Water Authority, Escondido, California.** As a botanist and restoration ecologist, assisted in the monitoring of 21 acres of wetland/riparian enhancement within a conservation easement established within the 100-year floodplain of Escondido Creek.

**Lake Wohlford Dam Replacement, City of Escondido, San Diego County, California.** As a biologist, participated in the botany field effort, including vegetation mapping and focused rare plant and wildlife species surveys for project site and 500-foot buffer.

### Publications

Franklin, Janet and Bergman, E. 2011. Patterns of Pine Regeneration Following a Large, Severe Wildfire in the Mountains of Southern California. *The Journal of Canadian Forestry* (41): 810-821.

Bergman, E. and Ackerman, J.O. 2006. Land Use History Affects the Distribution of a Saprophytic Orchid (*Mulschlagella calcarata*) in Puerto Rico's Tabonuco Forest. *Biotropica*.

### Teaching Positions

- Instructor, Vernal Pool CRAM -Plant identification for vernal pools
- Instructor, San Diego State 201, B Biological Sciences for science majors

### Specialized Training

- Wetland training Institute -Wetland delineation training-2015
- Desert Tortoise Council Handling Feb. 2014- Workshop completed-observer/authorist demonstrations and requirements
- Tarweeds (UC Berkeley) 2012
- Carex (UC Berkeley) 2012
- Juncus (UC Berkeley) 2012
- Rare Flora of the Panamint Mountains (Death Valley-UC Berkeley) 2011
- Advanced Grasses (UC Berkeley) 2011
- MSCP Rare plant Monitoring Workshop 2010
- Mojave Desert Fall Blooming Endemic Plant Workshop (CNPS) -2000-

### Anita Hayworth, PhD

#### Senior Project Manager, Senior Biologist

Anita Hayworth is a senior project manager and senior biologist with more than 35 years' professional experience as an ecologist specializing in environmental impact analysis, biology-related California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documents, habitat and population surveys, special-status species surveys, and wildlife management studies.

Dr. Hayworth is well versed in the ecology and distribution of a number of rare, threatened, or endangered species; has conducted numerous focused surveys of these species; and she understands the requirements for regulatory compliance in dealing with endangered species, including preparation of documents required for Section 7 consultation and Section 10.

Dr. Hayworth has been a San Diego County approved biologist since the start of the program and currently is involved in several County projects. She works throughout Southern California especially and understands the requirements of the various multiple species programs. Dr. Hayworth also serves as habitat manager for preserves in San Diego County and assists with the preparation and negotiations for management tasks. She has prepared biological assessments, biological technical reports and management and mitigation programs.

#### EDUCATION

University of California, Davis  
PhD, Ecology  
MS, Avian Sciences  
University of Illinois  
BS, Ecology, Ethology, and  
Evolution

#### CERTIFICATIONS

California Gnatcatcher, Least Bell's Vireo  
(Locate and Monitor Nest)  
Southwestern Willow Flycatcher (Locate and  
Monitor Nests)  
Fairy Shrimp (All Listed Species Occurring in  
California)  
Quino Checkerspot Butterfly, USFWS 10(a)  
Permit No. TE78084  
Master Permits for Banding and Nest-Netting  
California Gnatcatchers (TE781084)  
San Diego County Approved Biologist  
Riverside County Certified Biologist  
**PROFESSIONAL AFFILIATIONS**  
The Wildlife Society  
American Society of Zoologists  
Phi Beta Kappa and Phi Kappa Phi

#### Project Experience

##### Development

**Otay Ranch Resort Village, JBP and Baldwin and Sons, City of Chula Vista, California.** As project biologist, provides biological resource surveys and documentation for various developments covering over 4,000 acres of vacant land. Tasks have included vegetation mapping, rare plant surveys, wetlands delineations, fairy shrimp surveys, and Quino checkerspot butterfly surveys. Continues to provide services with respect to biological resources, including geotechnical monitoring to prevent impact to sensitive resources, biological resources technical report pursuant to CEQA documentation, preparation of a second-tier EIR, development of endangered species permitting strategies, and managing compliance with various permit conditions.

**Otay Ranch University Villages, JBP Development, Chula Vista, California.** Served as lead biologist for the University Villages project which included Village Three, Eight East, and Ten. Biological services managed for the proposed project included vegetation mapping, jurisdictional delineation, rare plant surveys, and focused surveys for various wildlife species. Prepared the biological resources technical report in accordance with the City of Chula Vista Subarea Plan and Otay Ranch Resource Management Plan (RMP). Worked with U.S. Fish and Wildlife Service (USFWS), CDFW, and the City to process a boundary line adjustment.

ANITA HAYWORTH, PH.D. - CONTINUED

**Quantum Estates II Projects, Quantum Estates II LLC, San Diego County, California.** Served as project manager for the entitlement process. Conducted focused surveys for the California gnatcatcher and prepared a vegetation map of the site in support of an administrative permit for mowing the site. Also prepared a biological technical report and impact analysis for the approximately 40-acre site in Rancho Santa Fe, San Diego County. The report was prepared in accordance with County requirements, in particular the Resource Protection Ordinance. Upon approval, a Resource Management Plan and the Habitat Loss Permit application were prepared. Project was approved by the Rancho Santa Fe Art Jury and Association as well as the County and Resource agencies.

**Pala Mesa Highlands, Beazer Homes, San Diego County, California.** Serving as construction monitoring manager and assisted with the approval of the final map for the project. Tasks included the preparation of the Habitat Loss Permit, Resource Management Plans for the preserve areas, and negotiation with the County, resource agencies, fund manager, and habitat manager. Included periodic surveys of the preserve to document compliance with the approved conditions for the project.

**Greenhills Ranch II, Atlas Development, San Diego County, California.** Serving as project manager for the proposed development project within the County jurisdiction. Tasks include vegetation mapping, wetland delineation per RPO, and focused surveys for rare plants, California gnatcatcher, and Quino checkerspot butterfly. The report was prepared in accordance with the current County requirements and all submittals were made per the MOU with the County. Tasks also included development suitable mitigation areas, analyzing the wildlife movement required by the County and preparation of the Resource Management Plan.

**Lone Oak Road Development Project, San Diego County, California.** Served as project manager for the proposed development project within the County jurisdiction. The site is within the North County MSCP which has not been approved to date. Tasks include vegetation mapping, wetland delineation per RPO, and focused surveys for rare plants. The report was prepared in accordance with the current County requirements and all submittals were made per the MOU with the County. Tasks also included development suitable mitigation areas and provision of review for offsite mitigation.

**Cielo del Norte Development Project, Ali Shapouri, San Diego County, California.** Assisted with the project surveys, impact analysis, and negotiations with the County and resource agencies. Provided input on wildlife movement and site and preserve design. The project was eventually purchased by The Escondido Creek Conservancy.

**Levie Tentative Parcel Map, Laret Engineering, Rancho Santa Fe, California.** Served as project manager for the preparation of the biological technical report for a proposed residential development. The site is within the North County MSCP and thus required updates and preparation of the Habitat Loss Permit.

**Chula Vista Bayfront Master Plan, San Diego Unified Port District, City of Chula Vista, California.** Served as project biologist with respect to avian resources in preparation of the analysis for the potential for light-attractant issues at this location near the coast. The approximately 550-acre project consists of a resort and convention center, residential and mixed-used structures, a new commercial harbor, waterfront retail around the harbor, and a large public promenade and bike trail along the entire bayfront. Key environmental issues include increased traffic in the project vicinity, parking requirements, air quality impacts during construction and operation, biological impacts, and energy conservation.

ANITA HAYNORTH, PH.D. - CONTINUED

### Energy

**SDG&E Otay Mesa Power Purchase Transmission Project EIR, CPUC, San Diego County, California.** Prepared the biological resources section of the EIR for the 52-mile-long Otay Mesa Power Purchase Agreement Transmission Project. This included a site visit to characterize the existing conditions, literature review for occurrences of special-status species, preparation of a description of the existing biological resources, analysis of impacts resulting from the project, preparation of mitigation measures, and analysis of alternatives and cumulative impacts.

**Ecoplexus Solar Development, San Diego County, California.** Served as project manager for the solar project in East County and outside of the MSCP. Prepared the biological resources technical report per the County requirements. This included a site visit to characterize the existing conditions, literature review for occurrences of special-status species, preparation of a description of the existing biological resources, analysis of impacts resulting from the project, preparation of mitigation measures, and analysis of alternatives and cumulative impacts.

**AT&T/PF.Net Fiber-Optic Alignment for Camp Pendleton, Foster-Wheeler Environmental Corporation, San Diego County, California.** Conducted habitat assessments and focused surveys for California gnatcatcher, southwestern willow flycatcher, and least Bell's vireo for the approximately 12-mile-long segment of the AT&T/PF.Net fiber-optic alignment proposed to traverse Marine Corps Base Camp Pendleton and various areas within the County. Provided review of potential to occur for various special status species and provided coordination with the County.

### Resource Management

**Cielo del Norte, Los Cielos Preserve, The Escondido Creek Conservancy, San Diego County, California.** Conducted site visit to determine recreational and active trail use. Also identified areas of potential endangered species occurrence and suitable habitat. Developed a resource management plan for long term management of the proposed preserve with a focus on maintaining conditions within the preserve as well as identifying efficient use of endowment funding. Management plan used the most recent outline developed by SANDAG.

**Otay Ranch, The Baldwin Company, San Diego County, California.** Has worked with the County, resources agencies, and applicant for over 20 years preparing the Otay Ranch Resource Management Plan. Tasks have included preparation of individual mitigation plans for Village development such as Vernal pool plan, Quino checkerspot butterfly management plan, and upland slope plans. Developed a geographic information system (GIS)/spreadsheet analysis to prepare a revegetation master plan, which assists with quantifying acreage, prioritizing restoration sites and assembling cost of restoration treatments. The plan directs the phased implementation of 1,300 acres of coastal sage scrub and southern cactus scrub habitat over a 30-year build-out period.

**Greenhills Ranch Preserve, San Diego County, California.** Serving as permanent land manager for the perpetual management of the 44-acre preserve. Resources present include California gnatcatcher, cactus wren, barrel cactus, and San Diego Yucca. Tasks include trash removal, invasive plant control, monitoring of human use, preparation and installation of cactus for cactus wrens, monitoring habitat condition and special status species, installation and monitoring of a restoration area that had an illegal stockpile. Reports are to be submitted annually. Owner of the preserve is the HOA, holder of the endowment is the National Fish and Wildlife Foundation, holder of the conservation easement is the County and CDFW.



ANITA HAYWORTH, PH.D. - CONTINUED

**Manzanita Partners Preserve, Carlsbad, California.** Serving as permanent land manager for the perpetual management of the 39 acre preserve. Resources present include California gnatcatcher, San Diego Fairy Shrimp, San Diego button celery, Del Mar Manzanita, Nuttall's scrub oak, Warbitemist *Aythya*, among others. The habitat includes 15 vernal pools and southern maritime chaparral. Tasks include trash removal, invasive plant control, monitoring of human use, and monitoring of habitat condition and special status species. New studies added in 2015 include establishing and monitoring recovery within the vernal pools during the post-burn recovery period. Reports are to be submitted annually. Owner of the preserve is the NDA holder of the endowment is the land owner, holder of the conservation easement is the City and CDFW.

**Baseline Biodiversity Plan and Biological Resources Surveys for the County of San Diego, Department of Parks and Recreation.** Served as project manager for biological resource inventories of two County of San Diego Preserves, including Simon and Mt. Gower. Provided focused wildlife surveys, set up transect and wildlife camera surveys and compiled all of the wildlife, botanical, and invasive species analysis in preparation of a vegetation management.

**El Cuervo Wetland Mitigation Project, City of San Diego, Transportation and Drainage Design Division, City of San Diego, California.** Evaluated the potential for this site to serve as mitigation for the Sorrento Creek Flood Control Project. The mitigation area resulted in over 12 acres of coastal riparian and wetland habitat enhancement and revegetation within the west end of Los Peñasquitos Canyon Preserve, San Diego. Also conducted surveys for endangered species including least Bell's vireo and southwestern willow flycatcher before and after construction of the wetland enhancement and revegetation project.

**Salton Sea Species Conservation Habitat Project, Cardno ENTRIX, Imperial County, California.** The project consists of creating approximately 2,400 acres of new saline pond habitat near the Salton Sea as part of a wildlife habitat restoration project. Conducted focused surveys for southwestern willow flycatcher and least Bell's vireo along the New River. Prepared the biological section of the ES for the project. Advised with avian carrying capacity analysis of the proposed pond habitat. Provided guidance and design criteria for the development of nesting ponds for the variety of avian species that use the Salton Sea annually for breeding. Also provided input and mapping of potential burrowing owl habitat.

**San Vicente Dam Raise Project, San Diego County Water Authority, San Diego County, California.** Served as project biologist to conduct surveys for Quino checkerspot butterfly and California gnatcatcher for both construction monitoring purposes and for new phases of the project. Prepared the reinitiated Biological Opinion for the project when Quino checkerspot was detected on site. Dudek is providing biological surveys, design review, environmental compliance, construction monitoring, special-status species and habitat restoration monitoring, and other on-call services. Dudek oversees the work of archaeological and paleontological monitors. The San Vicente Dam Raise Project combines two projects, the Emergency Storage Project and the Carryover Storage Project, each with its own set of environmental documents and permits, into one large project. The project has been divided into six separate packages for final design and construction. Dudek has participated in the design review process to ensure that environmental permit conditions are incorporated into the plans and specification for each package. Dudek has also assisted with pre-bid meeting presentations and provided assistance with the contractor bidding and selection process.

**As-Needed Biological Services, San Diego County Water Authority, San Diego County, California.** Served as project manager for this 5-year contract. Tasks required of the as-needed biologist included

ANITA HAYWORTH, PH.D. - CONTINUED

California graticatcher surveys for various pipelines within the North County area including Pipeline 4, California graticatcher monitoring, streambed alteration agreement amendment for a pipeline crossing, and permit application preparation for a proposed road crossing of several waters of the United States.

**Olivenhain Municipal Water District Distribution Water Line, Olivenhain Municipal Water District, San Diego County, California.** Conducted focused surveys for California graticatcher and determined territory size based on standard point count and statistical analysis of points. Surveys and territory locations were conducted for the proposed pipeline and alternatives along the proposed pipeline from the Gaty Reservoir to the proposed Mt. Israel Dam.

### Publications

- Beedy, C.E., and A.M. Hayworth. 1987. *Tricolored Blackbird Nesting Failures in the Central Valley of California: General Trends or Isolated Phenomena?* Symposium on Endangered Species, Bakersfield, California.
- Buttner, W.A., L.B. Ashmeier, W.W. Weathers, and A.M. Hayworth. "Energy Savings Attending Winter Nest Use by Verdins (*Auriparus flaviceps*).", *Auk* 187:323-340.
- Buttner, W.A., A.M. Hayworth, W.W. Weathers, and K.A. Nagy. 1986. "Time Budget Estimates of Avian Energy Expenditure: Physiological and Meteorological Considerations." *Physiological Zoology* 59: 331-349.
- Hayworth, A.M. 1981. "Comparative Thermoregulation in the Black-Billed Magpie (*Pica pica*) and Yellow-Billed Magpie (*Pica nuttalli*).", Master's thesis, University of California, Davis.
- Hayworth, A.M. 1986. "Microclimate and Heat Budgets of High Intertidal Gastropods: Influence of Microhabitat, Behavior, and Body Size." PhD dissertation, University of California, Davis.
- Hayworth, A.M., C. Van Riper II, and W.W. Weathers. 1987. "Effects of *Plasmodium cinereum* on the Metabolic Rate and Body Temperature in Canaries (*Serinus canarius*).", *Journal of Parasitology* 73 (1987):850-853.
- Hayworth, A.M., and J.F. Quinn. 1990. "Operative Temperatures of Limpets in the Rocky Intertidal Zone: Effects of Caging and Substrate." *Limnology and Oceanography* 35 (1990):967-970.
- Hayworth, A.M., M. Putnam, D. Gettinger, J. D. Priest, and R. M. Lemons. 2011. "Managing unexpected endangered species issues on bid-ready projects." 21<sup>st</sup> Century Dam Design-Advances and Adaptations. 31<sup>st</sup> Annual U.S. Society on Dams Conference, April 11-15, 2011.
- Hayworth, A.M., R.C. Dobbs, and Ahlgren. 1979. "Examining What Raptors Eat or Are Fed." *Hawk Chat* 18:36.
- Hayworth, A.M. and W.W. Weathers. 1983. "Temperature Regulation and Climatic Adaptation in Black-Billed and Yellow-Billed Magpies." *Condor* 86:19-26.
- Hayworth, A.M., W.W. Weathers, and W.A. Buttner. 1982. "Cost of Activity in a Bird." *Physiology* 1982.

## Responses to Comments - Organizations

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ANITA HAYWORTH, PH.D. - CONTINUED

Melampy, M.N. and A.M. Hayworth, 1980. "Seed Production and Pollen Vectors in Several Nectarless Plants." *Evolution* 34:1144-1154.

Westberg, W.W., W.A. Butterer, A.M. Hayworth, and K.A. Nagy, 1984. "An Evaluation of Time Budget Estimates of Daily Energy Expenditure in Birds." *Auk* 103:459-472.

### Vipul Joshi

#### Senior Project Manager, Ecologist

Vipul Joshi is a senior project manager and ecologist with more than 17 years' professional experience specializing in natural resources management planning. Mr. Joshi focuses on providing ecological and management solutions to clients responsible for sustaining multiple natural resources on lands throughout California. Mr. Joshi has a background and training in botanical surveying, permit acquisition, permit compliance, and project management. He is experienced with Southern California flora and environmental regulations. Mr. Joshi also has extensive experience in managing constraints analysis, entitlement processing, permit acquisition, and biological construction monitoring for a variety of public and private projects.

#### EDUCATION

University of California, San Diego  
BS, Evolution, Behavior, and  
Ecology, 1997

#### CERTIFICATIONS

Quino Checkerspot Butterfly and Vernal Pool  
Benthopods (Fairy Shrimp) Surveys,  
USFWS Federal Permit No. TE-018949-2

#### PROFESSIONAL AFFILIATIONS

California Native Plant Society  
Ecological Society of America  
U.S. Green Building Council

Mr. Joshi has specific experience with California Environmental Quality Act (CEQA) processing with a variety of local jurisdictions, state and federal Endangered Species Act permit processing, wetlands permitting, including nationwide and individual permits from the U.S. Army Corps of Engineers (ACOE), and management of permit compliance. Specific biological survey skills include rare plant surveys, focused presence/absence surveys for the state-listed and federally listed Quino checkerspot butterfly (*Euphydryas editha quino*) and vernal pool fairy shrimp (*Branchinella lynchi*), project-level vegetation mapping, wetlands delineation, vernal pool identification, vernal pool watershed mapping, and general biological assessment of functions and values.

#### Project Experience

##### Development

**Roselle Street Technology Center, CLL-Roselle LLC, San Diego, California.** Provided project management for entitlement processing on a 15-acre site adjacent to Soledad Canyon Creek. Tasks included negotiation with wetlands resource agencies to allow encroachment into required coastal wetlands buffer.

##### **Our Lady of Mount Carmel Catholic Church, Catholic Diocese of San Diego, San Diego, California.**

Conducted baseline vegetation surveys, wetlands delineation, rare plants survey, vernal pool identification, and vernal pool watershed mapping. Drafted a biological resources technical report for a mitigated negative declaration (MND) and participated in community meetings and response to comments. Drafted resource management plan for on-site open space management and avoidance of long-term impacts to adjacent U.S. Fish and Wildlife Service (USFWS) National Wildlife Refuge property. Prepared and processed wetlands permit applications with ACOE, California Department of Fish and Game (CDFG), and Regional Water Quality Control Board (RWQCB), including locating appropriate mitigation and acquiring permits.

**Lux Art Institute, Caritas Company, Encinitas, California.** Provided biological resource mapping, including vegetation mapping, wetlands delineation, and rare plant survey for 20-acre property. Provided constraints analysis, evaluation of project impacts pursuant to a habitat loss permit under Section 4(d) of the federal Endangered Species Act, and management of permit compliance.



### RESPONSES TO COMMENTS

**Eastlake Village Center North, Eastlake LLC, Chula Vista, California.** Provided wetlands delineation, wetlands avoidance recommendations, and resource agency confirmation for 100-acre commercial center.

**Otay Ranch, Otay Ranch Company, Chula Vista, California.** Provided biological resource surveys and documentation for various developments covering over 4,000 acres of vacant land. Tasks included vegetation mapping, rare plant surveys, wetlands delineation, fairy shrimp surveys, and Quinn (Speckspot) butterfly surveys. Provided biological resource technical report pursuant to CDDA documentation and assisted in preparation of second-tier environmental impact report (EIR), development of wetlands and endangered species permitting strategies, and preparation and processing of National 404 Nationwide Permits 14 and 39, Section 401 Water Quality Certification, Section 1601 Streambed Alteration Agreement, and Section 7 Biological Opinion. Managed compliance with various permit conditions.

**McCrink Ranch, McCrink Ranch LLC, Santa Fe Valley, California.** Provided project management, wetlands delineation, wetlands permitting strategy, and wetland mitigation identification for a 600-acre multi-use master-planned community with over 20 acres of potential wetland impact.

**Sunset Ridge, Shapouri & Associates, Riverside County, California.** Provided project management for EIR and environmental assessment for 1,100 units on 800 acres of land supporting sensitive biological resources, including a regional habitat linkage.

**Lago San Marcos, Toll Brothers Inc., San Marcos, California.** Provided project management for mixed-use development on 200-acre property within a critical regional habitat linkage. Project tasks included biological resource mapping, scoping of EIR with various subconsultants, and entitlement planning.

**Fanita Ranch, Barratt American, Santee, California.** Provided vegetation mapping, rare plant surveys, and wetlands delineation for a 2,000-acre property.

**Newhall Ranch Specific Plan Biological Surveys, Newhall Land and Farming Company, Santa Clarita, California.** Provided rare plant surveys, including focused surveys for the endangered San Fernando Valley springflower (*Chiricahua parryi* var. *fernandina*), on more than 10,000 acres.

**Ferber Ranch (Trabuco Canyon), The Planning Center, Orange County, California.** Conducted vegetation mapping, jurisdictional wetlands delineation, and focused rare plant surveys in 2005 and 2006 for Trabuco Canyon Project, which encompasses over 1,110 acres.

**University Commons, Brookfield Homes, San Marcos, California.** Provided project management of environmental permit compliance for mixed-use development. Managed ongoing biological construction monitoring for compliance with Section 401 Water Quality Certification, Section 404 Nationwide Permit 39, Section 1603 Streambed Alteration Agreement, and Section 7 Biological Opinion.

**Midbayfront Development Project, City of Chula Vista, California.** Provided biological resource mapping review for 4 million square feet of commercial and residential development on San Diego Bay.

**Cielo del Norte, Cielo del Norte LLC, San Diego County, California.** Served as project manager for 500-acre development in a critical preserve planning area. Provided baseline vegetation and rare plant surveys, biological technical report, EIR biological sections, Section 404, 401, and 1602 wetlands permits, and Section 4(d) Habitat Loss Permit. Participated in multiple screencheck EIR processing with the County of San Diego. Evaluated and negotiated off-site mitigation on six parcels throughout San Diego County. Prepared habitat management plans and property analysis records for three mitigation parcels totaling over 500 acres of biological open space.

### ZIPUP JOSHI - CONTINUED

**Canyon View/Poinsettia Lane, Acacia Investments LLC, City of Carlsbad, California.** Served as project manager for a 40-acre proposed residential development, extension of Poinsettia Lane, and biological open space area. Performed botanical surveys, including vegetation mapping, detailed exotics mapping, jurisdictional wetlands delineation, rare plant surveys, habitat restoration surveys, and protocol surveys for San Diego fairy shrimp. Prepared various reports for analysis of project impacts (including alternative development plans) by the City of Carlsbad (pursuant to CEQA and the City's Habitat Management Plan) and by state and federal resource agencies (pursuant to the federal Clean Water Act, California Fish and Game Code, and state Porter-Cologne Act).

**Higgins (Chesapeake) Estates, Rlington Communities, San Marcos, California.** Provided project management capabilities for entitlement and permit processing for medium-scale residential development. Assignments include project planning, resource mapping, impact assessment pursuant to CEQA, permitting strategy, permit acquisition/negotiations for Section 401 Water Quality Certification, Section 1601 Streambed Alteration Agreement, Section 404 Nationwide Permit 39, and Section 4(d) Habitat Loss Permit, mitigation identification, and management of permit compliance.

**Rancho Coronado Village North, D.R. Horton, San Marcos, California.** Provided general biological survey and report in conformance with a final map condition. Processed Section 4(d) Habitat Loss Permit exemption with City of San Marcos, USFWS, and CDFG for additional brush management areas. Processing included evaluation of previous mining permits, CEQA documentation, historical clearing and grading, and current environmental laws and regulations. Managed environmental permit compliance via biological construction monitoring.

**Copley Property, City of San Marcos, California.** Provided jurisdictional wetlands delineation of riparian habitat and four vernal pool basins on a 20-acre property. Monitored ponding conditions during the winter and, after ponding was determined to be insufficient, coordinated and assisted in dry season sampling of vernal pool basins for presence/absence of listed fairy shrimp species.

**Nickel Creek, Rlington Communities, Ramona, California.** Provided baseline vegetation, wetlands delineation, and rare plant mapping for a 14-acre multifamily residential development on the Santa Maria River. Coordinated with architect on least impactful development design and coordinated with County of San Diego to design a multiuse trail connection along the river while avoiding impacts to jurisdictional waters. Provided biological resources technical report evaluating project impacts pursuant to CEQA.

**San Ysidro Low Income Housing Development, City of San Diego, California.** Assisted in wetlands permitting of low-income housing development. Identified suitable revegetation mitigation areas within Otay River adjacent to historic quarry operations. Oversaw approval of mitigation site by City of San Diego, City of Chula Vista, and wetlands resource agencies.

**Manchester Avenue Residential Development, Chang Development LLC, Encinitas, California.** Provided project management for entitlement processing of medium-scale residential subdivision on coastal property supporting a number of rare vegetation communities and plant species. Project capabilities included vegetation mapping, rare plant surveys, wetlands delineation, impact assessment pursuant to CEQA, and permitting strategy for impacts to jurisdictional wetlands and state- and federally endangered species.

**Summit at Carlsbad, Pacific Properties, Carlsbad, California.** Provided project management for wetlands permit processing of multifamily residential development. Tasks included wetlands delineation, permitting

### ZIPUP JOSEPH - CONTINUED

strategy, mitigation identification, biological construction monitoring, and management of permit compliance of Section 401 Water Quality Certification, Section 1601 Streambed Alteration Agreement, and Section 404 Nationwide Permit 39. Managed environmental permit compliance via biological construction monitoring.

**El Apajo (Positano) Estates, Christopher Hill Development Inc., Fairbanks Ranch, San Diego County, California.** Provided project management for wetlands permit processing and permit compliance for estate residential development. Tasks included wetlands delineation; mitigation identification; negotiation and processing of Section 404 Individual Permits, Section 401 Water Quality Certification, and Section 1601 Streambed Alteration Agreement; avoidance of potential Section 7 consultation; and development of a perpetual management plan for a 25-acre wetlands preserve area on the San Dieguito River incorporating part of the Coast-to-Coast Trail. Managed environmental permit compliance via biological construction monitoring.

**Ranblas de las Flores, Bankers Union Trust, Rancho Santa Fe, California.** Provided project management of entitlement processing for a medium scale residential development on a 60-acre site supporting multiple sensitive biological resources. Tasks included vegetation mapping, wetlands delineation, rare plant mapping, and impact assessment pursuant to CEQA.

**Chocolate Mountain Ranch, Chocolate Mountain Ranch Estates, San Diego County, California.** Provided biological resource mapping, wetlands delineation, impact analysis, documentation pursuant to CEQA, and analysis of conformance with biological mitigation ordinance of County MSCD for 300-unit residential development bordering Cleveland National Forest.

**Del Mar Surf and Turf, Canuso Property Management Inc., Del Mar, California.** Provided wetlands delineation and constraints analysis for proposed development adjacent to San Dieguito Lagoon.

**Keystone Wildomar Development, Keystone Development, Wildomar, California.** Provided wetlands delineation and permit strategy for planned residential development.

**Levatino Property, Pacific Gulf Properties, Carlsbad, California.** Provided biological resource mapping, rare plant surveys, and wetlands delineation for 20-acre property. Evaluated development constraints in consideration of regional planning efforts and state and federal regulations.

**Maldonado Property, Western Pacific Housing, Carlsbad, California.** Provided biological resource mapping, rare plant surveys, and wetlands delineation for 50-acre property. Evaluated development constraints in consideration of regional planning efforts and state and federal regulations.

**Santa Fe Meadows, Shapouri & Associates, Santa Fe Valley, California.** Provided vegetation mapping, rare plant survey, and wetlands delineation for 40-acre residential development area.

**Torrey Ranch, Garden Communities/TR II LLC, San Diego, California.** Provided wetlands delineation, vegetation mapping, grassland assessment, and wetlands permit preparation and processing pursuant to Section 404 Nationwide Permit 26, Section 1601 Streambed Alteration Agreement, and Section 404 Water Quality Certification.

**Via de la Valle Project, Shapouri & Associates, San Diego, California.** Provided biological resource mapping, wetlands delineation, rare plant survey, and development constraints analysis for 20-acre property on steep hillside adjacent to San Dieguito Lagoon.

## Responses to Comments - Organizations

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### ZIPUP JOSEPH CONSTRUCTION

**Vineyards, Shapouri & Associates, Rancho Santa Fe, California.** Provided biological resource mapping, wetlands delineation, rare plant survey, and development constraints analysis for 50-acre property.

**Willowbrook Project, Norton Construction, Oceanside, California.** Provided biological resource mapping and evaluation of project impacts pursuant to CEQA and Section 4(d) of the federal Endangered Species Act.

**Zagara Property, Mr. John Zagara, Rancho Santa Fe, California.** Provided biological resource mapping, wetlands delineation, and constraints analysis for property supporting coastal wetlands.

### Education

**Social and Behavioral Sciences Building, California State University, San Marcos, San Diego County, California.** Provided project management for wetlands permit acquisition (Sections 401, 404, and 1600) and permit compliance. Tasks included fast-track scheduling, negotiating mitigation, developing a habitat restoration plan, providing required pre-construction notifications, and monitoring construction activities for permit compliance.

**Westview High School, Poway Unified School District, San Diego County, California.** Provided jurisdictional wetlands delineation and permit preparation, including Section 404 Individual Permit, Section 401 Water Quality Certification, and Section 1601 Streambed Alteration Agreement, and assisted in permit processing, mitigation identification, and development of a habitat restoration plan. Developed and evaluated detailed alternatives analysis related to wetland impact avoidance and minimization.

**Cathedral Catholic High School, Catholic Diocese of San Diego, San Diego, California.** Provided project management for wetlands permitting and construction permit-compliance. Tasks included wetlands delineation and permit preparation and processing, including Section 404 Nationwide Permit 39, Section 401 Water Quality Certification, Section 1601 Streambed Alteration Agreement, mitigation identification, and management of biological construction monitoring.

**Student Housing Facility, California State University San Marcos, San Diego County, California.** Provided project management for wetlands permit acquisition (Sections 401, 404, and 1600) and biological construction monitoring. Tasks included fast-track scheduling, negotiating mitigation, developing a habitat restoration plan, providing required pre-construction notifications, and monitoring construction activities for permit compliance.

**Campus Master Plan Update, San Diego State University, San Diego, California.** Assessed biological conditions throughout the campus related to the Campus Master Plan update. Coordinated general botanical and wildlife surveys of campus development areas. Provided written assessment of existing conditions and potential impacts for CEQA documentation.

**Ocean Knolls Elementary School, City of Encinitas, California.** Provided biological resource mapping for constraints analysis and mitigation evaluation within natural canyon and disturbed areas surrounding school.

**Grauer School, City of Encinitas, California.** Provided biological resource mapping and analysis of project impacts under CEQA and a habitat loss permit pursuant to Section 4(d) of the federal Endangered Species Act.

### Energy



### Paul Lemons

#### Biologist

Paul Lemons is a biologist with over 14 years' professional experience as a wildlife biologist specializing in conducting general and special-status wildlife surveys, biological monitoring, project management, and preparation of special-status wildlife reports and biological technical reports.

Mr. Lemons has performed numerous and varied biological surveys in San Diego, Orange, Los Angeles, San Bernardino, Riverside, and Kern Counties, including focused surveys for special-status wildlife species. He has permits to survey for the federally listed endangered Quino checkerspot butterfly (*Euphydryas editha quino*), the federally listed threatened California gnatcatcher (*Polioptila californica*), the federally listed endangered southwestern willow flycatcher (*Empidonax traillii eximius*), and federally listed vernal pool brachiopods. Additionally, Mr. Lemons has conducted numerous focused surveys for the federally listed endangered least Bell's vireo (*Vireo bellii pusillus*).

Mr. Lemons has experience conducting focused presence/absence surveys for the southwestern arroyo toad (*Bufo californicus*), California red-legged frog (*Rana draytoni*), mountain yellow-legged frog (*Rana muscosa*), southwestern pond turtle (*Clemmys marmorata palmd*), as well as and habitat assessment for the Coachella Valley fringe-toed lizard (*Uma inornata*). He has operated several reptile pitfall trap arrays project sites throughout San Diego and Riverside counties.

Mr. Lemons has taken the lead role in designing, implementing, and managing wildlife usage and corridor studies using remote camera techniques.

Mr. Lemons attended a California red-legged frog workshop where he gained classroom and field experience with survey techniques including identification, capture, and handling of California red-legged frogs, and a desert tortoise (*Gopherus agassizi*) workshop where he gained classroom and field experience surveying, monitoring, and handling techniques of desert tortoise. He has conducted several pre-project presence/absence surveys for desert tortoise. He also attended a bat conservation and management workshop to gain experience with various capture techniques, including mist-netting and harp-trapping and has experience using Anabat and Pettersson acoustical bat detectors in the field for both active and passive acoustical bat surveys.

#### Project Experience

##### Development

**Target Commercial Center, Target Corporation, City of Vista, California.** Conducted focused California gnatcatcher survey and prepared the focused California gnatcatcher survey report. Responsible

##### EDUCATION

San Diego State University  
BS, Biological Sciences, Emphasis in Ecology

##### CERTIFICATIONS

40-hour HAZWOPER and Emergency Response Training, and Unexploded Ordnance Awareness Training, OSHA (8-Hour refresher training completed 10/6/2014)

Quino Checkerspot Butterfly Section 10(a)(1)(A) Recovery Permit, USFWS Federal Permit No. TE051248-0

California Coastal Gnatcatcher Section 10(a)(1)(A) Recovery Permit, USFWS Federal Permit No. TE051248-1

Southwestern Willow Flycatcher Section 10(a)(1)(A) Recovery Permit, USFWS Federal Permit No. TE051248-3

Vernal Pool Brachiopods Section 10(a)(1)(A) Recovery Permit, USFWS Federal Permit No. TE051248-4

Scientific Collecting Permit, CDFW State Permit No. SC-10880

### PAUL JENKINS - CONTRIBUTOR

for monitoring the clearing of native habitat to ensure that clearing activities only occur within approved boundaries and that best management practices (BMPs) are implemented.

**Chevron West Coyote Hills Field Closure and Development Project, Chevron USA Production Company and Chevron Pacific Coast Homes, Fullerton, California.** Conducted breeding season population estimate surveys for the California gnatcatcher on an approximately 600-acre oil field supporting 50+ pairs of California gnatcatchers. Prepared the focused California gnatcatcher survey report.

**Otay Ranch, Otay Ranch Company, Chula Vista, California.** Provided biological resource surveys and documentation for various developments and proposed open space preserves covering over 4,000 acres of vacant land. Tasks have included vegetation mapping, rare plant surveys, reptile pitfall trapping, bird count surveys, installing and managing wildlife camera stations, and California gnatcatcher and quail checkerspot butterfly surveys. Assisted with the preparation of biological resources technical reports pursuant to California Environmental Quality Act (CEQA) documentation. Responsible for monitoring grading activities to ensure that these activities only occur within approved boundaries and that BMPs are implemented. Conducted supervised California gnatcatcher nest monitoring within 500 feet of project areas. Also conducted ongoing construction monitoring to ensure that construction activities are in compliance with environmental permit conditions.

**Higgins Project, Private Residence, San Marcos, California.** Conducted a nesting bird survey to determine if there were any active nests within the area proposed to be cleared for residential development. Also conducted ongoing construction monitoring to ensure that construction activities are in compliance with environmental permit conditions.

**Rancho Coronado, San Marcos, California.** Assisted with the preparation of Section 4(d) Habitat Loss Permit exemption with the City of San Marcos, the U.S. Fish and Wildlife Service (USFWS), and CDFW for additional brush management areas. Responsible for monitoring brush management activities to ensure that these activities only occurred within approved boundaries.

**Manchester Avenue Residential Development, Private Residence, Encinitas, California.** Conducted supervised California gnatcatcher presence/absence surveys within the project area, and assisted with the preparation of the focused California gnatcatcher survey report.

**The Crossings at Carlsbad Golf Course Annual Gnatcatcher Surveys, City of Carlsbad, California.** Conducted annual California gnatcatcher monitoring surveys within suitable habitat in and surrounding the golf course in the City of Carlsbad. The goal of the surveys is to determine the breeding status of paired birds, territory number, size, and location, breeding success, and cowbird predation as required by the USFWS. Prepared annual monitoring reports that summarized population dynamics and identified threats to California gnatcatchers.

**Trump National Golf Course Annual Gnatcatcher Surveys, City of Rancho Palos Verdes, California.** Conducted California gnatcatcher surveys over approximately 100 acres of restored coastal sage scrub and coastal bluff scrub habitat within and surrounding the golf course on the Palos Verdes Peninsula. The goal of the surveys was to determine the breeding status of paired birds, territory number, size, and location, breeding success, and cowbird predation in accordance with the Trump National Habitat Conservation Plan (HCP).

### Wildlife Ecology - Organizations

#### Education

**San Diego State University (SDSU) Aztec Walk Campus Master Plan Environmental Impact Report (EIR), SDSU, San Diego, California.** Conducted focused California gnatcatcher and nesting bird surveys in support of the SDSU Aztec Walk Campus Master Plan EIR. The project involved the redevelopment of SDSU's recreation facilities, as well as parking and residence hall expansions and improvements.

#### Energy

**Devers-Palo Verde 500-Kilovolt (kV) Transmission Line Project, Segments 1 and 2, Southern California Edison (SCE), Riverside County, California.** Conducted a variety of surveys including California gnatcatcher, nesting bird, desert tortoise, Coachella fringe-toed lizard, and general wildlife.

**Hazard Tree Removal Project, SCE, San Bernardino and San Jacinto Mountains, California.** Conducting wildlife surveys, botanical surveys, habitat assessments, and surveys for special-status and U.S. Forest Service (USFS) Threatened, Endangered, and Sensitive species throughout the San Bernardino and San Jacinto Mountains along SCE power line routes. The surveys are supporting implementation of a banked tree removal project along existing power lines within San Bernardino County.

**Sensitive Amphibian Surveys, SCE, San Bernardino, California.** Conducted nocturnal and diurnal surveys for special-status amphibian species in selected drainages within the San Bernardino Mountains. The surveys were conducted to ensure avoidance of impacts to special status amphibian species and their habitats.

**Utility Pole Maintenance Project, SCE, San Bernardino and San Gabriel Mountains, California.** Conducted wildlife surveys and surveyed for special status and USFS Threatened, Endangered, and Sensitive species at power line pole replacement locations.

#### Municipal

**Carlsbad Fire Station, City of Carlsbad, California.** Project manager for the development of Carlsbad Fire Station 6. Prepared a biological letter report, conducted general wildlife surveys, and assisted with vegetation mapping.

#### Resource Management

**Simon and Mt. Gower Preserves, County of San Diego, California.** Provided biological resource surveys and documentation for two open space preserves near the community of Ramona. Tasks included reptile trapping, bird count surveys, installing and managing wildlife camera stations, and bat surveys.

**Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), Riverside County Transportation and Land Management Agency, Riverside County, California.** Assisted in document research and preparation of species accounts for endangered, threatened, sensitive, and other key species in the County of Riverside.

**Rancho Mission Viejo Conservancy Area, County of Orange, California.** Conducted, supervised California gnatcatcher surveys within the project area and prepared the focused California gnatcatcher survey report.

**Wilson Valley Mitigation Bank, Private Residence, Anza, California.** Conducted, trained Quercus holmboisii surveys and general wildlife surveys on a 1,000-acre property as part of a mitigation bank evaluation.

### Transportation

**Rancho Santa Fe Road Realignment Project Biological Monitoring, City of Carlsbad, California.** Project biologist responsible for environmental compliance with resource permits during project construction, including permits issued by the USFWS, ACOE, CDFW, and RWQCB. Assisted with breeding season surveys for California gnatcatcher and monitoring of nesting pairs within native habitat adjacent to the project. Responsible for monitoring the clearing of native habitat to ensure that clearing activities only occur within approved boundaries and that BMPs are implemented. Conducted ongoing construction monitoring to ensure that construction activities are in compliance with environmental permit conditions.

**Riverside County Transportation Commission Mid-County Parkway, Jacobs Engineering, Riverside County, California.** Conducted a variety of field surveys within the Mid-County Parkway study area, which ranges from approximately 1.1 to 4 miles in width and is approximately 82 miles in length. Field surveys included general wildlife surveys, habitat assessments, and focused surveys for California gnatcatcher.

**Brown-Headed Cowbird Trapping Program Sprinter Project, North County Transit District, Oceanside, California.** Assisted with building and setting up the brown-headed cowbird (*Molothrus ater*) traps. Assisted in the daily operation and maintenance of a cowbird trapping program along Loma Alta Creek in the City of Oceanside. The trapping program is a USFWS requirement as mitigation for impacts to habitat for federally listed species, including least Belts vireo, southwestern willow flycatcher, and California gnatcatcher. Responsibilities also included preparation of annual reports for submission to the USFWS.

**State Route 125 South, California Department of Transportation (Caltrans), San Diego, California.** Conducted a focused survey for the presence of Quino checkerspot butterfly.

### Water/Wastewater

**Salt Creek Sewer Interceptor Biological Monitoring, City of Chula Vista, California.** Responsible for monitoring the clearing of native habitat to ensure that clearing activities only occur within approved boundaries and that BMPs are implemented. Conducted supervised California gnatcatcher nest monitoring survey within 500 feet of the project area and assisted with the preparation of the focused California gnatcatcher survey report. Also conducted ongoing sewer line construction monitoring to ensure that construction activities are in compliance with environmental permit conditions.

**Salt Creek Sewer Interceptor, City of Chula Vista, California.** Monitored sewer construction and conducted breeding season monitoring for California gnatcatcher, focused surveys for burrowing owl (*Athene cunicularia*), and focused surveys for Quino checkerspot butterfly along the 11-mile Salt Creek gravity sewer project along the north edge of the Otay River Valley.

### Specialized Training

- Biology and Management of the California Red-Legged Frog, Elkhorn Slough National Estuarine Research Reserve, April 2012
- Introduction to Desert Tortoise Surveying, Monitoring, and Handling Techniques Workshop, The Desert Tortoise Council, November 2011
- Remote Camera Techniques in Wildlife Studies Workshop, The Wildlife Society, June 2011
- Bat Conservation and Management Workshop, Bat Conservation International, May 2010



### Kyle Matthews

#### Habitat Restoration Specialist

Kyle Matthews is a biologist and habitat restoration specialist with over 3 years professional experience working as an environmental specialist on a variety of public and private projects with Habitat Restoration Sciences Inc. (HRS). He has extensive experience with habitat restoration projects involving sensitive resources, including rare plant species, wetlands, habitats, and habitats for endangered wildlife.

#### EDUCATION

University of Redlands  
BA, Biology, 2010

#### CERTIFICATIONS/LICENSES

Qualified Applicator License (QAL)  
#120112 Categories B, C, F  
(Exp. 12/31/2018)

Mr. Matthews' experience includes biological monitoring and data collection for a variety of projects, which has involved writing habitat restoration plans, project management and biological monitoring reports. He also has extensive field experience throughout Southern California conducting vegetation mapping of exotic non-native species. Additionally, he has conducted biological monitoring of construction and maintenance projects in environmentally sensitive areas. He is currently working on a variety of habitat restoration and biological resource projects with various responsibilities at Dudek.

#### Project Experience

##### Habitat Biological Monitoring

**Saddleback Residential Development Project, Western Riverside County Regional Conservation Authority, Riverside County, California.** This project included the preparation of the Munz's Onion Salvage and Monitoring Plan, by Dudek Biologist, Andy Thomson, which provided recommendations for salvaging the state-listed endangered Munz's onion (*Allium munzii*) from the project area using the "soil block method" and transplanting to an on-site preserve area. Mr. Matthews provided biological monitoring for the long-term maintenance portion of this project.

**Joli Anne Leichtag Elementary School #2, San Marcos Unified School District (SMUSD), San Diego County, California.** Served as the biological monitor on this school project and part of the team involved in rare plant surveys for the state-listed endangered and federally listed, threatened thread-leaved brodiaea (*Brodiaea filiformis* plant species) and mapped the extent of the population at the 21-acre site in the County of San Diego. Additionally, continues to work as the long-term biological monitor for this project.

**San Vicente Dam Raise Compliance Monitoring, San Diego County Water Authority, San Diego County, California.** Served as a biological monitor for the San Vicente Dam Raise Project. Ensured compliance by the contractor with the Delicate Clarkia Mitigation and Monitoring Plan, which detailed the process for salvaging and relocating populations of delicate clarkia (*Clarkia delicata*) from impact areas to preserve areas. Provided annual monitoring and quantitative data collection for the program and prepared annual status reports.

**The Crossings at Carlsbad Habitat Maintenance Project, City of Carlsbad, California.** Provided biological monitoring for the habitat maintenance of 48-acres of coastal sage scrub and 7 acres of wetlands. Monitoring work included vegetation transects and gnatcatcher documentation. When the project started in 2006, there were only 4 breeding pairs of gnatcatchers on-site and when the project received sign-off in 2012 there was 12 pairs observed.



### JOE MATTHEWS - CONTINUED

**NRG Solar Mitigation Site in Neenach, California.** Mr. Matthews is performing the biological monitoring for the Burrowing Owl (*Athene cunicularia*) on over 20 acres which were imprinted with native seed by HRS in 2012. This site contains 6 man-made burrows that provide the desired habitat and protection that the Burrowing Owls require. In November of 2017 there was photo documentation confirming the use of the constructed burrow by the Burrowing-Owl.

**Pipe 3 Biological Monitoring, San Diego County Water Authority (SDCWA), San Marcos, California.** Mr. Matthews provided biological monitoring during vegetation clearance and perimeter fence installation for the Pipe 3 project in San Marcos. This project involves lining a 50 year old, 72" water line to ensure functionality for the next 50 years.

**Twin Oaks Valley Restoration, City of San Marcos, San Marcos, California.** Provided biological monitoring for the 13 acres of CSS and 3 acres of wetlands. The project wetlands were failing in 2010 due to improper grading by the previous contractor. In 2011, the HRS/Dudek team graded the wetlands to improve the hydrology of the site which has now met all the year 5 success criteria 2 years early.

**Site B Restoration, Marine Corp Community Services (MCCS), Camp Pendleton, California.** Currently providing biological monitoring for the 33 acres Coastal Sage site. The site is transitioning from a non-native grassland habitat to Coastal Sage Scrub to become suitable for the threatened *Calochortus nuttallii*. Additionally, the site contains multiple *Prodris* species which were mapped and avoided during the implementation process of this project.

### Other Relevant Experience

Mr. Matthews provides biological monitoring and data collection along with non-native exotic and invasive species mapping for the following additional projects:

- Laguna Canyon Restoration, Irvine
- Alessandro Business Park, Riverside
- Nichols Residence Restoration, Julian
- San Pasqual 500 acres exotic mapping, San Pasqual
- Grapevine exotic mapping, Lebec
- Sprinter Mainline Restoration (NCTD), Oceanside
- Rancho Campana Restoration, San Marcos
- Wetland Restoration (Marine Corps Exchange and Pilgrim Creek), Camp Pendleton

### Andrew Thomson

#### Biologist and Restoration Ecologist

Andrew Thomson is a biologist and restoration ecologist with over 17 years' professional experience working as an environmental specialist on a variety of public and private projects with Dudek and formerly with the U.S. Forest Service (USFS) in the San Bernardino National Forest. He has extensive experience with habitat restoration projects involving sensitive resources, including rare plant species, wetlands habitats, and habitats for endangered wildlife.

Mr. Thomson's experience includes writing habitat restoration plans, designing habitat restoration projects, preparing resource management plans, and writing restoration monitoring reports. He also has extensive field experience throughout Southern California conducting vegetation mapping, habitat monitoring, jurisdictional wetlands delineations, focused surveys, and habitat assessments for special-status plant species. He is a trained California Rapid Assessments Method (CRAM) practitioner since 2009, and is experienced in conditional assessments for riverine, estuarine, depositional and vernal pool environments. He is currently working on a variety of habitat restoration and biological resource projects throughout Kern, Los Angeles, Orange, Riverside, Imperial, and San Diego Counties.

#### EDUCATION

Washington State University  
MS, Environmental Science, 2002  
Utah State University  
BS, Biology, 1997

#### CERTIFICATIONS

California Department of Fish and Wildlife  
(CDFW) Rare, Threatened, and Endangered  
Plant Voucher Collection Permit, Permit No.  
2081(a)-09-16-V  
California Rapid Assessment Method (CRAM)  
Trained Practitioner in Riverine, Estuarine and  
Vernal Pool Modules

#### PROFESSIONAL AFFILIATIONS

California Invasive Plant Council (CalIPC)  
California Native Plant Society (CNPS)  
California Native Grasslands  
Association (CNGA)  
California Society for Ecological  
Restoration (SERCAL)

#### Project Experience

**Vegetation Management Plans and Biological Resources Surveys for the County of San Diego, Department of Parks and Recreation.** Served as senior botanist and habitat restoration specialist for biological resource inventories of six County of San Diego Preserves, including Del Dios, Escondido Creek, San Luis Rey, Sycamore/Hagey, Stoneridge and Potrero Mason. Provided botanical surveys for special-status plants, vegetation mapping, and invasive species mapping. Prepared the vegetation management plans for all six County Preserves, which included habitat restoration opportunities and constraints.

**Jacumba Solar Project, San Diego County, California.** Served as senior restoration ecologist for this solar development project near the town of Jacumba, California. Responsibilities included preparing the habitat restoration plans, the resource management plan, and the County open space preserve documents. The project is currently under construction.

**Tule Wind Energy Project, San Diego County, California.** Worked as third party compliance consultant for the restoration program at the Tule Wind Energy Project. The project is a 150-megawatt wind energy facility near the town of Boulevard, San Diego County, California. The project consists of construction of wind turbine generators (WTGs) primarily on BLM land. The project is currently under construction. As a third party compliance consultant, responsibilities included reviewing the restoration plan and compliance of the restoration work with project plans and permits.

HERDM THOMPSON - CONTINUED

**45 Ranch Lusardi Creek Wetlands, Newland Communities, San Diego County, California.** Managed the habitat restoration program for this 7.3-acre wetland restoration project. Also prepared annual reports to document the condition of the restoration project in relation to predetermined performance standards. Dudek assisted with designing an extensive open space trail system around the project's unique natural resource: a broad wetland riparian corridor habitat that had developed around a creek and two lakes. A total of 1,600+ acres of natural open space were ultimately preserved within the entire project area, of which 187+ acres are located in and around Lusardi Creek. Dudek also assisted with designing park areas adjacent to the lower lake to ensure preserving wetland resources and appropriate compatibility with native habitat areas. Habitat types restored include southern willow scrub, freshwater marsh, mullet scrub, and dismonted alkali marsh.

**Fuel Modification Environmental Constraints Analysis, Rancho Santa Fe Association, Rancho Santa Fe, California.** Provided vegetation mapping and general botanical surveys for the proposed fuel management plan. The study was conducted in the spring after the 299-acre site was burned by the witch fire that was driven by Santa Ana winds in fall 2007.

**45 Ranch Upper Dam Outlet Replacement Project.** 45 Kelwood General Partnership, 45 Ranch, California. Served as project manager and lead restoration ecologist for the construction of a new outlet structure and pipeline for the reservoir. The project was requested by the California State Department of Safety of Dams (DSOD). Conducted the resource inventory for special-status species and jurisdictional wetlands. Prepared the conceptual restoration plans, oversaw the construction, monitoring, and coordinated the implementation of the habitat restoration. Restoration work is ongoing.

**Pipeline 3 Refining Project Biological Resources Technical Report, San Diego County Water Authority, San Diego County, California.** Served as a lead botanist for the rare plant surveys for the 5-mile pipeline-refining project. The rare plant surveys were conducted within an approximately 700-acre study area that paralleled the pipeline in the City of San Marcos. Also assisted with the preparation of the biological technical report. The surveys and report were completed in 2012.

**San Vicente Dam Raise Compliance Monitoring, San Diego County Water Authority, San Diego County, California.** Served as a restoration ecologist for the San Vicente Dam Raise Project. Prepared the *Delicate Clarkia Mitigation and Monitoring Plan*, which detailed the process for salvaging and relocating populations of delicate clarkia (*Clarkia delicata*) from impact areas to preserve areas. Directed the implementation of the plan, which incorporated an experimental design for monitoring the success of the program. Provided annual monitoring and quantitative data collection for the program and prepared annual status reports.

**Miramar Family Housing Project, Clark Real Estate, San Diego County, California.** Served as lead restoration ecologist for mitigation associated with special-status species for the Miramar Family Housing Project on Marine Corps Air Station Miramar. Prepared the conceptual habitat restoration plan for coastal sage scrub and developed mitigation programs for rare plant species, including Del Mar manzanita, San Diego goldenstars, long-spined spineflower, San Diego barrel cactus, and summer holly. Coordinated and oversaw salvage and propagation of rare plant species in accordance with mitigation plans. The project is currently ongoing.

**Woods Valley Preserve Habitat Management, San Diego County, California.** Responsible for habitat management for the approximately 30-acre preserve near Valley Center, California. The preserve includes



## Responses to Comments - Organizations

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ANDREW THOMPSON - CER DEBUT

oak riparian woodlands, coastal sage scrub and chaparral plant communities. Preserve management is currently ongoing.

**Environmental Surveys of Simon and Mount Gower Preserves, County of San Diego, California.** Served as a senior biologist for this project. Conducted vegetation mapping and rare plant surveys within the 617-acre Simon Preserve and the 1,522-acre Mount Gower Preserve located in Ramona.

**Salton Sea Species Conservation Habitat, Department of Water Resources/California Department of Fish and Game, Imperial County, California.** Served as a restoration ecologist for habitat restoration required for implementing the construction of the 3,000+-acre shallow habitat pond complex in the Salton Sea delta of the New River. Developed the Habitat Management and Monitoring Plan for habitat restoration, which included restoration of approximately 150 acres of habitat. Coordinated and performed the California Rapid Assessment Method (CRAM) evaluations for the project. The CRAM evaluations were used to assess wetland conditions for the 3,000+ acre shallow habitat pond complex in the Salton Sea delta of the New River, along the New River, and along the sea's shoreline that comprise the project area.

**Otay Quarry Barrel Cactus Salvage and Translocation Project, Otay Valley Quarry, Chula Vista, California.** Served as lead restoration ecologist for implementation of the salvage and translocation project for San Diego barrel cactus (*Ferocactus viridescens*). Oversee the salvage, transplantation, maintenance, and monitoring of San Diego barrel cactus that was transplanted from areas that will be impacted by future Otay Valley Quarry operations. This project was required to satisfy requirements of the Chula Vista Multiple Species Conservation Plan (MSCP) Subarea Plan. The transplantation was successful, and the project is in the long-term monitoring phase.

**East Grove Wetland Mitigation/Revegetation Project, William Lyon Homes, Inc., Escondido, California.** Served as the restoration monitor to conduct long-term biological monitoring for this 11.7-acre wetland restoration project. Also prepared annual reports to document the condition of the restoration project. Habitat types restored include freshwater marsh and southern willow scrub.

**Eureka Ranch Wetlands and Oak Tree Mitigation Project, Lennar Homes, Escondido, California.** Conducted biological monitoring for this wetland restoration and oak tree mitigation project. Also prepared annual reports to document the condition of the restoration project. Habitat types restored include freshwater marsh, southern willow scrub, coast live oak woodland, and oak riparian.

**Double Peak K-8 School, San Marcos Unified School District (SMUSD), San Diego County, California.** Served as the lead biologist and restoration ecologist for a constraints analysis to evaluate potential for development of the new school. Analyzed site conditions relative to current local, state and federal laws for potential impacts to protected environmental resources.

**Joli Anne Leichtag Elementary School, San Marcos Unified School District (SMUSD), San Diego County, California.** Served as the project manager and lead restoration ecologist. Conducted focused rare plant surveys for the state-listed endangered and federally listed threatened thread-leaved brodiaea plant species and mapped the extent of the population at the 21-acre site in the County of San Diego. Prepared the *Thread-Leaved Brodiaea Transplantation Plan*, which provided recommendations for salvaging thread-leaved brodiaea from the project area using the "soil block method" and transplanting to an on-site preserve area. Monitored and provided oversight for the implementation of the transplantation plan. Coordinated all aspects of construction monitoring, mitigation installation and monitoring, preserve management, and long-term biological monitoring.

## Responses to Comments - Organizations

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- O3 -15** The mitigation ratio referred to in this comment is described in mitigation measures MM-BIO-7 and MM-BIO-9, which specifically states that impacts to occupied California gnatcatcher habitat “shall be mitigated through conservation of *California gnatcatcher-occupied Diegan coastal sage scrub*. Regardless, mitigation shall be at a 2:1 ratio by onsite preservation or by purchase of appropriate credits at an approved mitigation bank in San Diego County” (emphasis added). However, as stated in the Biological Resources Thematic Response, Phases II and III have been removed from the proposed project, thus eliminating the need for these mitigation measures. Additionally, the Biological Resources Thematic Response provides information on the use of the canyon and adjacent canyons by California gnatcatcher.
- O3 -16** The commenter is correct in stating that the Draft EIR, in Chapter 4.3, addresses potential impacts to both “riparian or other sensitive natural community” and “the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites”. Specifically, beginning on page 4.3-35, the Draft EIR, outlines the potential impacts to wildlife movement corridors and wildlife nursery sites of Phase I. As noted on page 4.3-35, Phase I would not include impacts to wildlife movement or wildlife nursery sites.
- O3 -17** As indicated on page 4.6-16 of the Draft EIR, the potential erosional impacts would be short-term and mitigable to less than significant levels. As indicated in the text, long-term erosion would be minimized by establishing new landscaping subsequent to grading. In addition, short-term impacts would be minimized by a project-specific SWPPP, which includes implementation of BMPs and stormwater monitoring, in accordance with the State General Permit and the San Diego RWQCB. Compliance with federal- and state-mandated erosional control measures would reduce erosion such that any potential impacts would be less than significant. The Draft EIR has adequately addressed and analyzed potential impacts related to erosion and no further analysis is necessary. 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.
- O3 -18** The comment asks that current SDSU renovation and building projects be listed and cumulative impacts addressed in the EIR. All current renovation and building projects on the SDSU Campus are listed and described in Chapter 3 Cumulative Methods and Projects. Specifically, Table 3-1 Cumulative Projects provides a list and details on the current and foreseeable future projects on the SDSU Campus and in the surrounding area. The analysis of the proposed project’s cumulative impacts is contained within the analysis of each separate environmental impacts category presented in Chapter 4. SDSU is not aware of any additional building or renovation projects that are ongoing on campus, aside from those listed in Chapter 3 of the Draft EIR.

## Responses to Comments - Organizations

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**O3 -19** The comment claims that the Draft EIR is insufficient because, among other things, it fails to identify all significant noise impacts. Contrary to the stated opinion, potential noise impacts from construction and operation of the proposed project was analyzed and assessed in Section 4.11 of the proposed project's Draft EIR pursuant to the California Environmental Quality Act. It was determined that with implementation of Mitigation Measures MM-NOI 1 through 3, noise impacts would be reduced to a level of less than significant.

**O3 -20** The comment refers to the analysis of greenhouse gas emissions presented in Draft EIR Section 4.7, and the related technical report presented in Draft EIR Appendix C, as a "generalization" and "consisting largely of statistical data." However, the only specific issue raised by the comment regarding the adequacy of the analysis relates to the recently approved SDSU Climate Action Plan (CAP) and the fact that it was not addressed in the Draft EIR.

Preliminarily, the SDSU CAP was prepared in the spring of this year and not approved until May 1, 2017, following the April 21, 2017 release of the Draft EIR. The non-inclusion of the SDSU CAP was an oversight on the part of the EIR preparer, and not an intentional omission. Importantly, because the SDSU CAP has not been subject to review under the California Environmental Quality Act, its application in the context of this EIR, therefore, can only be limited to background and informational purposes. (See, CEQA Guidelines Sections 15064.4(b)(3) and 15183.5(b)(2).) As a result, even if addressed in the Draft EIR, the SDSU CAP *would not have altered or affected in any way* the significance determinations reached in the Draft EIR.

Furthermore, the proposed Project is fully consistent with the SDSU CAP, and the Final EIR includes an analysis of that consistency. Please refer to Final EIR, Chapter 4.7, Greenhouse Gas Emissions, and Appendix N, for the subject consistency analysis.

**O3 -21** The comment urges readers and decision-makers to review the SDSU CAP and "identify for themselves what SDSU has hidden from the public." However, non-inclusion of the SDSU CAP in the Draft EIR was not intentional and, in any event, as discussed in the response to comment O-3-20, the proposed Project is fully consistent with the CAP.

**O3 -22** The comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. 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.

## Responses to Comments - Organizations

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- O3 -23** Please see response to Comment O3-20.
- O3 -24** Please see response to Comment O3-20. Further, the Draft EIR and this Final EIR are not the appropriate venues by which to evaluate the merits of the SDSU CAP and SDSU's relationship amongst the region's larger sources of mobile pollution sources. Should SDSU determine that it is appropriate to utilize the SDSU CAP for evaluation of future project impacts and emission thresholds, an environmental impact evaluation prepared and reviewed pursuant to CEQA standards must be conducted. This would be a stand-alone environmental document.
- O3 -25** Please see response to Comment O3-20. This EIR is not the appropriate venue to debate the pros and cons of the SDSU co-generation system.
- O3 -26** Please see response to Comment O3-20. It is important to note that the proposed New Student Housing Project would not involve a student-body increase such as the comment is suggesting. The proposed project is being proposed and sized according to the demands placed on the residential housing supply associated with the existing student body and the existing 25,000 Full Time Equivalent (FTE) student cap. No part of the proposed project would authorize an increase beyond the 25,000 FTE enrolment cap.
- O3 -27** As discussed in O3-21, non-inclusion of the SDSU CAP in the Draft EIR was not intentional and, in any event, as discussed in the response to comment O-3-20, the proposed Project is fully consistent with the CAP.
- O3-28** The comment is acknowledged and appreciated. The comment expresses general opposition for the Project, but does not raise any issue concerning the adequacy of the EIR. For that reason, no further response to this comment is provided.



## Responses to Comments - Organizations

### Comment Letter O4



ALVARADO COMMUNITY ASSOCIATION  
4774 YESSA SANTA DRIVE  
SAN DIEGO, CA 92115

June 1, 2007

Mr. Lance Shiro  
Director, Facilities Planning, Design and Construction  
San Diego State University  
1600 Campanile Drive  
San Diego, CA 92182-1528

Re: Draft EIR-Chapultepec Dormitory Project

Dear Sirs:

At our May meeting, the board of directors of the Alvarado Community Association (Alvarado Friends) voted to submit a letter to you with comments regarding the proposed dormitory expansion project surrounding Chapultepec Hall. I will start by saying that overall, the association supports the project. After many years of fretting about issues that arise from an influx of students moving into the communities surrounding the SDSU campus we are glad to see that the university is taking steps to reduce or minimize these negative issues by providing more housing on campus, and we support this effort and any further efforts in this direction. Studies have shown that students residing on or near campus improve their academic performance and by extension, the academic standing of the university/institution. We support all the efforts currently underway at SDSU to increase the university's standings in academics, research and innovation, and this project is a key component toward moving in that direction.

In reviewing the Draft EIR, we were glad to see that the parking, drop off and pick up issues are being addressed. Providing the facilities behind the complex to accomplish the latter two items, shows that you have listened to the community and for that we commend you. On a personal note, I drive through the "impacted" area in question, every school day while doing bid pick-up and various drop off and, quite frankly, have never had any problems, even on those days when students move in or move out of Chapultepec.

However, we believe that the EIR misses some key points and opportunities in addressing the traffic generation issue. The comparisons used with UCSD dorm projects, for example, are not quite accurate. The factors used there and at Chaminade may not be as valid here. While the number of students that have cars can be easily estimated, the trip generation equivalencies may not be comparable because many students at SDSU have jobs in order to pay for their education. This necessitates driving to and from work. It would stand to reason that many, if not most of the one third of students living on campus that have cars, do, because they need them to get to work. From the car trip counts, it is fairly clear that the primary route used is Montezuma Rd. to Fairmount Ave. Noteworthy from the trip count analysis is that the primary routes feeding into the Montezuma/Fairmount intersection are College (from El Cajon to Montezuma), Montezuma itself and College Blvd. Given the increase in traffic on College to and from I-8, the switch from Montezuma to I-8 is generally avoided, and has, in fact seen a slight reduction in car trips over the past decade. Thus, Montezuma to Fairmount has become overburdened. We see the impact every weekday morning and evening during commute times and before and after events at Vieja Arma.

One of the basic truths learned in operations management 101 is that the maximum speed of any process flow is the maximum speed of its slowest component. In the case of dormitory/College Area and surrounding community traffic flows,

O4-1

O4-2

O4-3

O4-4

## Responses to Comments - Organizations

this is the intersection of Montezuma and Fairmount, westbound. The city of San Diego realized that many years ago and acquired the land necessary to add a second off-ramp lane from Montezuma westbound onto Fairmount Ave. northbound, leading to I-8, I-15 and Grantville. However, current regulations require that the northbound bike lanes on Fairmount Ave use a bicycle/pedestrian bridge in order to avoid crossing two lanes of automobile traffic. This would add a few million dollars to the cost of completing the project so it was put on hold and the land sits idle.

O4-4  
Cont.

Currently, some opportunities exist to address traffic flow in general and increased traffic flow from this project and other future projects. The one with the biggest impact is, the addition of a second off-ramp lane from Montezuma westbound to Fairmount Ave. northbound. The city neglected to consider the continuation of the additional lane onto I-8 and did not procure the needed land on east side of Fairmount Ave. closest to the freeway overramps. Recently that land changed hands and could be acquired at what would probably be a very reasonable purchase price. That together with the land already acquired could create a fully functional, effective improvement in traffic flows there from and in all surrounding communities that feed into that corridor. These include, based on comments of frustration from previous meetings, El Cerrito, Alvarado Estates, College View Estates, Talmadge, Rolando, Mesa College, Oak Park... We know the additional required land is probably available because we, the Alvarado board were approached by the investment company that acquired it. In addition, approximately 3-4 years ago, a concept called the Montezuma Trail, that would make the western end of Montezuma Rd. safer for both pedestrians and bicyclists was proposed for seed funding through the Dollar-Per-Ticket fund but rejected by SOSU. It is now an opportune time to revisit the concept, in conjunction with the additional lane. I have attached a copy of the Trail proposal.

O4-5

The second project that would alleviate congestion, specifically on College Avenue, where many of the university's parking structures are located, but also relieve some of the pressure on Montezuma/Fairmount and 70<sup>th</sup> St., is an automated signal synchronization system. Two years ago, a proposal was made to the CACPB by myself and Councilmember Marti Emerald, with the support of President Hirschman, his support contingent on getting the CACPB support. The proposal was a compromise on South Campus Plaza for the addition of bicycle lanes on College Avenue between I-8 and Montezuma Rd. to address concerns from the community on the impact of narrower lanes and traffic flow. The proposal included seed money for the second lane project described above plus the signal synchronization system. Initially, Cal Trans was approached, because they control the signal lights at the I-8 off-ramps/Canyon Crest/Alvarado Rd. and College. The goal was to synchronize these signal lights with the lights at Lindero Paseo and Montezuma. However, Cal Trans' primary goal is to get traffic off of the freeway which is not necessarily the same as the free flow of traffic on College Ave. so city engineers were asked to come up with a plan to improve traffic flow, independent of the Cal Trans signals. The system proposed is one that had been in place on Morehouse Dr., adjacent to Qualcomm headquarters (and which has subsequently been installed in the Midway area. It consists of automated sensors underneath the pavement that count the number of cars at a given red light and when the count reaches a preset number, the light turns green. The same would happen at the next signal. However, in order for the system to be as effective as possible, the synced signals should be a maximum distance from each other so a signal was proposed for Zura Way, at the entrance/exit from several parking structures. That would make the system functional and alleviate the safety issues associated with ingress and egress from the parking structures. I've attached the text of an e-mail sent to the CACPB prior to the presentation on the compromise proposal. Since the proposal counted on seed money from the Dollar-Per-Ticket fund, it was also presented to the Alvarado Estates board because that board created the fund as a result of the settlement of a lawsuit brought against SOSU by the board at the time, when Cox Arena was in development. The Alvarado board supported the proposal and provided a letter of support and can send a copy if you desire.

O4-6

Unfortunately, the CACPB, despite supporting the items in the proposal, chose, instead to approve a request for a new EIR for South Campus Plaza. Now that South Campus Plaza is opening it becomes vital that traffic flow improve so that the businesses that will occupy it, will have a more diverse customer base than students, and flourish.

O4-7

In summary, we support the dormitory project currently proposed but we feel that the traffic impact is underestimated and should be addressed because it only adds to an already overwhelming situation.

O4-8

Sincerely

  
Jose Reynoso  
President

CC: Alvarado Board  
Councilmember Georgette Gomez  
Roberto Torres

## **Response to Comment Letter O4**

### **Alvarado Community Association**

**June 1, 2017**

- O4-1** The comment is an introduction to comments that follow. No further response is required.
- O4 -2** The comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. 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.
- O4 -3** The comment addresses the trip generation rate used in the Draft EIR traffic analysis, Section 4.14, and questions the appropriateness of the research sources. The Draft EIR discusses three (3) sources of trip generation rates, each one specific to university student housing, and the impact analysis used the highest trip rate of the three. The traffic engineer agrees that the UCSD rates “are not quite accurate,” and, accordingly, the traffic analysis did not use the UCSD rates. The comment is critical of the use of Chapman University rates on the basis that “the trip generation equivalencies may not be comparable because many students at SDSU have jobs in order to pay for their education...which necessitates driving to and from work.” However, the comment provides no evidence for the statement and, in the traffic engineer’s professional judgment, there is no basis to believe that SDSU students would be more likely to have jobs than students at Chapman University. Furthermore, university student jobs are typically part-time and, therefore, work travel typically does not require 8:00 AM to 5:00 PM commutes, which are the periods that most impact peak hour traffic on the study area roads, including the segment of Montezuma Road referenced in the comment.
- O4 -4** The comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. 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.
- O4 -5** The comment refers to “opportunities to address traffic flow,” including the addition of a second off-ramp lane from Montezuma westbound to Fairmount Avenue northbound. The comment is noted and acknowledged. However, because the proposed Project would not result in significant impacts at the Montezuma Road / Fairmount Avenue grade-separated intersection, there is no mitigation requirement, or nexus, on the part of the Project to provide improvements at this location. Because the

## Responses to Comments - Organizations

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comment does not raise any specific issue regarding the EIR analysis, no further response can be provided. However, the comment, and all comments submitted by the commenter, will be included as part of the record and made available to the decision maker prior to a final decision on the Project.

- O4 -6** Similar to comment O-4-5, the comment refers to another “traffic flow opportunity,” this one an automated signal synchronization system on College Avenue. This comment also is noted and acknowledged. However, with the elimination of Phase III, the proposed Project would not result in significant impacts along College Avenue; therefore, there is no mitigation requirement, or nexus, on the part of the Project to provide improvements at this location. 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to Phases II and III have been eliminated, and the comments, while noted, are no longer applicable.
- O4 -7** The comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. 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.
- O4 -8** The comment supports the proposed Project but reiterates the concerns addressed in the prior comments regarding the traffic analysis. The comment is acknowledged and will be made available to the decision maker prior to a final decision on the Project. Please also see the responses to comments O-4-3 through O-4-6 for information responsive to this comment.

## Comment Letter O5



### San Diego Canyonlands

♦ 3552 Bancroft Street San Diego, CA 92104 ♦ 619/284-9099 ♦  
♦ [www.sdcanyonlands.org](http://www.sdcanyonlands.org) ♦

Ms. Laura Shinn, Director  
Facilities, Planning, Design, and Construction  
5500 Campelle Drive  
San Diego, CA 92162-1624  
Via Email: [lshinn@ucsd.edu](mailto:lshinn@ucsd.edu)

June 3, 2017

Re: San Diego State University New Student Housing Project (Project)

Dear Ms. Shinn:

San Diego Canyonlands (SDCL) is a non-profit with a mission to promote, protect and restore the natural habitats in San Diego County canyons and creeks. We do this by fostering education and ongoing community involvement in stewardship and advocacy, and by collaborating with other organizations including SDSU.

SDCL is strongly opposed to the Phases of the Project that would develop an open space canyon that destroying critically important resources including the endangered Diegan Coastal Sage Scrub and Riparian woodlands. In addition to inadequate analysis of alternative Project sites, the impacts to riparian woodlands/wetlands and resulting impacts to water quality have not been adequately documented, analyzed and mitigated.

Endangered habitat types such Diegan Coastal Sage Scrub and Riparian woodlands (a wetland habitat that grows along the ephemeral streams in the canyon) would be impacted by the Project. These habitats are identified in the adopted Multiple Species Conservation Plan (MSCP) as important in maintaining natural ecological processes. Fully one half of the MSCP covered species are wetland dependent species, at least during some part of their life cycle. Such properties are to be "maintained or restored" (MSCP Land Use Considerations).

Furthermore, the larger sub-regional MSCP would be strongly supported by securing the habitat values and future habitat restoration potential of the property. A system of open space is envisioned by the MSCP to provide natural corridors for wildlife movement. The Project DEIR indicates that it may have significant effect on riparian habitat and "the movement of any native resident or ... established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites." To this point the subject property is within the MSCP planned preserve area MHPA (Multiple Habitat Planning Area) and is thus part of the aforementioned larger, sub-regional plan.

The geotechnical review for the Project states: "**Proposed grading and construction would result in removal of vegetation and exposure of soils to erosion, which in turn could result in sedimentation of on-site drainages and downstream Alvarado Creek and the San Diego River. The effects of erosion would be intensified by the steepness of the existing slopes. Increased rate of runoff would increase the amount of sediment transported downslope and would create rilling and gullying, which in turn would increase the runoff velocity.**"

The following water quality concerns should be thoroughly analyzed in the Project DEIR.

**WETLANDS** The shortage in San Diego of wetlands and the opportunities to restore or create wetlands as mitigation should be analyzed. The development code requires zero loss of wetlands (create, finding sites where wetlands can be created is getting increasingly difficult in San Diego.

O5-1

O5-2

O5-3

O5-4

O5-5

## Responses to Comments - Organizations

**WATER QUALITY** These canyon/riparian wetland corridors are our City's natural filtration system. Further loss of distributed wetlands within our urban areas will result in an increase of urban pollutants to our creeks, rivers and coastal waters. Our City provides public health warnings for 72 hours in our coastal waters after every rain. If the Project destroys additional Riparian habitat, it will exacerbate this pollution problem. This is perhaps our City's most challenging environmental problem and any policies/decisions that would allow further urbanization of our natural drainage systems **will result in significant cumulative impacts**. Given that tourism is our City's third largest industry, and the beaches are a main attraction, it's clear that there are far reaching economic impacts that result from such actions and policies.

O5-6

**What are the impacts of increased sediment to our manmade and natural drainages and to the San Diego River Estuary?**

O5-7

While proposing potentially significant impacts to the natural environment, including endangered habitats, and water quality, the Project CEQA document (California Environmental Quality Act, Draft Environmental Impact Report (DEIR)) does not adequately consider less environmentally damaging, practical alternatives. Alternatives that have yet to be thoroughly analyzed include but are not limited to:

- 1) Phase one area (parking lot nine) could accommodate a larger building/development to meet Project goals,
- 2) Other existing sites on campus should be fully vetted for development or redevelopment,
- 3) Reasonable offers to purchase properties near the SDSU campus should be vetted thoroughly in the DEIR,
- 4) The Qualcomm Stadium site in Mission Valley is available for redevelopment and is linked to the campus by the "Profilley Green Line". Negotiations for SDSU use of this site have been discussed at length. The City of San Diego is still willing to negotiate with SDSU and the future of the property is still undecided.

O5-8

**Climate change** implications alone would support maintaining the property in a natural green state.

O5-9

### **SDSU Contradiction of Principles and Values**

San Diego Canyonlands has collaborated with SDSU since 2008 on internship programs centered on stewardship, mapping, enhancement planning and restoration of dormant urban canyons. There was also an SDSU class on "Applied Sustainability" that used the canyons as a key urban example to discuss environmental sustainability topics. We have engaged over 25 interns in these programs. We have hired twelve SDSU graduates over the years and five of them still work for SDCL full time.

O5-10

San Diego Canyonlands applauds the efforts of SDSU to provide classes centered on the importance of sustainability, geography and sound urban planning. Please consider the gross contradiction of the Project components that would destroy the ecological resource values of one of San Diego's unique coastal canyons.

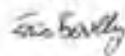
O5-11

Throughout San Diego, the use of our urban canyons as "Nature Classrooms" to help students from elementary to college graduates learn about San Diego's unique ecosystems and their resource values is increasing. As an alternative to the later Phases of the Project that would impact the canyon, SDCL proposes to partner with SDSU to conserve the canyon and establish "nature playroom" opportunities to include ecological studies, restoration and water quality research among other potential curricula.

O5-12

Thank you for considering our comments.

Sincerely,



Eric Bowley  
Executive Director  
eric@sdcanyonlands.org

Canyonlands: The Geographic DNA of San Diego

## **Response to Comment Letter O5**

### **San Diego Canyonlands**

**June 3, 2017**

- O5-1** The comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. 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.
- O5 -2** See Biological Resources Thematic Response.
- O5 -3** See Biological Resources Thematic Response. SDSU was not involved with the preparation of the MSCP program in the mid-1990s. SDSU is not a signatory to the San Diego MSCP and is therefore not a “permittee” under this HCP. Because of this, adherence to the restrictions typically placed on land within the Multi-Habitat Planning Area (MHPA) per the City’s Biological Resource Guidelines does not apply to SDSU or SDSU-owned land. A portion of the proposed project site was previously designated as MHPA and described as conserved lands. Inclusion of this SDSU-owned land and the proposed project site within the MHPA and reflecting it as a “habitat gain” in the Habitrak system of preserve recordation is incorrect. The City is in the process of correcting the database to remove the state property from the City’s Habitrak system which tracks cumulative conservation lands (Forburger 2017). On April 21, 2017 a conference call meeting was conducted between the City of San Diego, California Department of Fish and Wildlife (CDFW), and United States Fish and Wildlife Service (USFWS) to discuss the SDSU New Student Housing Project and MHPA boundary designation on SDSU property. It was concluded that the subject parcel was incorrectly mapped as MHPA and will be corrected to remove it from the City’s preserve (Forburger 2017). The City’s 2017 MSCP Annual Report will therefore reflect the MHPA Boundary Line Correction change of habitat loss and gain under the City’s MSCP (Forburger 2017).

In addition to the concept that the SDSU property was incorrectly included in the MHPA database, the City and USFWS and CDFW discussed the ramifications to the City’s regional conservation planning efforts if the SDSU-land was removed from the Habitrak “habitat gain” database and no longer considered part of the MHPA, which is the area where the regional preserve is envisioned for assembly. The City is very close to the target for overall, region-wide coastal sage scrub conservation and so they and the USFWS and CDFW have agreed that loss of the SDSU-owned land would not have an effect on the City’s ability to achieve the coastal sage scrub-specific conservation goals contained in the City’s Subarea Plan.



## Responses to Comments - Organizations

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- O5 -4** The comment restates information contained in the EIR and does not raise an environmental issue within the meaning of CEQA. 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.
- O5 -5** The comment states general information regarding wetlands in San Diego and does not raise an environmental issue within the meaning of CEQA.
- O5 -6** See Biological Resources Thematic Response.
- O5 -7** See response to comment O5-6.
- O5 -8** The comment suggests certain project alternatives, which are addressed in the Draft EIR, Section 6, Alternatives, or in the Alternatives Thematic Response, included as part of the Final EIR. To the extent the comment addresses the topic in general terms, no more specific response can be provided. However, 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.
- O5 -9** The comment expresses the opinions of the commentator. 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.
- O5 -10** The comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. 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.
- O5 -11** The comment applauds SDSU's efforts to provide sustainability classes, but calls a "gross contradiction" the Project components that would "destroy the ecological resource values" of the related canyon. In response, the proposed Project would not "destroy" the canyon as the commentor suggests. As discussed in the Biological Thematic Response, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III, including the related impacts to the canyon, have been eliminated. With the elimination of Phases II and III, the Project would result in impacts to 1% of the canyon system. To the extent the comment also

## Responses to Comments - Organizations

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addresses the opinions of the commentator and does not raise any specific issue regarding the analysis presented in the Draft EIR, no more specific response can be provided. 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.

- O5 -12** The comment proposes to partner with SDSU to conserve the canyon and establish “nature classroom” opportunities. The comment is acknowledged and appreciated, although does not raise an issue regarding the adequacy of the Draft EIR. However, as with all of the comments submitted by San Diego Canyonlands, 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.

INTENTIONALLY LEFT BLANK

## Responses to Comments - Organizations

### Comment Letter O6

6/5/2017

San Diego State University Mail - CVEA Comments on New Student Housing DEIR-PLEASE ACKNOWLEDGE



Laura Shinn <lshinn@mail.sdsu.edu>

#### CVEA Comments on New Student Housing DEIR-PLEASE ACKNOWLEDGE

2 messages

Robert Plice <rplice@gmail.com>  
To: Laura Shinn <lshinn@mail.sdsu.edu>

Mon, Jun 5, 2017 at 1:13 AM

Laura Shinn  
Director, Facilities Planning, Design, and Construction  
San Diego State University  
5500 Campanile Drive  
San Diego, California 92182-1624

Dear Ms Shinn:

Please find attached a letter from Chatten-Brown & Carstens, LLP, representing College View Estates Association. Please accept these comments on the Draft EIR for the CEQA record.

We would be grateful for an acknowledgement of timely receipt of this email and its attachment.

Best regards,

Robert K. Plice  
5446 Hewlett Drive  
San Diego, CA 92115  
(619) 800-6857  
rplice@gmail.com

CVEA Comments June 5 New Student Housing  
17592K

Robert Plice <rplice@gmail.com>  
To: Laura Shinn <lshinn@mail.sdsu.edu>

Mon, Jun 5, 2017 at 6:59 AM

Ms Shinn:

I am re-sending the attachment, because I believe the file name was not correct, so you might have difficulty handling it the way it came the first time.

Please verify that the attachment can be downloaded and viewed.

Thanks again,  
Robert

Robert K. Plice  
5446 Hewlett Drive  
San Diego, CA 92115  
(619) 800-6857  
rplice@gmail.com

[Quoted text hidden]

CVEA Comments June 5 New Student Housing.pdf

<https://mail.google.com/mail/u/0/?ui=2&ik=e06d0765798&view=pt&cat=Info%2FCapital%20Projects%2FNewStudentResidenceHall%2FDEIR%20Comments&as...> 1/2

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## Responses to Comments - Organizations

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8/5/2017



17592K

San Diego State University Mail - CVEA Comments on New Student Housing DEIR-PLEASE ACKNOWLEDGE

<https://mail.google.com/mail/u/0/?ui=2&ik=e08d0765798view=pt&cat=Inbox%2FCapital%20Projects%2FNewStudentResidenceHall%2FDEIR%20Comments&siml=2/2>

## Responses to Comments - Organizations

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June 5, 2017

*By e-mail (lshinn@mail.sdsu.edu)*

Laura Shinn  
Director, Facilities Planning, Design, and Construction  
San Diego State University  
5500 Campanile Drive  
San Diego, California 92182-1624

**Re: Comments on SDSU Housing Project Draft EIR**

Dear Ms. Shinn:

The law firm of Chatten-Brown & Carstens represents College View Estates Association ("CVEA") on matters relating to the proposal by San Diego State University ("SDSU") to build the New Student Housing Project ("Project"). At CVEA's request, we have reviewed the Draft Environmental Impact Report ("Draft EIR") and accompanying studies. We have found numerous flaws, inconsistencies, and omissions such that the Draft EIR fails to comply with the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq., and the CEQA Guidelines, California Code of Regulations, Title 14, section 15000 et seq. These problems relate to traffic and circulation, visual and biological impacts, and segmentation of the SDSU campus expansion. Additionally, the Draft EIR proposes inadequate mitigation measures and fails to adequately consider alternatives to the Project.

Once sufficient investigation has been performed, enforceable and effective mitigation measures and a reasonable range of potentially feasible alternatives must be set forth in a Revised Draft EIR. The Draft EIR must then be recirculated so that the public and public agencies may comment on this information, as required by CEQA.

**1. The EIR Fails to Provide a Stable, Finite Project Description.**

The Project involves the expansion of on-campus student housing facilities. Specifically, the Project would consist of the development of up to 8 new buildings to accommodate up to 2,566 students. (DEIR, p. ES-3.) The Draft EIR for the Project provides the "proposed project would be developed in three successive phases." (*Ibid.*)

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O6-5

O6-6

## Responses to Comments - Organizations

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Laura Shinn  
June 5, 2017  
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The first phase would include construction of dormitory facilities to house up to 850 student housing beds on the existing Parking Lot 9, east of the existing Chapultepec Hall; the second phase would include construction of facilities to house up to an additional 850 beds in the canyon to the west of the existing Chapultepec Hall; and the third phase would include construction of facilities to house up to an additional 866 beds in buildings that would cantilever over the canyon behind Chapultepec Hall. In a May 8, 2017 meeting between SDSU officials and members of the community, SDSU provided a slideshow presentation that included the following slide:

*A Message from President Hirshman:*

*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.*

CVEA appreciates Mr. Hirshman's recognition of the significant and unavoidable impacts of Phase III and portions of Phase II and agreement to modify the project in response to the concerns of the community and local elected officials. In light of the planned modification of the Project, the Draft EIR that was released for public review on April 21, 2017 – prior to President Hirshman's statement – no longer provides a stable, finite project description required under CEQA.

An EIR must contain a detailed statement of all significant effects on the environment of *the proposed project*. (Pub. Resources Code § 21100.) The courts have stated, "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-93.) "The defined project and *not some different project* must be the EIR's bona fide subject." (*M.M. Homeowners v. San Buenaventura City* (1985) 165 Cal.App.3d 357, 365, *emphasis added*.)

Of course, SDSU must account for the reasonably foreseeable future phases of the Project. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 393-399.) The Guidelines provide that "project" means "the whole of the action." (Guidelines, § 15378, subd. (c).) An agency cannot treat one integrated large project as a succession of smaller projects, none of which, by itself, causes significant impacts. It is for this reason that Phases II and III were originally included in the Project EIR. Phases II and III may not be removed and then developed at a later time.

The law governing recirculation of an EIR is set forth in CEQA Guidelines Section 15088.5(a):

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A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term 'information' can include changes in the project or environmental setting as well as additional data or other information.

President Hirshman's statement reflecting SDSU's intention to modify Phases II and III of the Project are changes that constitute significant new information requiring the recirculation of the DEIR.

### **2. The EIR's Analysis and Mitigation of the Project's Impacts Is Inadequate.**

The project has significant traffic and circulation impacts, as well as biological and visual impacts that are inadequately analyzed and mitigated in the Draft EIR. CVEA's traffic consultant has reviewed the Draft EIR's traffic impact analysis and has prepared the attached memorandum (**Attachment 1**). CVEA's architectural consultant has reviewed the Draft EIR's analysis of alternatives and has prepared the attached memorandum (**Attachment 2**). Finally, the attached Comments and Research Report from CVEA discusses in detail the Project's impacts (**Attachment 3**). These documents are incorporated into our letter, and we respectfully request responses on them.

### **3. Alternatives Were Inadequately Analyzed and Improperly Rejected.**

An analysis of alternatives to a proposed project is a critical component of an EIR. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) The alternatives analysis serves an important purpose in providing the reviewing agency adequate information about feasible means to avoid impacts and gives the public a clear window into governmental decisionmaking about environmental impacts. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404.)

CVEA has conducted a detailed analysis of alternatives (**Attachment 3**). Furthermore, architect Jeff Katz, AIA, provides his expert analysis of the available alternatives (**Attachment 2**). As mentioned above, these documents are incorporated into our letter, and we respectfully request responses on them.

The DEIR includes an extensive list of project objectives that is overly detailed and impermissibly constrains the analysis of alternatives. (AR 5866-70.) Project objectives may not be overly restrictive so as to eliminate feasible alternatives. (*North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 670-671.) SDSU can

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## Responses to Comments - Organizations

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reasonably achieve its “basic objectives” without triggering many of the impacts identified in the DEIR.

**4. The Project Constitutes Improper Segmentation of the SDSU Campus Expansion and the Master Plan Previously Set Aside by the Supreme Court.**

In 2005, the Board of Trustees of the California State University (“Board”) prepared an EIR and campus master plan revision proposing to undertake several construction projects on the SDSU campus in order to expand enrollment to reach a total of 35,000 full-time equivalent students by the 2024–2025 academic year. (*City of San Diego v. Board of Trustees of California State University* (2015) 61 Cal. 4th 945.) To provide adequate housing to support the additional 10,000 full-time equivalent students, only some of whom would live on campus, SDSU’s 2007 Master Plan Revision and Draft EIR called for Adobe Falls Housing, a 348–unit complex for faculty and staff, and five new student housing structures to accommodate 3,400 students. (*Id.* at 952.) In addition to housing development for faculty, staff, and graduate students, the 2007 project proposed a research and instructional facility, the expansion of a student residence hall, a new student union building, and a hotel. (*Id.* at 951.)

While the 2007 EIR recognized the proposed projects would contribute significantly to cumulative traffic congestion at several identified locations off-campus, the Board refused to contribute its share of the costs of improving the roadways and intersections. (*Id.* at 956.) The City of San Diego filed a lawsuit challenging the Board’s approval of the project. The Court of Appeal concluded the EIR was required to investigate funding sources for mitigation other than legislative appropriation, the EIR did not adequately discuss on-campus mitigation, the EIR’s traffic mitigation measure of consulting with other agencies improperly deferred mitigation, the EIR did not adequately address impacts on public transit, and the evidence in the record did not support the finding that project would not have significant effect on transit system. (*City of San Diego v. Bd. of Trustees of Cal. State Univ.* (2011) 201 Cal. App. 4th 1134.) The Board was ordered to void its certification of the EIR and its approval of the Project. A copy of the Court of Appeal’s opinion is attached as **Exhibit A**. On appeal, the Supreme Court then affirmed the Court of Appeal judgment. (*City of San Diego v. Bd. of Trustees of California State Univ.* (2015) 61 Cal. 4th 945, 967.)

After SDSU’s master plan was set aside, rather than going back and preparing a legally valid master plan, it appears SDSU is merely developing the components that were included in the Master Plan Revision on a project-by-basis, yet without conducting the analysis of the development as a whole. The Draft EIR for the 2007 Master Plan Revision (Project Description Section attached as **Exhibit B**) proposed an expansion and renovation of the Aztec Center Student Union. (Exhibit B, p. 1.0-3.) A new Aztec Center Student Union was constructed in 2013. (**Exhibit C**, SDSU Construction

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## Responses to Comments - Organizations

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Update.) The 2007 Master Plan Draft EIR also proposed the Alvarado Campus, which included the construction of approximately 612,000 square feet of academic/research/medical space. (Exhibit B, p. 1.0-2.) In 2014, the Storm and Nasatir Halls complex – a 100,000-square-foot renovation and 30,000-square-foot expansion of the existing complex – was completed. (Exhibit D.) This complex provides academic and research space. (*Ibid.*) Thus, a substantial portion of the portfolio of construction projects identified in the 2007 Master Plan Revision project description have now been completed or, with this Draft EIR, proposed for approval.

“Piecemealing” under CEQA is where an agency breaks a large project into segments and fails to analyze the whole project in one environmental document. Piecemealing violates CEQA’s requirement that a “project” include the “whole of an action.” (CEQA Guidelines Section 15378, subd. (a).) When a project contemplates future expansion, the lead agency is required to review all phases of the project before it is undertaken. (*Nat. Res. Def. Council, Inc. v. City of Los Angeles* (2002) 103 Cal. App. 4th 268, 284, citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396.) Here, SDSU contemplated in the 2007 Master Plan Revision a future expansion that SDSU has already constructed (including the Student Union and the academic/research space), and also contemplated Phase I of the SDSU Housing Project (compare DEIR, p. 4.1-73 with Exhibit B, p. 1.0-55). SDSU should have reviewed all phases of the combined project.

### 5. The EIR’s Improper Analysis of Traffic Impacts Results in a Failure to Account for the Fair-Share Payments of Necessary Mitigation Measures.

There will be significant off-campus impacts for this project, yet SDSU will not have accounted for nor made fair-share payments for regional traffic impacts of that growth as required by the court in *City of San Diego v. Bd. of Trustees of California State Univ.* (2015) 61 Cal. 4th 945. In this DEIR, SDSU is claiming a “regional traffic benefit” because the project will “shorten or eliminate” trips not in the immediate vicinity of the campus because “if the Project were not built, students would live in other areas of San Diego” (DEIR, Appendix K, p. 36). However, this would only be true if all 2,600 beds were to be occupied by current students. Current students will occupy only 600 of the 2,600 beds, as documented in the Comments from CVEA attached (**Attachment 3**). The other 2,000 beds can only represent future campus growth.

### 6. Additional Impacts.

In addition to the deficiencies of the Draft EIR explicitly highlighted in this letter, there are a number of other issues, including the failure of the Draft EIR to recognize significant, unmitigated impacts of the Project that apply to all three Phases. The attached

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## Responses to Comments - Organizations

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Laura Shinn  
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Comments from CVEA contain an extensive analysis and explicit statement regarding each of these failures. (**Attachment 3**).

### CONCLUSION

The Draft EIR must be revised with this new information and then recirculated for public comment. (CEQA Guidelines section 15088.5.) Pursuant to Public Resources Code section 21092.2, we request all notifications regarding this Project.

Thank you for your consideration.

Sincerely,



Josh Chatten-Brown

### ATTACHMENTS

1. Comment letter from Daniel T. Smith, Jr., P.E., with resume
2. Comment letter from Jeff Katz, AIA, with resume
3. Comments, exhibits, and Research Report from College View Estates Association

### EXHIBITS

- A. Opinion of Court of Appeals in City of San Diego v. Board of Trustees of Cal. State University
- B. Project Description from 2007 Campus Master Plan Revision EIR
- C. Aztec Student Union Construction Update
- D. Storm and Nasatir Hall Construction Update

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# ATTACHMENT 1

## Responses to Comments - Organizations

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SMITH ENGINEERING & MANAGEMENT

May 31, 2017

Ms. Laura Shinn  
Director, Facilities Planning, Design and Construction  
San Diego State University  
5500 Campanile Drive  
San Diego, CA 92182-1627

**Subject: San Diego State University, New Student Housing Project DEIR**  
P17010

Dear Ms. Shinn:

At the request of the College View Estates Neighborhood Association (CVEA), I have reviewed the Draft Environmental Impact Report (the "DEIR") prepared by San Diego State University (the "University") for the New Student Housing Project (the "Project"). My review is with respect to transportation/traffic/parking considerations. My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 48 years professional consulting engineering practice in the traffic and transportation industry. I have both prepared and reviewed traffic, circulation, and parking analyses of environmental review documents, including university campuses in California and elsewhere. My professional resume is attached.

Findings of my review are summarized below.

### Trip Generation

Trip generation of student residence halls is highly variable because of a number of factors. These include whether the facility is located within a city downtown or smaller town center where there are shops, restaurants, bars, places of entertainment and similar supporting facilities within easy walking distance or in a more isolated suburban location where such supporting facilities are not within walk distance, how far from the academic campus the residence halls are located, how walkable and bike-friendly the location is and how accessible the site is to transit services providing connection to a variety of destinations with relatively frequent service at the times and directions

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Attachment 1

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## Responses to Comments - Organizations

Ms. Laura Shinn  
May 31, 2017  
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students would wish to travel<sup>1</sup>, whether campus policies are friendly or restrictive toward allowing students to keep motor vehicles on campus, and availability and cost of parking on campus and similar factors.

Perhaps because of the variability in light of the above considerations, neither the authoritative reference source, the Institute of Transportation Engineers *Trip Generation, 9<sup>th</sup> Edition* nor the City of San Diego *Trip Generation Manual* contains data on university student residence halls. Because of this the DEIR preparers were forced to rely on other resources. They considered three. One was a 2015 study for University of California San Diego student residence hall that compiled data for an existing nearby facility. The second was a 2005 study for San Diego State University that apparently involved an estimated rate (rather than observation of a comparable nearby facility) that City of San Diego staff accepted. The third was a 2009 observed trip generation rate study at residence facilities at Chapman University, which is located just two blocks from the town center in the City of Orange, Orange County. The trip rate from this study, which was the highest of the three considered, was selected by the DEIR preparers as being the most conservative. However, there are problems with this.

First, in its application of the Chapman trip generation rate to the SDSU student housing project, the DEIR discounts the Chapman by 10 percent, supposedly because of the availability of transit services reasonably proximate to the proposed project location. But it fails to justify the action by comparing the relative quality of transit services available near SDSU to those available proximate to Chapman. In fact, Chapman University is very well served by transit. There are 2 bus lines directly fronting the campus, 4 more within 0.2 miles of campus, 6 more within 0.5 miles of campus and a Metrolink rail station within 0.3 miles of campus. There is absolutely no justification for the DEIR assuming that the SDSU student housing would generate 10 percent less vehicle trips than Chapman because of proximity to transit services.

Second, data collected in 2009 fails to account for the emergence of ride-hailing services such as Uber and Lyft which have revolutionized the transportation options available to students in suburban campus residences.

Third, it fails to take into account that there is a vibrant town center just two blocks walk from the Chapman that is supportive of most student needs whereas nothing similar exists near SDSU.

<sup>1</sup> A key problem with transit services near suburban campuses is that although there may be a healthy route network nearby, peak services will likely be tailored to workers commuting to city center and other employment concentrations rather than students' patterns of travel. Or, particularly on suburban lines services may terminate too early for student travel needs. For example, a cinema may be located on a line that is convenient to campus and students could use it to get to an 8 PM show, but if the line has terminated service by the time the show concludes, then transit isn't a viable option.

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Attachment 1

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**Downtown Orange 2 Blocks From Chapman University Campus**



Given these considerations, there is substantial doubt that that the trip rates borrowed from the Chapman study and discounted as described reasonably reflect trip rates at student residence halls at SDSU. The best way for the DEIR to have made the good faith effort to disclose impact that the California Environmental Quality Act (CEQA) demands is to measure the existing trip generation rate at Chapultepec Hall that sits at the center of the proposed housing project site. The EIR is deficient for having failed to do so.

### **Trip Distribution and Assignment**

The DEIR Transportation/Circulation and Parking analysis relies on the SANDAG regional transportation model to predict the regional trip distribution of the Project's future occupants. This application is an appropriate use of that model. However, the DEIR analysis also relies on the SANDAG regional model to reach the micro-scale conclusion that only 2 percent of Project traffic would travel between Remington Road and Montezuma Road via the local residential streets of College View Estates

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Attachment 1

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Ms. Laura Shinn  
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neighborhood. The SANDAG regional transportation model is designed to analyze broad transportation corridor facility plans, policy strategies and land use programs. It is not designed or reliable for local micro-assignment. Its use in the neighborhood through-traffic matter is wholly inappropriate and analogous to using a sledgehammer to drive a finishing nail.

Examination of the regional Project traffic distribution extracted from the SANDAG model as presented on DEIR Figure 4.14-3 reveals that drivers in up to 57 percent of total Project traffic (that oriented to/from the west along Montezuma Road or to/from the south along Collwood Boulevard or 54<sup>th</sup> Street) could individually choose to use the College View Estates if they anticipate that traffic delays along 55<sup>th</sup> Street at the time of their travel would make it take longer than the sinuous route on slower speed limit neighborhood streets. And such perceptions may easily develop. In the existing condition PM peak period, the combined average delay per vehicle at the intersections of Remington with 55<sup>th</sup> Street, 55<sup>th</sup> Street with Hardy, and 55<sup>th</sup> Street with Montezuma Road is 97.4 seconds per vehicle – over a minute and a half. In the Existing plus full Project scenario for the PM peak hour, the combined average delay per vehicle is 108 seconds per vehicle – just 12 seconds short of a full 2 minutes per vehicle<sup>2</sup>. By the Horizon Year of the DEIR analysis including the full Project, the combined PM peak delay per vehicle at these three intersections along 55<sup>th</sup> Street would reach in excess of 153.6 seconds per vehicle<sup>3</sup>. The propensity of drivers oriented to/from the south and west along Montezuma, Collwood and 54<sup>th</sup> Street to avoid the increasing delay at the intersections along 55<sup>th</sup> Street will be reinforced over time as the segment Level of Service on Montezuma Road between Collwood and 55<sup>th</sup> Street deteriorates from LOS C in the existing condition to LOS D in the existing + Project scenario to LOS F in the Horizon Year with or without the Project.

We also note that internet, GPS and cell phone based routing and mapping programs that are being increasingly relied on by drivers, especially younger drivers and those of operations like Uber and Lyft typically suggest the route through the College View Estates neighborhood on trips to/from Chapultepec Hall and locations to the west, northwest and southwest.

Given the foregoing, it is obvious that the only 2 percent of the Project traffic will route through College View Estates is inaccurate. The DEIR must prepare a micro-analysis that compares relative travel times through the neighborhood versus on alternate routes, and if this leads to findings of significance, propose mitigation actions. Data considered in the micro-analysis should include measurement of existing through traffic in the neighborhood between Remington and Montezuma which should be measured through a license plate matching survey.

<sup>2</sup> See DEIR Table 4.14-6, combination of PM delay entries for Intersections 4, 5 and 6.

<sup>3</sup> See Table 4.14-10. Note that the table withholds the actual computed delay at 55<sup>th</sup> Street and Montezuma Road and only reports it as 'greater than 100 seconds'.

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Attachment 1

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**The Project Will Intensify the Operational and Safety Problems that Already Exist On Remington Drive Near Chapultepec Hall Due To the Lack of Adequate Off Street Space for Passenger Pick-ups and Drop-offs, Vehicle Loading and Unloading, Building Maintenance and Service Vehicles and Move-In / Move Out Operations**

Remington Road on the south boundary of the Project site is a City of San Diego public street that has a single traffic lane in each direction flanked by bike lanes in each direction and sidewalks on each side. It was not designed to service frontage development in this area and no on-street parking was provided for. When Chapultepec Hall was constructed, it was developed without an adequate off-street area for passenger pick-ups and drop-offs, vehicle loading and unloading, temporary stops of building maintenance and service vehicles and move-in / move out operations. The only facility serving these needs is a small turn-out to the east of the building that provides two spaces serving handicapped persons, two small service vehicles and a stopping point for the campus shuttle. This facility is vastly under-scale to meet the above-described needs of a building of Chapultepec Hall's size and nature. As a result, those activities naturally take place along the north side of Remington Drive despite lack of a parking lane, presence of red curb, no parking signs and sandwich-board warnings. When they do, they constitute a hazardous obstruction to the sidewalk and/or bike lane and or traffic lane.

Under the direction of Dr. Robert Plice, CVE volunteers have developed a controlled video monitoring of the incidence of hazardous obstruction of these areas. The observation shows that the sidewalk and/or bike lane and or traffic lane fronting Chapultepec Hall is obstructed between 35 to 86 percent of the time, depending on the hour of day of the observation – not counting move-in days. This is a seriously hazardous level of obstruction.

Dr. Plice has validated a mathematical model of the incidence of obstruction that closely replicates existing conditions and can predict the number of spaces needed for off street stopping and loading space at the various stages of Project completion. I concur with the Poisson Distribution based mathematical formulation of Dr. Plice's model and can confirm that this type of model is used by professional engineers in such activities as determining the amount of curb space that is needed in airport pick-up/drop-off zones or porte-cocheres of hotels and valet-parking facilities.

Dr. Plice's model shows that stopping and loading demand, at the completion of all three phases of Project construction together with that of existing Chapultepec Hall, would require 20 spaces at the 99<sup>th</sup> percentile level of demand satisfaction and 28 spaces at the 99.9<sup>th</sup> percentile level of demand satisfaction presuming that separate areas were needed to serve each of the existing buildings and the three new phases. However, if a single common stopping and loading area could effectively serve the existing residence building and all three new phases, then the need shrinks to 11 stopping and loading spaces at the 99<sup>th</sup> percentile level of demand satisfaction and 14 spaces at the 99.9<sup>th</sup> percentile level of demand satisfaction. If the most practical scheme were to develop two stopping and loading facilities, one serving Chapultepec and Phase One, the other serving the Phases Two and Three buildings, the model shows that totals of 16 and 19 spaces would be required at the respective percentiles of demand satisfaction. I find these predictions of loading and parking space requirements to be conservatively low

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because Dr. Plice's current model does not distinguish between spaces needed to fit large trucks from those that fit normal passenger vehicles (one size does not fit all) and determining those separately would tend to raise the overall numbers somewhat. But overall, Plice gives a reasonable start to definition of the Project's off-street stopping and loading space needs.<sup>4</sup>

The DEIR treats the issue in a circular, inconsistent and ineffective manner. The Transportation/Circulation and Parking Section states at page 4.14 -41:

"Under existing conditions, drivers illegally stop their vehicles along Remington Road to either drop-off or pick-up students or deliveries despite the No Parking red curb. When drivers stop, the tow-lane road effectively becomes one lane resulting in *increased congestion and potential safety hazards* (emphasis added). As a Project feature, the red curbs along Remington Road would be re-painted and the existing signs would be modified from 'No Parking' to 'No Stopping at Any Time' signs. Several signs would be posted at short intervals in the area. Accordingly, anyone using these areas as loading zones would be ticketed."

This conclusion is obviously nonsense since there has been no will or effort to enforce the No Parking signs and Red Curb heretofore. In addition, the DEIR does not define a specific means by which vehicular pick-up/drop-off/loading/service access could be accomplished if the option to use Remington Road were curtailed through enforcement. It only provides vague narrative statements unspecific as to number and location of stopping/loading spaces and with no clear indication of these on the figures illustrating the Project's transportation/circulation and parking features. Without a practical and legal option, the threat of ticketing "anyone using these areas as a loading zone" would effectively make the buildings dysfunctional and must, therefore, be discounted as a mitigation approach.

The text on DEIR page 4.14-42 continues:

"Additionally, the Project would include a dedicated pick-up / drop-off zone within the Project site. (See EIR Section 2.0, Project Description.) Off street delivery trucks and ride-hailing and ride-sharing vehicles *could* (emphasis added) park in this area rather than idle along Remington Road and 55<sup>th</sup> Street. This would further assist in reducing congestion on Remington Road due to loading and unloading. These Project features would help prevent *unsafe traffic conditions due to stopped or idling vehicles along Remington Road* (emphasis added)."

We now turn to the referenced EIR Section 2.0, Project Description. The narrative states at page 2-15 as follows:

"**Drop-off zone.** Phase 1 will include a drop off zone for the complex. There will be a dedicated pick-up / drop-off zone within the project site to reduce congestion and emergency access issues due to loading and unloading on Remington Road."

We note that this statement does not describe where the purported drop-off zone will be within the complex other than that it will be constructed in the course of Phase 1. It is unknown whether it will be convenient enough to all of the buildings including Chapultepec and those in Phases 2 and 3 to be more attractive than illicit stopping on

<sup>4</sup> Dr. Plice's Research Report is included in the package of CVE comment materials submitted with this letter.

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Cont.

O6-36

O6-37

## Responses to Comments - Organizations

Ms. Laura Shinn  
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Remington, nor how many spaces will be provided. Without the details demonstrating enough spaces will be provided and that the location will be convenient to all the proposed buildings and in light of the demonstrated 25-year history showing that enforcing No Parking on Remington is not viable given the placement of the buildings and the lack of a legal alternative, the conclusion that the Project would reduce the problems on Remington Road is unsupported.

The figures supporting the narrative supply no further detail on the drop off zone location or number of spaces. The most relevant exhibit, Figure 2-11 shows a vaguely defined fire access/ building services/move-in access road that ends up in a loop to the west of Chapultepec Hall where the figure shows a move-in loading area that the narrative on page 2-15 indicates is a multi-use area that would serve as a basketball court as well as an emergency vehicle turn-around. The narrative on DEIR page 2-14 also states that the fire access / service road would be designed predominantly as a pedestrian walkway. These vague narrative statements, together with the lack of detail on Figure 2-11, which might as well have been drawn in broad children's crayon, or on any other figure related to the theoretical provision of an internal drop-off zone expose the DEIR's claim of the Project resolving rather than intensifying the hazardous obstruction impacts on Remington as malarkey.

Thus far, this comment has not fully addressed issues related to resident move-in and move-out periods. The Project Description and the Transportation/Circulation and Parking sections of the DEIR are inconsistent on this topic. The Transportation / Circulation and Parking section at page 4.14-42 states that "students moving into Chapultepec Hall are directed to park in Parking Structure 12". This involves them hauling their baggage and personal effects and furniture over 1000 feet uphill on foot, an improbable proposition. By contrast, DEIR Project Description Figure 2-11 shows move-ins taking place on the fire access/pedestrian road from 55<sup>th</sup> to a multi-use basketball court west of Chapultepec Hall and also on the Remington Road Frontage to a location in front of Residence Hall 4. This inconsistency is a critical flaw in the DEIR because it demonstrates that there is no coherent plan for mitigating the hazardous impacts of obstructions of the sidewalk, bike lane and traffic lanes on Remington Road and that the Project would increase, not decrease, hazardous obstruction impacts to safety on Remington Road.

In addition, the DEIR Transportation / Circulation and Parking section unreasonably dismisses the impacts of move-out periods by stating that because by policy move-outs occur over several days, they are less consequential than the move-in period. Though this may be true, the move-out period, which was not measured, undoubtedly exacerbates the level of obstructions documented in Dr. Plice's observations and is additive to the element of hazardous obstructions.

### **The DEIR Fails to Disclose and Mitigate the Significant Hazardous Impact of The Project's Traffic Stopping and Loading on Remington Road**

In the section above, we have added emphasis to quotations of sections of DEIR narrative that admit that the vehicle loading situation on Remington on the frontage of the Project site is a hazardous condition. We have demonstrated that the DEIR has not documented that the Project has an effective strategy for mitigating this situation or avoiding intensifying the impacts. This is an issue of public safety. The University has a

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Attachment 1

O6-37  
Cont.

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O6-39

O6-40

O6-41



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high level of duty to avoid creating adverse impacts on public safety. Yet the DEIR states in Section 4.14.6.10 that:

"The proposed project would not substantially increase hazards due to a design feature as the project does not include modification of roadways resulting in sharp curves or dangerous intersections or incompatible uses with the surrounding area."

This conclusion is an obvious evasion of the facts. The Project, especially with the vagueness of its provisions for stopping and loading, has the clear potential to intensify the hazard of the already disclosed hazard of the stopping and loading obstruction of the sidewalk, bike lane and traffic lane on Remington Road. Also, the DEIR has not evaluated in any quantitative way what the safety consequences of current obstructions to the sidewalk, bike lane and traffic lane on Remington Road or what the potential consequences of the Project might reasonably be, given the lack of reasonable definition of alternate stopping and loading facilities. To be adequate, it must do so.

### **The DEIR Is Inadequate As a Public Information Document Under CEQA**

The purpose of a DEIR is to inform the public and policy makers of a project's consequences and mitigation needs. The inconsistencies between the Transportation/Circulation and Parking section and the Project Description of this DEIR render it inadequate as an information document under CEQA. Furthermore, the document is poorly organized for the public and policy makers to fully inform themselves. For example, the placement of illustrative figures at the end of chapters rather than embedding them in the narrative text makes it unreasonably difficult for the public and policy makers to correlate the details of the figures with the narrative.

### **The DEIR's Analysis of Alternatives to the Project Is Inadequate**

The DEIR's consideration of alternatives to the Project is flawed by making, as an objective of the Project, bailing out its bad decision to place Chapultepec Hall on the west side of the campus a quarter-century ago by quadrupling down on the original mistake by adding housing that will result in quadruple the existing bed total on the site. This is in effect an embedding of a 'poison-pill' in the Project objectives that makes it easy for the DEIR to dismiss other reasonable or more reasonable sites for student housing development in other locations on the basis of failing to meet Project objectives. This is an improper biasing of the evaluation. Moreover, the DEIR should have considered developing the full student housing complex elsewhere and repurposing Chapultepec Hall to some other use that would not rely on heavy street-loading from Remington Road.

### **Conclusion**

This concludes my current comments on the New Student Housing Project at San Diego State University.

For the reasons stated above, I believe that the DEIR Transportation/Circulation and Parking section is inadequate and that it, together with the Project Description section must be revised and the DEIR must be re-circulated in draft status.

O6-41  
Cont.

O6-42

O6-43

O6-44

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## Responses to Comments - Organizations

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Sincerely,

Smith Engineering & Management  
A California Corporation



Daniel T. Smith Jr., P.E.  
President

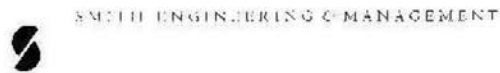
Attachment 1  
Resume of Daniel T. Smith Jr., P.E.

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Attachment 1

## Responses to Comments - Organizations

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**DANIEL T. SMITH, Jr.**  
**President**

#### EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967  
Master of Science, Transportation Planning, University of California, Berkeley, 1968

#### PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)  
California No. 938 (Traffic) Arizona No. 22131 (Civil)

#### PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present: President.  
DES Associates, 1979 to 1993: Founder, Vice President, Principal Transportation Engineer.  
De Leon, Carter & Company, 1968 to 1979: Senior Transportation Planner.  
Personal specialties and project experience include:

**Litigation Consulting.** Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues, traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

**Urban Corridor Studies/Alternatives Analysis.** Principal-in-charge for State Route (SR) 101 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway-expressway design/environmental study, Hayward (Calif.). Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-40N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sacoma freeway operations study, SR 92 freeway operations study, I-480 freeway operations study, SR 153 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

**Area Transportation Plans.** Principal-in-charge for transportation element of City of Los Angeles General Plan Framework, shaping nation's largest city two decades into 21<sup>st</sup> century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million sq ft office-commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station, extension of MUNI-Metro LRT, a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million sq ft of office-commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 3 million sq ft multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

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Attachment 1

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## Responses to Comments - Organizations

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**Transportation Centers.** Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

**Campus Transportation.** Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

**Special Event Facilities.** Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

**Parking.** Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking.

**Transportation System Management & Traffic Restraint.** Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

**Bicycle Facilities.** Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

### MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board  
PUBLICATIONS AND AWARDS

*Residential Street Design and Traffic Control*, with W. Homburger et al. Prentice Hall, 1989.

Co-recipient, *Progressive Architecture Citation*, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

*Residential Traffic Management, State of the Art Report*, U.S. Department of Transportation, 1979.

*Improving The Residential Street Environment*, with Donald Appleyard et al., U.S. Department of Transportation, 1979.

*Strategic Concepts in Residential Neighborhood Traffic Control*, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

*Planning and Design of Bicycle Facilities: Pitfalls and New Directions*, Transportation Research Board, Research Record 570, 1976.

Co-recipient, *Progressive Architecture Award*, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

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Cont.

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Attachment 1

## ATTACHMENT 2

## Responses to Comments - Organizations

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June 2, 2017

Laura Shinn  
Director, Facilities Planning, Design, and Construction  
**San Diego State University**  
5500 Campanile Drive  
San Diego, California 92182-1624  
[LShinn@mail.sdsu.edu](mailto:LShinn@mail.sdsu.edu)

RE: **SDSU DEIR Dorm Project Alternative Site Discussion**

Dear Ms Shinn:

Having read and reviewed in detail the Draft EIR for the New Proposed Student Housing Project I feel compelled to offer my professional opinion as an Architect, on the proposed site, and the lack of credible alternative sites discussion in the Draft EIR. I am attaching as an exhibit to this letter, Figures 1-4 that show general site configurations for alternative sites that could have been included in the alternatives analysis. While I don't have access to the detailed program information used to fully develop the project, it is clear that these alternative sites, at a minimum, could accommodate the space needs for the primary structures as proposed. These alternative sites meet the stated requirements to form a "community" which incorporates the existing Chapultepec dormitory, and includes the ability to phase construction to allow for the full build out over time. In fact, in each of these alternatives, Phase 1 as proposed remains as indicated in the DEIR.

In each of the alternatives I am representing on the attached exhibit, the proposed Phase 2 and Phase 3 construction can be accomplished by utilizing existing, developed campus lands in lieu of building in the undeveloped canyon area to the west and north of Chapultepec. Quoting from the SDSU Facility website regarding sustainability

*Campus sustainability encompasses a wide variety of efforts to steward the University's resources and reduce our environmental impact. Sustainability includes areas such as climate action, energy, water, waste reduction, transportation, food, green buildings, social responsibility, and academics. Efforts span from large capital projects to outreach efforts, engaging the campus to embrace and embody sustainability. Campus sustainability partners with all other areas of Facilities Services and entities across campus, including auxiliaries and academics.*

6353 Del Cerro Boulevard, San Diego, CA 92120  
[www.jeffkatzarchitecture.com](http://www.jeffkatzarchitecture.com)

Attachment 1

O6-46

O6-47

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## Responses to Comments - Organizations

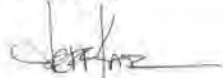
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In keeping with the University's expressed goal of sustainable development, the construction of the new housing in areas of the campus previously developed should clearly be the preferred alternative to constructing in the undeveloped canyon. The attached exhibits are evidence that other viable options exist to accommodate the needed housing in a far more sustainable way.

Further, while detailed cost estimates are not a part of the DEIR, in my many years of experience with public sector projects involving construction on steeply sloping sites, the cost of constructing in the canyon, including retaining walls, grading, shoring, deepened foundation systems, utilities and storm water treatment, would far exceed the cost of constructing on previously developed sites, even when including the cost of demolition, and/or relocation. I believe a thorough alternatives analysis would need to include a detailed cost evaluation of the proposed and alternative sites as well.

I appreciate your review and evaluation of these (and other) proposed alternatives and trust you will find a solution which meets the needs of the university without negatively impacting the environment or surrounding community. Thank you for your consideration. If you have any questions regarding this proposal please do not hesitate to contact me at (619) 698-9177.

Respectfully,



Jeff Katz, AIA  
Principal

O6-48  
Cont.

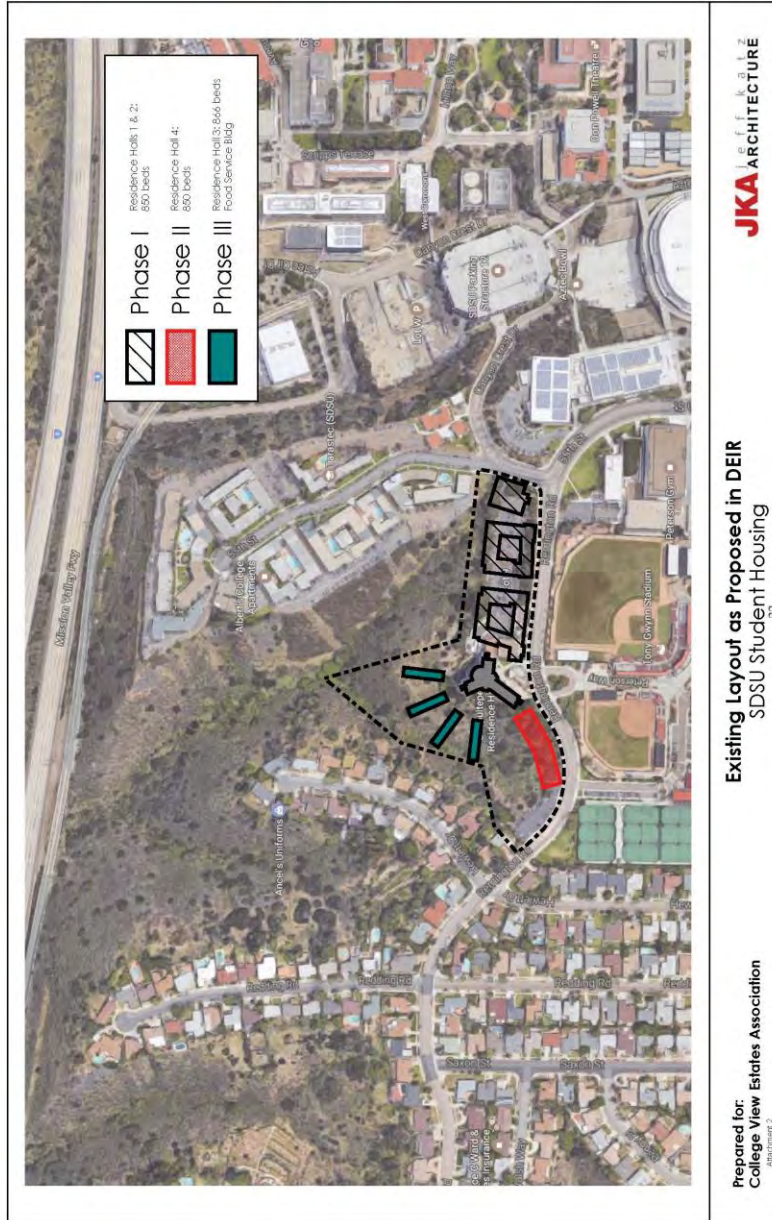
O6-49

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[www.jeffkatzarchitecture.com](http://www.jeffkatzarchitecture.com)

Attachment 1





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## Responses to Comments - Organizations



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## Responses to Comments - Organizations



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## Responses to Comments - Organizations

ARCHITECTURE

**Jeff Katz, AIA**  
Principal-In-Charge

### Specialization Architecture

**Registration/Certifications**  
CA: C018223 (09/2013)  
Business License: B1992008372  
NCARB Certification

**Year Opened Jeff Katz  
Architecture**  
1992

**Years with other Firms**  
8

**Education**  
Bachelor of Architecture, 1984,  
California Polytechnic State  
University, San Luis Obispo

**Professional Affiliations**  
San Diego Chapter of the  
American Institute of  
Architects (AIA), Member

U.S. Green Building Council  
(USGBC), Member

Registered OES Design  
Professional, Volunteer

National Council of  
Architectural Registration  
Boards, Licensed Architect

**Publications**  
Notable Design Award, Chula  
Vista Fire Station No. 7, *Fire  
Chief* Station Style Awards, pp.  
66-67, November 2004.

Notable Design Award, San  
Diego Fire Station No. 46  
Santa Luz, *Fire Chief* Station  
Style Awards, pp. 92-93,  
November 2004.

Notable Design Award,  
National City Fire Station  
Headquarters, *Fire Chief* Station  
Style Awards, pp. 74-75,  
November 2005.

Attachment 2

### Key Qualifications

Mr. Katz has practiced architecture since 1983, working with a multitude of private, public, and government sector clients. He is currently licensed to practice architecture in the states of California, Texas, Florida, Hawaii, Idaho, Minnesota, Colorado, Washington and Nevada. In his career, Jeff has successfully designed over 200 Public Works projects. He has completed the S.A.V.E. certified 40-hour seminar in Value Engineering and is a recognized expert on ADA (Americans with Disabilities Act) accessibility requirements. He has participated in Post-Earthquake Damage Assessment seminars through the State Office of Emergency Services (OES). He is currently overseeing architectural projects including El Cajon Fire Station 6 and several projects at SeaWorld San Diego.

### Relevant Experience

#### Imperial beach Library, Imperial Beach, CA

Role: Principal Architect. The 14,830 SF facility has a decidedly casual and inviting vibe and incorporates unique spaces for teens and adults alike, with a large activity area focused on the children in the community. The building components are comprised of a series of spaces, reminiscent of casual beach cottages, clad in a combination of bright, colorful wood-look tiles and integral colored stucco. A large community room and Pool's Patio allow for views and break-out space to the adjacent Veteran's Park. The interiors invoke the feeling of entering the beach at the shore and transitioning through the space deeper into the ocean. The great volume of space underneath the acoustically treated wave roof encourages people to come in to learn and explore. The facility was designed as a Zero Net Energy building meaning that the energy it consumes annually is offset by the energy produced by the roof-mounted photovoltaic system. It is also certified by the USGBC at the LEED Gold level.

#### County Administration Building, San Diego, CA

Role: Principal Architect. Our company was engaged by the County of San Diego to provide a Master Planning study for the CAC building with estimates in a phased manner to extend the useful life of the building an additional fifty years and improve its efficiency and function. It also addressed modifications to meet current code and address Life Safety issues that are an immediate concern. Our field team of consultants worked hand in hand with County representatives to research, document, and estimate the modifications necessary to make these improvements within a 5-year time period with flexibility depending on the amount of funding available.

#### Rancho San Diego Sheriff, Rancho San Diego, CA

Role: Principal Architect. New 26,000 sf Sheriff Station to serve San Diego County. Includes temporary detention facility, processing patrol functions as well as office space for a fully functioning essential services facility in Rancho San Diego. Design Build collaboration with TB Penick and Sons. Construction for this project is \$12M. Construction complete February 2014.

O6-56

## Responses to Comments - Organizations

ARCHITECTURE

Jeff Katz, AIA  
Principal-In-Charge

### Publications (cont'd)

Gold Design Award, Chula Vista Fire Station No. 8, *Fire Chief* Station Style Awards, pp. 80-81, November 2007.

Bronze Design Award, Oceanside Fire Station No. 7, *Fire Chief* Station Style Awards, pp. 94-95, November 2008.

Notable Design Award, City of Vista Fire Station No. 5, *Fire Chief* Station Style Awards, p. 130, November 2009.

Notable Design Award, City of Vista Fire Station No. 6, *Fire Chief* Station Style Awards, p. 131, November 2009.

### Awards

Orchid Award for San Diego Fire Station No. 37 for Excellence in the Category of Architecture, 2002, presented by Orchids & Onions

Project of the Year Award for Salt Creek Park, City of Chula Vista, 2006, presented by the American Public Works Association, San Diego-Imperial Counties Chapter

Architectural Award for Northwestern Division Police Substation, 2007, presented by the San Diego International Chapter of the American Concrete Institute

### Lakeside Ranch Fire Station 2, Lakeside, CA

Role: Principal Architect. The design included the programming of space requirements for a 20,000 S.F., 2 story facility, to house up to ten fire fighters. Areas included an apparatus room with four bays, bunk rooms, fitness area, kitchen, dayroom and shop and Administrative Facility, including a Board Room. The project was constructed for \$8,000,000. Construction completed in Dec 2011.

### City of Vista Fire Station 5 & 6, Vista, CA

Role: Principal Architect. These two stations were designed and constructed concurrently. Station 5 is a four bay, 13,500 square foot station, while Station 6 is a three bay, 11,300 square foot station. Both stations were designed to obtain LEED certification. The total construction cost of the two stations was \$12,300,000. Construction began in February 2008 and was completed in March 2009.

### Chula Vista Fire Station 8, Chula Vista, CA

Role: Principal Architect. This project was developed as a "Design-Build" project. The design included the programming of space requirements for a 8,800 S.F. facility, to house up to seven fire fighters. Areas included an apparatus room with two drive-thru bays, bunk rooms, fitness area, kitchen, dayroom, shop, dispatch and administrative spaces. The site design includes space for public and private vehicle parking, hose drying facilities and an emergency generator. The construction cost for this project was \$5,000,000. Construction for this project was completed in December 2006.

### Alpine Fire Station 17, Alpine, CA

Role: Principal Architect. The design included the programming of space requirements for a 13,000 S.F., 2 story facility, to house up to ten fire fighters. Areas included an apparatus room with three bays, bunk rooms, fitness area, kitchen, dayroom, shop, dispatch and administrative spaces. The construction cost for this project was \$3,560,000. The project started construction in February, 2005 and was completed in March 2006.

### Fairbanks Ranch Fire Station 3, Rancho Santa Fe, CA

Role: Principal Architect. New construction of a 10,500 square foot fire station for the Fairbanks Ranch Community of Rancho Santa Fe. The station design relies heavily on classical architectural influences while reaching to high levels of sustainability. Construction began in May 2010 and completed in April 2012. The total construction cost for this project was \$5 million.

O6-56  
Cont.



## ATTACHMENT 3

### A: Comments on DEIR Section 2, Project Description

#### A.1 Overview

Section 2 of the DEIR:

- Fails to disclose fully the objectives of the proposed Project.
- Contains an incomplete and misleading recitation of the events leading to the setting aside of the 2007 Campus Master Plan by the California Supreme Court, and fails to acknowledge and explain the responsibilities of SDSU as a result of the Court's decision.
- Fails to recognize that if the Project is approved and implemented, SDSU will have accomplished more than the amount of dormitory construction included in the 2007 Master Plan to support the growth to 35,000 FTEs without accounting for or providing fair-share payments to other agencies for mitigation of regional traffic impacts. This would fail to comply with the Court's decision that such costs must be bundled into each Project.

In addition, Section 2 of the DEIR:

- Misrepresents the process leading up to the NOP for the Project and the relationship to the Campus Master Plan.
- Reveals that the incompatible use of Remington Road to provide vehicular access to the proposed housing structures is a planned design feature, not an unintended consequence of the design.
- Misleadingly states that the Project design was created to support the Sophomore Success Program.

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O6-59

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O6-62

CVEA Comments

A-1

Attachment 3

## Responses to Comments - Organizations

### A.2 Specific comments

Page	DEIR	Comment
2-1 2-16	<p>"Per the California Environmental Quality Act (CEQA), ... a project description is to contain the following information: ... (b) a statement of the objectives of the proposed project, which should include the underlying purpose of the project; ..."</p> <p>"Phases II and III would be future phases; ..."</p>	<p>This DEIR fails to disclose fully the objectives of the proposed project. The NOP, this DEIR (e.g., p. 2.5-2.7), the SDSU website at sdsu.edu/chapultepec, and all other available materials state that the purpose is to support the live-on requirement of the Sophomore Success Program. However, only 600 beds are needed for that purpose (Exhibit 1). Nowhere in the DEIR or other available sources is there an explanation of the intended use of the other 2000+ dormitory beds.</p> <p>Phases 2 and 3 are described as "future phases" but nowhere in the DEIR is the term <i>future</i> defined. No explanation is offered as to what conditions would trigger the decision to construct Phases 2 and 3. After completing Phase 1, SDSU will have in place sufficient housing capacity to support the current level of FTES including all live-on requirements. In previous planning, including the 2007 Campus Master Plan (see below) SDSU identified growth in FTES to 35,000 as a triggering condition that would require the construction of additional campus housing. In the absence of other explanation in this DEIR, it must be assumed that growth in FTES would be the trigger for building the "future phases" of the Project. This is borne out on p. 6-11 of the DEIR where it is stated that Phases 2 and 3 are included to "meet future local housing demands."</p>
2-5	<p>"In December 2007, lawsuits were filed in San Diego Superior Court challenging the adequacy of the EIR prepared for the 2007 Campus Master Plan Revision (<i>Del Cerro Action Council, et al. v. Board of Trustees of California State University, San Diego Superior Court Case No. GIC 855643</i>). The lawsuits ultimately resulted in an order ruling that certain portions of the EIR Transportation/Circulation and Parking section were inadequate,</p>	<p>This description is both abbreviated to the point of eliminating the salient facts, so that after reading this the lead agency would be unaware of the issues that gave rise to the legal dispute, how they were resolved, and what responsibilities SDSU and CSU Trustees bear as a result.</p> <p>The case that led to the decertification of the 2007 master plan was <i>City of San Diego v. Board of Trustees of the California State University</i>, Case No. S199557 before the California Supreme Court. The 2007 master plan called for the construction of student housing with 2976 beds to support a future campus enrollment of 35,000 FTES. There were</p>

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O6-66

CVEA Comments

A-2

Attachment 3

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## Responses to Comments - Organizations

	<p>while upholding the remaining sections as adequate. As a result, the court directed the CSU Board of Trustees to set aside its prior approval of the 2007 Campus Master Plan."</p>	<p>substantial regional traffic impacts for which SDSU's fair share was calculated but CSU Trustees claimed the inability to pay without legislative appropriation. The trial court found for CSU Trustees, the 4<sup>th</sup> District Court of Appeals reversed, and the Supreme Court confirmed the reversal. The Court's decision requires that SDSU account for regional traffic impacts and bundle its fair-share payment into the cost of the program or project.</p> <p>To date, SDSU has not produced a program-level EIR to take the place of the 2007 master plan that was set aside.</p> <p>After the Supreme Court decision, SDSU constructed 600 beds of student housing in the South Campus Plaza development, and in this DEIR proposes constructing 2600 more. Thus, if this project is approved SDSU will be able to complete more dormitory construction that was estimated to be needed to accommodate growth to the 35,000 FTES level, but will not have accounted for nor made fair-share payments for regional traffic impacts of that growth as required by the Court. In the case of this DEIR, SDSU is claiming a "regional traffic benefit" because the project will "shorten or eliminate" trips not in the immediate vicinity of the campus because "if the Project were not built, students would live in other areas of San Diego" (Appendix K p. 36). This would only be true if all 2600 beds were to be occupied by current students. But, as documented by the SDSU memorandum shown in Exhibit 1, current students will occupy only 600 of the 2600 beds. The other 2000 beds can only represent future campus growth, and SDSU will be out of compliance with the Court's directive if it does not fully account for its fair share of the regional traffic impacts and bundle them into the cost of the Project.</p> <p>If this EIR is approved as written, the lead agency will be handing SDSU the ability to put in place a large proportion of the building portfolio that was identified in the 2007 Campus Master Plan as needed to grow the campus to at least 35,000 FTES. But, as that construction continues to unfold piece-by-piece, SDSU will not be fully accounting for or paying a fair-share proportion of infrastructure</p>
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O6-66  
Cont.

O6-67

O6-68

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## Responses to Comments - Organizations

2-5	<p>"In the interim, in May 2011, the Board of Trustees approved the Plaza Linda Verde (now South Campus Plaza) mixed-use development project along with related revisions to the Campus Master Plan. Since that time, there have been several minor revisions to the Campus Master Plan."</p>	<p>costs that will be borne by the City and its taxpayers. This would be directly contrary to what the Court ordered. This conflict cannot be overcome unless the EIR is modified to include the evaluation of regional traffic impacts from the FTES growth to whatever level it might attain when Phase 2 and Phase 3 are eventually built, to include a fair-share payment by SDSU.</p> <p>The "master plan" approved by the trustees in 2011 was not environmentally reviewed. It consisted of a 1-page map.</p> <p>It is deceptive to state that there have been revisions to "the Campus Master Plan" since 2011. There have been various versions of maps produced by SDSU planners that have at different times been marked with the words "master plan," (often merely with sticky notes) but none of those maps rise to the level of being a "Campus Master Plan" in the sense that they have been seen and reviewed by anyone outside of the SDSU planning office (see Exhibit 2).</p> <p><b>It must be stated in the EIR and emphasized to the lead agency that <i>none</i> of the so-called master plans, whether reviewed or not, called for construction of dormitories on the Phase 2 and Phase 3 building sites. SDSU's practice of releasing to the public a "master plan" while privately planning developments in entirely different locations is deceptive toward the public and contrary to the responsibilities of a public agency.</b></p> <p>Documentation exists (see Exhibit 3) showing that SDSU was planning to build dormitories on the Phase 2 and Phase 3 sites as early as 2010, while simultaneously approaching the CSU Trustees for approval of a "master plan" (Exhibit 4) omitting such development. <b>Thus, SDSU has been deceptive not only toward the public but toward the CSU Trustees.</b> While standing publicly before the trustees asking approval for one plan, SDSU was privately proceeding to develop the campus according to an entirely different concept.</p> <p><b>The EIR must explain past misrepresentation and give the lead agency a reason to believe that the new "master plan" they will be asked to approve</b></p>
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Cont.

O6-69

O6-70

O6-71

## Responses to Comments - Organizations

		actually represents something that SDSU intends to follow.
2-5	"The existing Campus Master Plan of record is depicted on Figure 2-4, Existing Campus Master Plan."	Figure 2-4 in the DEIR does not contain what this statement claims. Figure 2-4 has been edited to give the false impression that the "Project Site" is part of the master plan approved by the trustees. Those words and the outline of the Phase 2 and Phase 3 building sites must be removed, and the 2011 master plan must be presented in the EIR in the form that it was actually approved.
2-5	"As part of the proposed project, the Campus Master Plan would be further revised to accommodate the new housing and related facilities."	This statement confirms that the term "master plan" means something entirely different to SDSU planners than what the lead agency and the public might suppose. SDSU evidently views a master plan as something that is retrospective, not guiding future development decisions but merely documenting the locations of projects after they have been constructed. The EIR must clarify how the term "master plan" is to be understood, and how it differs from a mere campus map under SDSU's usage.
2-6	"In 2013, prior to the implementation of the Sophomore Success program, SDSU contracted with Carrier Johnson to prepare a capacity study and preliminary site design for a residential complex to be located on the west side of campus."	This is a misrepresentation. Carrier-Johnson was engaged in this effort and completed the capacity study and preliminary design as early as 2010, as documented in the drawings attached as Exhibit 3. These drawings were available online at <a href="http://land-lab.com/project/sdsu-west-campus-housing-masterplan/">http://land-lab.com/project/sdsu-west-campus-housing-masterplan/</a> as recently as May 1, 2017, but they were taken down immediately after their existence was disclosed on social media (see Exhibit 5). The EIR must explain why the incorrect dates were given and why the DEIR does not disclose the existence of the 2010 work by Carrier Johnson.
2-6	"One of the primary objectives of the proposed project is to provide housing in furtherance of the Sophomore Success program. Specifically, the 850 beds of student housing that will be developed as part of Phase I will be designed and constructed specifically for use as freshman housing. Providing additional on-campus freshman housing will free up other student residences already existing on campus that are more suitable to sophomore housing."	This statement confirms that only Phase 1 of the Project is related to the live-on requirement of the Sophomore Success Program. Nowhere in this discussion can be found any explanation of what would trigger the Phase 2 and Phase 3 portions of the Project. As noted above the Phase 2 and Phase 3 housing will accommodate future growth in campus FTES, in which case key assumptions driving the traffic study and parking study in this DEIR are unjustified.  <b>The Project design was not initiated to meet the needs of the Sophomore Success Program. Comparing the 2010 Project design in Exhibit 3 to the Executive Briefing memo in Exhibit 1 confirms</b>

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↑ O6-71  
Cont.

O6-72

O6-73

O6-74

O6-75  
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## Responses to Comments - Organizations

		<p>that the Project was designed years in advance of the conceptualization and actualization of the Sophomore Success Program. The Project design has been a solution in search of a problem since before 2010.</p> <p>Even now that the sophomore LOR has been approved, the Project design has found only part of a problem to justify its existence. The LOR of the Sophomore Success Project can be used to justify the construction of most of the beds in Phase 1 of the project, but the housing capacity in Phases 2 and 3 is not justified by any problem or objective stated in the DEIR.</p>
2-7	"The overall goal of the proposed project is to enable an increased number of students to participate in SDSU's Residential Education Program and to add vitality and services to the west campus area where the proposed project would be located."	All three phases of the project, under any reasonable interpretation of this sentence, are claimed to be justified by the live-on requirement of the Sophomore Success Program. As noted, this claim in the DEIR is deceptive because Phase 2 and Phase 3 cannot be justified by that requirement. The EIR must clearly state a justifiable purpose of the Phase 2 and Phase 3 dormitory capacity and indicate what conditions would trigger their construction.
2-7, 2-8	List of eight "objectives"	These objectives are in various ways contrary to CEQA Guidelines and redundant. For a complete discussion and commentary see the comments on the Alternatives section of the DEIR provided as Section H of these comments.
2-14	"Existing Parking Lot 9 would be removed; existing Parking Lot 10A on the project site would remain; and approximately TBD parking spaces would be constructed as part of Phase I; these spaces would be reserved for Americans with Disabilities Act needs and housing complex personnel. The existing Parking Lot 9 currently supports approximately 135 spaces. The existing 33-space Parking Lot 10A on the west end of the project site would remain and would provide parking for students, athletic department personnel, and university police. Residents who choose to bring cars to campus and wish to park	<p>The discussion of Parking Lot 10A is irrelevant and serves only to give the false impression that some parking is provided by the project. Lot 10A currently exists, as do all of the other campus parking facilities, and it is not "on the project site." There is no relationship between Lot 10A and this Project, and it is misleading for it to be referenced here.</p> <p>TBD is not a well-defined number.</p> <p>As documented in the commentary on Section 4.14/Appendix K "Traffic" submitted as Section G of these comments, removal of the 135 parking spaces in PL 9 and simultaneously adding 2600 dormitory beds to the campus inventory will result in a significant shortage of on-campus parking. The parking analysis in the DEIR is driven by the same false assumption as the regional traffic study; that</p>

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06-75 Cont.

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## Responses to Comments - Organizations

	<p>near their residence hall would be able to use existing Parking Structure 12, located east of the project site, or other parking areas on campus."</p>	<p>all of the 2600 beds will be occupied by students currently commuting to campus.</p> <p>As shown in Section G of these comments, the Project will result in a shortage of 1,346 parking spaces merely to maintain current levels of parking congestion on the west side of the campus, and current levels of congestion are extreme.</p> <p><b>The result of the Project as described would be a significant, unmitigated impact from the overflow of student parking into nearby residential neighborhoods.</b></p>
2-14, 2-15	<p>"Vehicular and emergency access to the south side of the project site would be provided via Remington Road. Internal circulation within the proposed Student Housing complex is designed primarily around pedestrian needs. Thus, the main arteries through the proposed project are pedestrian walkways, with accommodation for emergency vehicles and vehicles 2 – Project Description April 2017 New Student Housing EIR San Diego State University 2-15 associated with the student move-in process."</p>	<p>Remington Road is a City of San Diego street, with a city-owned sidewalk. It is not SDSU property. It is a no-parking zone, with a bicycle lane and two traffic lanes in each direction.</p> <p><b>This paragraph states that SDSU will rely on the incompatible use of city-owned Remington Road for access to the dormitory buildings, just as such incompatible use is relied upon today to make possible the operation of the existing Chapultepec dormitory tower.</b></p> <p>Vehicles stopping to pick up or drop off passengers and their belongings, delivery and service vehicles, and public-safety vehicles will have no reasonable alternative but to block either the sidewalk, the bicycle lane, or the traffic lane in order to accomplish their purpose at the dormitories. As documented in the Section 4/Appendix K commentary given as Section G below, such functions, which are necessary and unavoidable for a student-housing facility, currently result in the illegal blockage of the city-owned public rights-of-way on Remington Rd. between 30% and 80% of the time <i>at the existing dormitory</i>. Because there is no alternative means of legal access compatible with the design of the road, in the 25 years of operating Chapultepec SDSU has not identified any combination of signage, enforcement or regulation that can alleviate the problem. There are no relevant mitigation measures proposed anywhere in the DEIR other than those that are already in use and already shown to be ineffective at the existing building.</p>

↑ O6-79  
Cont.

O6-80

O6-81

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		<p>As documented in comments to Section 4.14/Appendix K "Traffic," the quadrupling of housing density on Remington Rd. will lead to the denial to the public of their right to use the city-owned street and will cut off the Collage View Estates neighborhood to the west. The Traffic sections of this DEIR, as documented in Section G of these comments, impermissibly omit consideration of a required CEQA category of inquiry into incompatible use, and ignore the guidelines on significance levels contained in the CSU Transportation Impact Study Manual.</p> <p><b>The quoted paragraph of the DEIR reveals that this incompatible and illegal use of Remington Rd. is not an unintended consequence of the Project—it is a design feature relied upon by the project planners to enable the dormitories to function.</b></p> <p>Under the CSU guidelines, this is a design feature that leads to incompatible use that is a <b>significant and unmitigated impact of the Project that applies to all three phases.</b></p>
2-15	"Drop off zone. Phase I will incorporate a drop off zone for the complex. There will be a dedicated pick-up/drop-off zone within the project site to reduce congestion and emergency access issues due to loading and unloading along Remington Road."	<p>As documented in comments to Section 4.14/Appendix K "Traffic", the proposed drop-off zone would be inadequate even if no additional dormitory buildings were constructed on Remington Road. The existing Chapultepec building has a 4-car turnout that will be eliminated and replaced with a different 4-car turnout. To reduce "congestion" on Remington Road to an acceptable level, at least 20 off-street temporary parking spaces would be needed, and that would have to be combined with pedestrian barriers to prevent drivers from momentarily stopping in the red zone for passenger access and with 24-hour enforcement to prevent the temporary spaces from being co-opted by vehicles staying for extended periods.</p> <p>The proposed drop-off zone described in the quoted paragraph will provide no noticeable mitigation for the planned illegal use of Remington Road (see Section G of these comments).</p>
2-15	"Parking Control. Placement of a permanent sign on Remington Road at the SDSU campus boundary with the College View Estates neighborhood that reads	<p>The inadequacy of these measures and the misrepresentation inherent in the assumptions leading to the parking-impact estimates in this DEIR are discussed in detail in comments to Section</p>

O6-83

O6-84

O6-85

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A-8

Attachment# 1

## Responses to Comments - Organizations

	<p>"No SDSU or Event Parking in Residential Neighborhood – Violators May be Fined and/or Towed Away" will be installed. Parking guards will continue to be posted on Remington Road at the College View Estates entrance to discourage parking in the residential neighborhood during large events, including events at Viejas Arena, and during baseball games. A temporary sandwich board sign also will be placed at the corner of 55th Street and Remington Road during such events that reads "No Event Parking Beyond This Point."</p>	<p>4/Appendix K, given below as Section G of these comments.</p> <p>Special events have nothing to do with this Project. Including such a reference here can only serve to mislead the lead agency into believing that this is a new mitigation measure related to the Project.</p> <p>Enforcement and ticketing is not a credible mitigation unless SDSU is committed to arranging for the presence of sworn officers on a permanent basis in front of the proposed buildings on Remington Road, ticketing each and every vehicle—including USPS, FedEx, UPS, SDSU-owned service vehicles, Uber, Lyft, pizza and food delivery services—that stop even momentarily on Remington Rd. As documented in the Research Report attached to these comments, obstruction of Remington Road is not a matter of a few vehicles parking for extended durations—it is many vehicles parking for short durations. An enforcement strategy that sends an officer to the site on a periodic basis will not mitigate this. Nor will an enforcement protocol that allows officers to issue warnings or to allow stopped vehicles a chance to "move along" to avoid ticketing. By the time an officer tells an Uber driver to move along, the obstruction has already occurred and the officer's intervention will only serve to prolong it.</p> <p>Moreover, UPD officers do not have the authority to issue parking citations on City streets. Thus, if enforcement is to be a mitigation, the EIR must show that the City of San Diego has agreed to provide a permanent police presence and that SDSU will reimburse the City for the cost. If it is to be effective, the enforcement must be done by a sworn officer who can order a driver to remain in position while a ticket is issued. Non-sworn parking enforcement personnel will be unable to issue citations to a driver who simply leaves the scene before the ticket can be issued.</p> <p>All of these facts are well-known to SDSU, because in 25 years of operating the existing Chapultepec dorm there has been no effective strategy for preventing the continuous obstruction of Remington Road through normal operation of the</p>
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↑ O6-85  
Cont.

↓ O6-86

↓ O6-87

↓ O6-88

## Responses to Comments - Organizations

2-16	<p>"Construction of the proposed project would occur in multiple phases (see Figure 2-12, Proposed Phasing Plan)."</p> <p>"Phases II and III would be future phases; ..."</p>	<p>Chapultepec tower. This proposed Project will quadruple the impact, without effective mitigation. The EIR must acknowledge these facts. Figure 2-12 does not contain anything that could be described as a "phasing plan." It is simply another map showing the locations of the three "phases."</p> <p>Although the term "future phases" is used, no information is provided in the DEIR about what is meant by "future." Under the description given it could be possible that the entire Project could be constructed at one time. The EIR must make clear what is meant by the term "phase" and if there is not a definite intention to construct the different parts of the project at different times and in a particular order than the term "phase" should not be used.</p> <p>As noted above, if the "future phases" are eventually constructed at a time when the FTES of the campus have grown from present levels, SDSU will effectively be out of compliance with the order given by the Supreme Court in <i>City of San Diego v. Board of Trustees of the California State University</i> unless the DEIR is modified to include regional traffic impacts from the campus growth and a fair-share payment by SDSU.</p>
2-18	<p>"As part of the proposed project, SDSU will revise its Campus Master Plan to include the new student housing. The proposed revised Campus Master Plan is depicted on Figure 2-14, Proposed Campus Master Plan."</p>	<p>See comments above about SDSU's undefined usage of the term "master plan." A plan is understood to be something done prospectively, not retrospectively. Updating a map to show where new buildings have been constructed is not a planning activity.</p> <p>This paragraph is deceptive, because it implies that SDSU follows a planning protocol that provides transparency into future campus development. As noted above, the opposite is the case. SDSU typically publicly releases a "master plan" while privately planning other development.</p> <p>The lead agency must not accept the proposed "master plan" in Figure 2-14 without evidence that it clearly depicts all potential projects that are reasonably foreseeable for the campus.</p>
2-18	Required project approvals	<p>The project will require an incidental take permit from US Fish and Wildlife and State Fish and</p>

↑ O6-88  
Cont.

↑ O6-89

↑ O6-90

↑ O6-91

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	Wildlife if certain protected species are found on the site.
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↑ O6-91  
Cont.

### A.3 Misalignment between project description and stated objectives

The DEIR states on p. 2-5 in Section 2.3 that the Project has the goal of increasing graduation rates by means of the live-on requirement (LOR) of the Sophomore Success Program.

↑ O6-92

The description of the interaction of the Project with improved graduation rates is incomplete, because it fails to recognize that there are additional determinants of student retention and success that are impacted by the Project and the LOR. It is telling that the project cannot be built without forcing sophomores to live in it for the next 30 years (see Exhibit 1). Left to make decisions for themselves, insufficient numbers of students will choose to pay the high cost of on-campus housing to make the Project viable.

An important factor that leads to student non-retention and poor graduation rates is student financial distress.<sup>1</sup> Especially at public universities such as SDSU, many students come from backgrounds of limited financial means and must borrow, work and rely on grants and scholarships to make college possible. In recognition of that fact, a project with the goal of improving graduation rates should seek to provide its stated benefits at the smallest possible cost to students. Forcing students to give up lower-cost off-campus housing in favor of high-cost on-campus housing is not in alignment with the goal of improving graduation rates.

↑ O6-93

The Project as described in the DEIR has been planned and designed to maximize amenities and visual impact, with little regard to cost. The most expensive possible building location on campus has been chosen for the buildings (see letter from JK Architecture attached to these comments). Swimming pools, basketball courts, barbeque pits, and so on are emphasized rather than simple, functional on-campus housing units that students can afford to pay for.

↑ O6-94

Thus, the Project as described is at cross purposes with itself. If the goal is to improve student graduation rates, SDSU must rethink the practice of building elaborate structures that must be financed through high student payments for room and board.

<sup>1</sup>Turner, Andrew L. Berry, Thomas R. "Counseling center contributions to student retention and graduation: A longitudinal assessment," *Journal of College Student Development*, Baltimore 41.6 (Nov/Dec 2000): 627.

## Responses to Comments - Organizations

SDSU will provide studies purporting to show that on-campus housing costs are proportional to other universities. That is evading the question. The best indicator of whether SDSU's campus architects are acting in the best interest of the students is to observe the choices students make when they are free to choose. The fact that the live-on requirement is needed makes glaringly obvious that the on-campus options SDSU is providing are not aligned with students' needs. SDSU should seek to design housing that can be offered to students on terms that they would accept even if not forced to do so. It is arrogant and unjustified for the planners to construct elaborate buildings and then force the students to foot the bill. These design priorities are driven by the ego-gratification needs of the campus architects and planners, not by any concern for students and their probability of successfully completing their education at SDSU.

These cost considerations for students must be made clear to the lead agency in the EIR if they are to be able to make an informed judgment as to the merits of the Project.

### A.4 Comparison 2007 Campus Master Plan and this DEIR

After the California Supreme Court affirmed that the fair-share payments for infrastructure upgrades to support that growth must be bundled into the cost of each project, SDSU never sought to put in place a program-level EIR complying with the Court's directive. Instead, SDSU has been operating without an environmentally reviewed master plan. However, piece by piece (including the proposed buildings in this DEIR), SDSU will soon have built out a substantial proportion of the construction portfolio identified in the 2007 Master Plan.

The following table indicates the portfolio of campus facilities that the de-certified 2007 Campus Master Plan indicated would be needed to support growth to 35,000 FTEs at SDSU. The current status toward completing each requirement in piecemeal fashion is indicated, along with the fair-share payments for which SDSU has accepted responsibility as each piece has been completed fully or partially.

Facility	2007 Plan	Current status	Fair-share payment accepted
Student housing	2,976 beds	South Campus Plaza completed; 600 beds This DEIR: 2600 beds Total: 3200 beds	Restripe one intersection Fair share for one raised median
Student facilities	New student union replacement for Aztec Center	Completed	nothing

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Academic/research expansion	Alvarado campus	Partial completion: Storm-Nasatir renovation/expansion completed Engineering/Interdisciplinary Sciences building in progress Physics, Life Sciences and Education building upgrades and expansions in planning	nothing
Faculty-staff housing	Adobe Falls	Planned	TBD
Transient occupancy	Alvarado Hotel	Planned	TBD

O6-97  
Cont.

Thus, a significant percentage of the campus construction that is needed to accommodate an FTES level of 35,000 will be authorized or in place if this Project is approved. But, by accomplishing the projects in piecemeal fashion rather than accounting for the entire impact simultaneously, SDSU has, up to and including this DEIR, avoided taking responsibility for a proportionate amount of the fair-share payments for regional infrastructure upgrades. By the order of the Supreme Court referenced above, SDSU is required to bundle that fair-share amount into each project.

The following table allows comparison of the scope of the traffic analysis that was performed in the 2007 Campus Master Plan, which explicitly recognized growth in FTES to the 35,000 level, and this DEIR, which accomplishes the dormitory construction needed to support 35,000 FTES but claims that there is a "regional traffic benefit."

Studied in 2007	Studied in this DEIR
<b>Signalized Intersections</b> <ul style="list-style-type: none"> <li>Fairmount Avenue / I-8 Westbound ("WB") Off Ramp / Camino del Rio N</li> <li>Fairmount Avenue / I-8 Eastbound ("EB") Off Ramp</li> <li>55th Street / Remington Road</li> <li>55th Street / Montezuma Road</li> <li>Campanile Drive / Montezuma Road</li> <li>College Avenue / Del Cerro Boulevard</li> <li>College Avenue / I-8 Westbound Ramps</li> <li>College Avenue / I-8 Eastbound Ramps</li> <li>College Avenue / Canyon Crest Drive</li> <li>College Avenue / Montezuma Road</li> <li>Reservoir Drive / Alvarado Road</li> </ul>	<b>Intersections</b> <ul style="list-style-type: none"> <li>Montezuma Road / Collwood Blvd</li> <li>Montezuma Road / Yerba Santa Drive</li> <li>55th St / Canyon Crest Drive</li> <li>55th Street / Remington Road</li> <li>55th Street / Hardy Avenue</li> <li>55th St / Montezuma Road</li> <li>Montezuma Rd / Campanile Drive</li> <li>College Avenue / I-8 WB Ramps</li> <li>College Avenue / I-8 EB Ramps</li> <li>College Avenue / Canyon Crest Avenue</li> <li>College Avenue / Zura Way</li> <li>College Avenue / Montezuma Way</li> </ul>

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<ul style="list-style-type: none"> <li>• Lake Murray Boulevard / Parkway Drive</li> <li>• 70th Street / Alvarado Road</li> <li>• I-8 Eastbound Ramps / Alvarado Road</li> </ul> <p>Unsignalized Intersections</p> <ul style="list-style-type: none"> <li>• College Avenue / Zura Way</li> <li>• Alvarado Court / Alvarado Road</li> <li>• I-8 Westbound Ramps / Parkway Drive</li> </ul> <p>Street Segments</p> <ul style="list-style-type: none"> <li>• Montezuma Road, Fairmount Avenue to Collwood Boulevard, Collwood Boulevard to 55th Street, College Avenue to E. Campus Drive, 55th Street to College Avenue</li> <li>• College Avenue, Del Cerro Boulevard to I-8 Eastbound Ramps, I-8 Eastbound Ramps to Zura Way, Zura Way to Montezuma Road, South of Montezuma Road</li> <li>• Alvarado Road: E. Campus Drive to Reservoir Drive, Reservoir Road to 70th Street</li> <li>• Fairmount Avenue: Montezuma Road to I-8</li> <li>• Adobe Falls Road: North of Genoa Drive</li> <li>• Arno Drive: Helena Place to Capri Drive</li> <li>• Capri Drive: East of Arno Drive</li> <li>• Del Cerro Boulevard: Genoa Drive to Capri Drive, Capri Drive to College Avenue</li> <li>• Genoa Drive: Capri Drive to Arno Drive</li> <li>• Lambda Drive: Rockhurst Drive to College Avenue</li> <li>• Rockhurst Drive: Lambda Drive to College Avenue</li> </ul> <p>Freeway Segments</p> <ul style="list-style-type: none"> <li>• Interstate 8: Fairmount Avenue to Waring Road</li> <li>• Interstate 8: Waring Road to College Avenue</li> <li>• Interstate 8: College Avenue to Lake Murray Boulevard / 70th Street</li> <li>• Interstate 8: Lake Murray Boulevard / 70th Street to Fletcher Parkway</li> </ul>	<p>Street Segments</p> <ul style="list-style-type: none"> <li>• Montezuma Road, Collwood Boulevard to 55th Street, 55th Street to College Avenue, East of College Avenue</li> <li>• College Ave, Canyon Crest Drive to Zura Way 4.14, Zura Way to Montezuma Road, Montezuma Road to Arosa Street</li> <li>• Remington Road West of 55th Street</li> <li>• 55th Street, Remington Road to Montezuma Road</li> </ul>
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Cont.

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## Responses to Comments - Organizations

As is evident from this comparison, the 2007 EIR included a traffic study that encompassed a far wider radius around the campus, due to recognizing that growth in FTES leads to congestion on streets and freeway segments that feed into the campus area.

The following tables, taken from the 2007 Campus Master Plan, show the fair-share responsibility that SDSU recognized for local and regional traffic impacts:

**Table 3.14-36**  
**Mitigation Fair-Share Contributions**  
**Near-Term Impacts**

Mitigation Measure Number	Impacted Locations	Fair Share Percentage
A-1	College Avenue / Del Cerro Boulevard intersection	5%
A-2	College Avenue / I-8 EB Ramps intersection	4%
A-3	College Avenue / Canyon Crest Drive intersection	6%
A-4	College Avenue / Zura Way intersection	3%
A-5	College Avenue / Montezuma Road intersection	2%
A-6	I-8 WB Ramps / Parkway Drive intersection	2%
B-1	Alvarado Road: E. Campus Drive to Reservoir Drive	3%
B-2	Alvarado Road: Reservoir Drive to 70 <sup>th</sup> Street	3%
B-3	College Avenue: I-8 EB Ramps to Zura Way	4%
C-1	Northbound College Avenue to Eastbound I-8	3%

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Cont.

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**Table 3.14-37**  
**Mitigation Fair-Share Contributions**  
**Horizon Year Impacts**

Mitigation Measure Number	Impacted Locations	Fair Share Percentage
E-1	I-8 WB Off Ramp / Fairmount Avenue intersection	1%
E-2	55 <sup>th</sup> Street / Montezuma Road intersection	12%
E-3	Campanile Drive / Montezuma Road intersection	8%
E-4	College Avenue / Del Cerro Boulevard intersection	17%
E-5	College Avenue / I-8 WB Ramps intersection	19%
E-6	College Avenue / I-8 EB Ramps intersection	16%
E-7	College Avenue / Canyon Crest Drive intersection	23%
E-8	College Avenue / Zura Way intersection	16%
E-9	College Avenue / Montezuma Road intersection	11%
E-10	Alvarado Court / Alvarado Road intersection	31%
E-11	Reservoir Drive / Alvarado Road intersection	21%
E-12	Lake Murray Boulevard / Parkway Drive intersection	8%
E-13	70 <sup>th</sup> Street / Alvarado Road intersection	5%
E-14	I-8 WB Ramps / Parkway Drive intersection	11%
E-15	I-8 EB Ramps / Alvarado Road intersection	4%
F-1	Alvarado Road: E. Campus Drive to Reservoir Drive	39%
F-2	Alvarado Road: Reservoir Drive to 70 <sup>th</sup> Street	24%
	College Avenue: Del Cerro Boulevard to I-8 Eastbound Ramps	9%
F-4	College Avenue: I-8 Eastbound Ramps to Zura Way	18%
F-5	College Avenue: Zura Way to Montezuma Road	13%
F-6	College Avenue: South of Montezuma Road	17%
F-7	Montezuma Road: Fairmount Avenue to Collwood Boulevard	15%
F-8	Montezuma Road: 55 <sup>th</sup> Street to College Avenue	15%
G-1	Northbound College Avenue to eastbound I-8	12%

By contrast, this DEIR proposes the following mitigation measures to be bundled into a student-housing project that will accomplish a significant proportion of the construction envisaged in the 2007 Master Plan:

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Cont.

O6-100

## Responses to Comments - Organizations

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Location	Mitigation
55th/Montezuma	Restripe roadway
Montezuma Rd to College Ave	Fair share of raised median

Thus, by following a piecemeal approach to developing the campus to the level needed for 35,000 FTES, SDSU in this DEIR proposes to avoid bundling complete fair-share payments into the student-housing portion of the project portfolio identified in the 2007 Master Plan.

The EIR must include a traffic study that encompasses an equivalent area as the 2007 study, or provide an explanation of when and how 2000 additional dormitory beds (those in the Project that are not covered by the Sophomore Success Program live-on requirement) will become occupied. If these dormitory beds will be constructed due to or simultaneously with a growth in campus FTES, then an estimate of the future FTES level that this project will support must be included in the EIR, and a proportionate amount of the total fair-share payments for that growth must be assigned to and bundled into the cost of this Project. Failure to do so will place SDSU out of compliance with the order of the Court.

O6-100  
Cont.

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## Responses to Comments - Organizations

### B: Comments on DEIR Section 4.1, Aesthetics

Page	DEIR	Comment
4.1-5	However, the view is available to mobile receptors (i.e., motorists and pedestrians) that tend to focus on visual elements along the Remington Road corridor (as opposed to off-site components) and the duration of the available view is brief ... As the duration of the available view is brief and Remington Road is not a designated public view corridor, views from Remington Road along the project site frontage are not considered scenic vistas.	<p>It is inconsistent with SDSU's status as an enlightened university to make a statement such as this. It is ill-considered and misleading on many levels.</p> <ul style="list-style-type: none"> <li>• The "available view" is misconstrued as something that is only accessible through a car window</li> <li>• Calling people in cars, cyclists, and pedestrians "mobile receptors" does not impart gravitas, validity or coherence to the statement. Their use of such language confirms that the intention of the authors of this section of the DEIR is to obscure, not enlighten.</li> <li>• Referring to no evidence whatsoever, the DEIR claims that motorists and pedestrians will not look at the view (or, if they must, the "off-site component"), therefore its value can be discounted. This is contrary to the lived experience of the university community, and is an indication that the authors of this part of the DEIR never left their office cubicles but formed their impressions by looking at Google Streetview.</li> <li>• Stating that the duration of the view is brief assumes it is consumed by someone driving past in a car. Moreover, the DEIR does not provide any justification for denigrating "brief" views as having less value than prolonged views. Is there a standard of duration that the DEIR authors would like to put forward as the minimum amount of time a view must be enjoyed before it has value? If not, this characterization is fatuous nonsense that serves only to obscure the issue, not to enlighten the lead agency.</li> </ul>

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## Responses to Comments - Organizations

		<ul style="list-style-type: none"> <li>Nevertheless, pedestrians and cyclists frequently do linger and savor the scenic vista of the canyon, noting the wildflowers blooming after the winter rains, observing various bird species exhibiting feeding and nesting behavior, and generally taking in the expanse and ambiance of a canyon scene that looks much the same today as it looked before San Diego State Teachers College moved to Montezuma Mesa. (See Exhibit 20 attached to these comments.) The canyon system is rimmed by all kinds of residences—including the Chapultepec dormitory and the SDSU housing on 55<sup>th</sup> Street. Students occupying these residences will be denied the enjoyment of a bird's-eye view the last remaining sliver of natural canyon left on campus. Residents on 55<sup>th</sup> St., Hewlett Drive and Remington Road will similarly be deprived. The authors of this "analysis" apparently feel that a scenic vista has value only as a drive-by.</li> <li>The statement discounts scenic vistas that are not so designated. Remington Road is designated as a two-lane collector road with no fronting uses. The Project would—inconsistently with that designation—place a fronting use on the road that will block the scenic vista. This is apparently justified by circular logic: The Project will change the nature of the road to one having fronting uses, and a road with fronting uses is inconsistent with a scenic vista; therefore, the Project will not impair a scenic vista.</li> </ul>
4.1-6	The 7.84-acre project site encompasses existing Parking Lots 9 and 10A	Parking lot 10A is not part of the Project.
4.1-23	There are no designated scenic vistas in the immediate project area and the SDSU campus is located within an existing developed community that is not	This statement reveals an utter lack of familiarity with the College West area of San Diego.

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O6-103  
Cont.

O6-104

O6-105

## Responses to Comments - Organizations

	generally known or noted for scenic vistas	<p>"Not generally known or noted" by whom? The only people who apparently are unaware of the College West area's renown for scenic vistas are the authors of this statement. They offer no evidence or support for it. Was a survey taken?</p> <p>Residents of the CVE neighborhood adjacent to the Project site are primarily attracted to the area precisely because of the scenic-vista value of the neighborhood and their properties. The various fingers of the native-canyon system which the Project proposes to destroy are the view. They are not a place where you stand trying to look at something else—they are what you want to enjoy looking at.</p> <p>Exhibit 20 of these comments depicts the scenic vistas that will be destroyed or obscured by this Project.</p> <p>The canyon that the Project will eliminate is not empty land that nobody cares about. It is treasured by the university community because of its value as beautiful open space that makes the community unique. This is a question of values. One generally would expect an enlightened university to hold to a higher value system than is revealed by these statements.</p> <p>The misleading impression of the College West area created by this Section of the DEIR must be corrected in order to give the lead agency the information needed to correctly assess the impact of the Project on the aesthetics of the area.</p>
4.1-30	Thus, the proposed project would entail the introduction of multiple residential towers that would encroach into the canyon landscape.	The canyon is not landscaped—it contains native vegetation. It is a scenic vista. The DEIR should call it that.
4.1-33	Despite the presence of 11-story Chapultepec Hall in the view, the apparent scale of the building is reduced by distance and by the presence of tall and mature street	It is telling that the most positive thing that can be said about these buildings is that from some vantage points they are obscured from view.

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O6-105  
Cont.

O6-106

O6-107



## Responses to Comments - Organizations

	trees, which tend to screen the lower floors for of the residence hall from view	
4.1-33	Phase II development would rise above existing residential development and create visible scale contrast. However, the architectural details of the residence tower would be visible and the familiar pattern of arched windows and lightly colored exteriors prevalent in the Spanish Colonial and Mission Revival styles displayed by existing SDSU campus buildings would be evident	<p>The "Spanish Colonial" character of the Phase II building is nowhere evident in the renderings. The buildings could better be describe as "Las Vegas Kitsch." The DEIR should not use the term "Spanish Colonial" unless SDSU can identify a similar style building that existed in colonial Spain. There are plenty of similar buildings in Las Vegas, one of which is depicted in Exhibit 21 of these comments</p> <p>To suggest that the wonderful style of the window details would somehow compensate for the looming, hulking structures dominating the formerly quiet single-family neighborhood to the east is an heroic effort but belied by the renderings in the DEIR themselves.</p> <p>It is not clear that the authors of these paragraphs ever looked at their own renderings.</p>
4.1-33	Still, the proposed scale of the Phase II development would be taller than the single-story residences occupying the immediate foreground of the Key View 2 and along with Chapultepec Hall, the Phase II residence tower would dominate the view. As a result, the Phase II residential tower would create moderate form contrasts and impacts would be potentially significant	<p>Yes, a 13-story building is 1200% taller than a 1-story building.</p> <p>How is a 1200% a "moderate" form contrast?</p> <p>How is that "potentially significant" and not "significant?" In the minds of the authors of the DEIR, what would be the condition or event that would cause the 1200% form contrast to realize its "potential" to become significant? Perhaps it will only be significant if someone looks at it?</p> <p>This construction and characterization is another heroic attempt in the DEIR to minimize and obscure a basic indisputable fact of the Project design: it will dominate and destroy the nature and ambiance of the single-family residential community immediately adjacent.</p> <p><b>The DEIR must recognize that the impacts are significant and not mitigated, not merely potentially significant.</b></p>

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O6-107  
Cont.

O6-108

O6-109

## Responses to Comments - Organizations

		<p>Nor would reducing the height of the building to make it equal to the adjacent Chapultepec tower cure the problem. A 1000% form contrast is still significant by any reasonable interpretation.</p>
4.1-33	A series of electrical distribution and communication lines are present and create dark straight and diagonal lines that are slightly chaotic.	<p>The utility undergrounding project currently underway in the CVE neighborhood will result in the electrical/communication lines being buried within the next 2-year period, before the Phase 2 and 3 projects could be completed. Exhibit 21 of these comments shows a map of block 701 of the undergrounding project. The renderings in the DEIR should have removed the electrical/communications lines to allow assessment of the visual impacts as they will actually exist.</p>
4.1-34	As shown in the visual simulation, the tall, rectangular wings of Phase III residence towers and the form of the 14-story Phase II residential tower would create a high level of contrast in scale when viewed against existing residential development in the foreground. Phase II and Phase III development appear to reach into the obscured canyon that would buffer the proximate existing residential development. The buildings would be substantially taller than existing structures in the residential neighborhood and would dominate the view. As a result, impacts associated with Phase II and Phase III development would be potentially significant.	<p>The 14-story building (when viewed from Hewlett Dr.) is 1300% taller than a 1-story building.</p> <p>How is a 1200% a "moderate" form contrast (see above) while now a 1300% a "high-level" of contrast? If the DEIR is using some private "Richter scale" of contrast significance levels it should be stated and the breakpoints for significance levels should be revealed.</p> <p>The phrase "obscured canyon" is tossed in as if that is a positive thing. Obscuring the canyon with massive, looming buildings is, in itself, a significant visual impact, even if no residential buildings were in the vicinity. How will an obscured canyon be a "buffer" for anything? This sentence must be rewritten so that it is not self-contradictory.</p> <p>How is this "potentially significant" and not "significant?" In the minds of the authors of the DEIR, what would be the condition or event that would cause the 1300% form contrast to realize its "potential" to become significant? Perhaps it will only be significant if someone looks at it?</p> <p>This construction and characterization is yet another heroic attempt in the DEIR to</p>

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Cont.

O6-110

O6-111

## Responses to Comments - Organizations

		<p>minimize and obscure a basic indisputable fact of the Project design: it will dominate and destroy the nature and ambiance of the single-family residential community immediately adjacent.</p> <p>The DEIR must recognize that the impacts are significant and not mitigated, not merely potentially significant. This Project would utterly destroy the character of an existing single-family neighborhood that has been in place since 1955, before San Diego State University came into existence.</p> <p>Nor would reducing the height of the building to make it equal to the adjacent Chapultepec tower cure the problem. An 1100% form contrast is still significant by any reasonable interpretation.</p>
4.1-49	As discussed above, impacts to scenic vistas were determined to be less than significant and as such, no mitigation measures are required.	<p>This "determination" was reached only by defining the term "scenic vista" out of existence, as commented on immediately above. The authors of the DEIR can call it an "off-site component" if they want, but it is still a scenic vista.</p> <p>Impacts to scenic vistas are significant and unmitigated in Phases 2 and 3.</p>

O6-111  
Cont.

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CVEA Comments

Attachment 3

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## Responses to Comments - Organizations

C:

### Comments on DEIR Section 4-3, Biological Resources

O6-113

Page	DEIR	Comment
4.3-20	SDSU was not involved with the preparation of the MSCP program in the mid-1990s. SDSU is not a signatory to the San Diego MSCP and is therefore not a "permittee" under this HCP. Because SDSU is not a Permittee of this HCP and because SDSU does not need to obtain any entitlements that would constitute a discretionary action by the City, adherence to the restrictions typically placed on land within the MHPA as per the City's Biological Resource Guidelines does not apply to SDSU or SDSU-owned land. However, the project's relationship to the MSCP is provided for informational purposes.	<p>The State of California is a signatory to the MSCP, and SDSU is a State entity.</p> <p>CSU/SDSU does not have the same degree of independence from the rest of California's government as that enjoyed by the University of California. UC is expressly mentioned in the State constitution and guaranteed independence from political interference. CSU was established by legislative statute, and for that reason, does not enjoy any more independence from State governmental regulations, policies and agreements than any other State agency.</p> <p>Unlike UC, CSU must adhere to agreements, policies and regulations that are generally binding on State agencies.</p>
4.3-21	On March 23, 2017, representatives from SDSU and Dudek met with City of San Diego Environmental Review Coordinator, Alyssa Muto, Senior Multiple Species Conservation Program Planner Kristy Forburger and Senior Planner Rebecca Malone to discuss the removal of the MHPA designation over the site and removal of the area as a "habitat gain" in the Habitak database (see Appendix D, which outlines the correspondence related to this mapping correction exercise). Based on review of a title report prepared in February 2017 for the project parcels and review of City records, the City concurred with SDSU that the designation of the portion of	<p>The City of San Diego incorrectly agreed to remove SDSU-owned APN 4621300700 from the MSCP/MHPA database on the basis that it was wrongfully included because SDSU was not a signatory.</p> <p>State agencies, including CSU (but possibly not UC) are bound by Section 14.7(B) of the MSCP Implementing agreement: "Federal and State Obligations. Federal and state agencies will manage, maintain and monitor all lands they contribute to the MSCP (whether owned or administered by them as of the Effective Date or later acquired) consistent with the MSCP."</p> <p>The City of San Diego agreed to remove lands owned by UC and CSU based on applying the degree of independence enjoyed by UC to the</p>

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## Responses to Comments - Organizations

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	the property as a "habitat gain" is an error.	CSU system as well. This was a mistake, and the City and SDSU must seek to remedy it.
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↑ O6-115  
Cont.

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## Responses to Comments - Organizations

D:

### Comments on DEIR Section 4-10, Land Use and Planning

Page	DEIR	Comment
4.10-5	The proposed project includes an amendment to the existing Campus Master Plan, which would add the proposed student housing and related facilities to the master plan. As such, the proposed project would be consistent with the applicable land use plan.	<p>There is no creative construction or interpretation that can paper over the fact that Project Phases 2 and 3 are contrary to and incompatible with the 2011 Campus Master Plan, which remains in force as the CSU Trustees-approved master plan that is supposed to guide campus development.</p> <p>To state that adding the development to the existing plan after the fact equals compatibility is to contort the meaning of the word "plan" beyond all recognition. By that logic, it would be "consistent with the applicable land use plan" to build dormitories on the moon.</p> <p>SDSU publicly stood before the CSU Trustees in 2011, asked for, and received approval of the 2011 Campus Master Plan (see Exhibit 4). At the same time, SDSU was privately pursuing a completely different concept for campus development, which was embodied in the Carrier Johnson depiction of the West Campus Housing Development shown in Exhibit 3. That document is dated 2010, which means even as SDSU was providing one public plan to the trustees it was acting according to a different, private plan.</p> <p>The EIR must: detail the reasons for deviating from the approved Campus Master Plan;</p> <ul style="list-style-type: none"><li>• explain why no CEQA-compatible alternatives analysis was performed to provide a rationale for deviating from the approved Plan (see attached comments on Section 6 Alternatives);</li><li>• explain why the CSU Trustees were never approached for approval of a modified Master Plan before proceeding to the NOP for this Project; and</li><li>• provide a detailed explanation of how SDSU's internal planning procedures and practices have been changed so that the lead agency and the public can have confidence that the master plan revision contained in the EIR will actually be used to guide campus planning going forward, and that approval for master-plan updates will, in the future,</li></ul>

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/attachment 3

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06-118

## Responses to Comments - Organizations

		be undertaken prospectively rather than retrospectively.
4.10-5	Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?	<p><u>Section 1.4.3 of San Diego Subarea Plan</u></p> <p>Regardless of whether or not the SDSU property involved in the Project is itself part of the City of San Diego Multi-Species Conservation Plan/Multi-Habitat Plan Area, it is adjacent to properties that are included.</p> <p>Noise emanating from the Project, both during construction and operation, will impact non-SDSU property that is protected by the MSCP/MHPA. Section 1.4.3 of the San Diego Subarea Plan states that:</p> <p>Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.</p> <p>In areas adjacent to the MSCP/MHPA, City regulations require that construction activities be limited to produce noise measuring no more than 60dB within 300 feet of a protected area if protected species are present. All of the proposed construction area for Phase 2 and Phase 3 lies within 300 feet of MSCP/MHPA protected lands, and SDSU has not done, nor in this DEIR proposes doing, any biological survey before or during construction on the non-SDSU properties adjacent to the project site.</p> <p>Various protected species, including California gnatcatchers and red-shouldered hawks, were identified in canyon areas that border on the Phase 2 and Phase 3 construction sites during a utility-undergrounding project in the spring of 2017. A City of San Diego Public-Records Act disclosure provides details at <a href="https://sandiego.nextrequest.com/requests/17-793">https://sandiego.nextrequest.com/requests/17-793</a></p> <p>Thus, the Project will conflict with the Multi-Species Conservation Plan—regardless of whether or not SDSU is a signatory—if the noise profile during construction or operation exceeds 60dB at any location within 300 feet of the boundary of SDSU's property line in the canyon area during the nesting season.</p> <p>The EIR must make clear what measures SDSU will incorporate into the Project, both during construction and</p>

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↑ O6-118  
Cont.

O6-119



## Responses to Comments - Organizations

		during operation, to ensure that noise emanating from the Project site will not exceed 60dB at the property line where SDSU-owned land adjoins MSCP/MPHA habitat.
4.10-5	Would the project conflict with any applicable plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, zoning ordinance, etc.) adopted for the purpose of avoiding or mitigating an environmental effect?	<p><u>San Diego Municipal Code</u> <u>Parking regulations</u></p> <p>The San Diego Municipal Code (SDMC) governs the use of Remington Road and 55th Street, which are not owned by SDSU. As noted in comments to Section 2 Project Description, the DEIR description of the Project depicts Remington Road as the means of accessing the buildings for residents, deliveries, supplies, move-in/move-out, maintenance vehicles, and public-safety vehicles.</p> <p>SDSU students, employees, and vehicles will be subject to regulation by the SDMC at all times while transiting to or from the buildings using City streets and sidewalks. As noted elsewhere in these comments, it is a basic feature of the Project design that Remington Road will be used vehicular and pedestrian access.</p> <p>This design concept is in direct conflict with the SDMC.</p> <p>Remington Road is a no-parking, two-lane connector road with a city-owned sidewalk and bike lane, designated as having no fronting uses. SDSU's design concept relies on the systematic violation of the parking regulations contained in SDMC Chapter 8 Article 6 Division 1. Comments to Section 4.14/Appendix K Traffic provide definitive evidence that in 25 years of attempting to operate the existing Chapultepec dormitory building in conformity to the SDMC, SDSU has not found—and can never find—a combination of signage, enforcement and regulation that will permit the dormitory to comply. This is because the systematic incompatible use of Remington Road is not an unintended side-effect of the design: it is the planned means of accessing the buildings.</p> <p>Putting fronting uses on a street designated for no fronting uses is a fundamental conflict that cannot be resolved by mitigation measures.</p> <p><u>Noise regulations</u></p> <p>Noise levels in the residential-property areas adjacent to the Project Phase 2 and Phase 3 sites are governed by SDMC Chapter 5 Article 9.5. Additionally, California Health and Safety Code Section 46000, also known as the California Noise Control Act of 1973, declares multiple guidelines for noise intrusion including section (f) "All Californians are</p>

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## Responses to Comments - Organizations

		<p>entitled to a peaceful and quiet environment without intrusion or noise which may be hazardous to their health and welfare. Section 65302 of the California Government Code provides guidelines for general plans including section (f) to include a noise element that shall identify and appraise noise problems in the community. California State Civil Code 3479, 3480, 3484 provide definition of a public nuisance including "Anything which .... Interfere(s) with the comfortable enjoyment of life or property... is a nuisance,"</p> <p>Operational noise from the dormitories must be curtailed and enforcement measures must be specified in the EIR to ensure compliance with SDMC, the California Noise Control Act, the California Government Code, and the California State Civil Code.</p>
	<p>Would the project cause a cumulatively considerable land use impact?</p> <p>Because the proposed project would not physically divide an established community, conflict with any applicable land use plan, or conflict with any applicable habitat conservation or natural community conservation plan, the project's contribution to any potential cumulative impacts would not be cumulatively considerable, and therefore, the project would not cause a significant cumulative land use impact.</p>	<p>This statement is gobbledegook. If it is intended to mean something, and not just take up space on a page, it should be rewritten so that its meaning can be understood.</p> <p>This Project will cause a cumulatively considerable impact. See part A of these comments on DEIR Section 2, Project Description for details.</p> <p>The Project contributes toward the growth of campus FTEs by providing a substantial piece of the portfolio of new campus construction identified in the 2007 Campus Master Plan. The cumulative effects will attach to traffic, pollution, air quality, sustainability, and myriad other issues. The DEIR must recognize that developing the campus piece-by-piece instead of under the umbrella of an environmentally evaluated campus master plan does not avoid the issue of cumulative significance.</p>

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## Responses to Comments - Organizations

E:

### Comments on DEIR Section 4-11, Noise

Page	DEIR	Comment
4.11-10	<p>As indicated in Significance Threshold 1, the City's General Plan and Noise Ordinance (outlined in Section 3.2.3 above), were utilized to develop the following project-specific thresholds of significance:</p> <p>III Traffic: A significant noise impact would result if the project would increase the existing noise level by 3 dB or more in areas where the existing noise level exceeds 65 dB CNEL. A significant noise impact would result if the project would exceed the City's General Plan 65 dB CNEL exterior noise criteria at an outdoor use area of proposed residential uses. A significant noise impact would result if the project would exceed the state's interior 45 dB CNEL for multifamily dwelling units.</p> <p>III Stationary Uses: A significant noise impact would result if the stationary equipment generates noise levels exceeding the City's noise ordinance criteria, set forth in Table 4.11-3, above.</p> <p>III Temporary Construction Noise: A significant noise impact would result if temporary construction noise levels exceed 75 dB for 12 hours within a 24-hour period at or beyond the property lines</p>	<p>This section of the DEIR is inadequate because it fails to recognize operational noise from the project, and fails to recognize that construction noise in the vicinity of the MSCP/MHPA areas is regulated by Section 1.4.3 of San Diego Subarea Plan.</p>

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## Responses to Comments - Organizations

of any property zoned residential.	
Table 4.11-5	<p>Noise levels indicated in this table would be in violation of Section 1.4.3 of the San Diego Subarea Plan.</p> <p>Regardless of whether or not the SDSU property involved in the Project is itself part of the City of San Diego Multi-Species Conservation Plan/Multi-Habitat Plan Area, it is adjacent to properties that are included.</p> <p>Noise emanating from the Project, both during construction and operation, will impact non-SDSU property that is protected by the MSCP/MHPA. Section 1.4.3 of the San Diego Subarea Plan states that:</p> <p style="padding-left: 40px;">Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.</p> <p>In areas adjacent to the MSCP/MHPA, City regulations require that construction activities be limited to produce noise measuring no more than 60dB within 300 feet of a protected area if protected species are present. All of the proposed construction area for Phase 2 and Phase 3 lies within 300 feet of MSCP/MHPA protected lands, and SDSU has not done, nor in this DEIR proposes doing, any biological survey before or during construction on the non-SDSU properties adjacent to the project site.</p> <p>Various protected species, including California gnatcatchers and red-shouldered hawks, were identified in canyon areas that border on the Phase 2 and Phase 3 construction sites during a utility-undergrounding project in the spring of 2017. A City of San Diego Public-Records Act disclosure provides details at <a href="https://sandiego.nextrequest.com/requests/17-793">https://sandiego.nextrequest.com/requests/17-793</a></p>

↑ O6-123  
Cont.

↓ O6-124

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## Responses to Comments - Organizations

		<p>Thus, the Project will conflict with the Multi-Species Conservation Plan—regardless of whether or not SDSU is a signatory—if the noise profile during construction or operation exceeds 50dB at any location within 300 feet of the boundary of SDSU's property line in the canyon area during the nesting season.</p>
4.11-11	<p>Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p>	<p>The EIR must make clear what measures SDSU will incorporate into the Project, both during construction and during operation, to ensure that noise emanating from the Project site will not exceed 60dB at the property line where SDSU-owned land adjoins MSCP/MPHA habitat.</p> <p>Operational noise from the Project has the potential and high likelihood of violating City of San Diego Municipal Code 59.5.0401 (Noise Ordinance), Sound Level Limits given in DEIR Table 4.11-3.</p> <p>The Project proposes creating student housing with outdoor facilities for parties, recreation, music events, and general socializing by a demographic that in general does not confine such activities to daylight hours.</p> <p>The Project proposed placing such uses within less than 50 yards of a quiet residential neighborhood.</p> <p>No plan or approach is considered in the DEIR to address such questions as:</p> <ul style="list-style-type: none"> <li>• How often will the existence of such high-density student residences in abrupt proximity to a low-density quiet residential neighborhood give rise to noise events that violate SDMC limits?</li> <li>• If such noise events occur, what responsibility will SDSU take for curtailing them?</li> <li>• Will UPD accept noise complaints from nearby residences and act on them without requiring a call to SDPD?</li> <li>• What priority will UPD give to servicing noise complaints?</li> <li>• What practices and policies will be in place to curtail outdoor partying/socializing events on public streets in or near the nearby residential neighborhood?</li> </ul>

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Cont.

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		<ul style="list-style-type: none"> <li>Will SDSU and UPD accept the SDMC limits as being applicable to SDSU residence halls?</li> </ul> <p>Without answering such concerns and issues, the EIR will not adequately inform the lead agency as to the environmental impacts of the Project. The deficiency of the DEIR in this respect must be corrected.</p> <p>Without such correction, the operational noise impacts must be counted as <b>potentially significant and unmitigated</b>.</p>
4.11-23	<p>MM-NOI-2. Prior to construction of Residence Halls 1, 2, and 4, SDSU, or its designee, shall conduct an interior noise study to demonstrate and ensure that, following construction, the interior noise level for all habitable rooms fronting on Remington Road and 55th Street is mitigated to 45 decibels (dB) Community Noise Equivalent Level (CNEL) or less. It is anticipated that compliance with the applicable standard shall be achieved by implementation of various noise abatement strategies, such as sound-rated windows and air-conditioning or mechanical ventilation.</p>	<p>It is touching that SDSU has high concern for noise levels entering students' rooms from the outside (perhaps from loud, all-night parties by their nearby neighbors in CVE), but it is a deficiency of the DEIR to ignore the noise levels emanating from the students' rooms to the outside, into the into the nearby residential neighborhood.</p> <p>Music amplification equipment, large numbers of students congregating and socializing in common areas or individual rooms, and other activities will give rise to noise levels in excess of SDMC limits.</p> <p>This is a significant, unmitigated impact of the Project, entirely unaddressed in the DEIR.</p> <p>Mitigation measures must be proposed to address these impacts.</p>

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### Comments on DEIR Section 4-13, Public Services

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Page	DEIR	Comment
4.13-2	Depending on the incident and available resources, the SDSU campus is served by three Fire-Rescue Department fire stations (Stations 10, 17, and 31) located within the general vicinity of the project site.	<p>Public streets 55th and Remington Road are a vital link for City of San Diego Fire and Ambulance Services to access the 340 plus residential homes located in College View Estates. The City standard for ambulance response time is 12 minutes or less, 90% of the time.</p> <p>The EIR must include an analysis to show that introduction of new student facilities along Remington Road allow the City of San Diego to maintain this standard. The analysis must be completed in recognition of the reality that design features of the Project will give rise to incompatible uses of Remington Road, and that these uses may impede access by emergency vehicles.</p> <p>Fire and Ambulance services to CVE come from City Fire Station 10 located in the Rolando area. The vehicle path between Fire Station 10 and College View Estates is very congested:</p> <ul style="list-style-type: none"><li>• Two or more intersections operating at LOS F service levels,</li><li>• long vehicle queues requiring emergency vehicles to dangerously traverse into oncoming traffic,</li><li>• two or more heavily used pedestrian crosswalks requiring long queue times,</li><li>• an arena with many programs operating at a 12,000 seat capacity,</li><li>• and with this Project, new student facilities with 2,700 beds and designed for access using Remington Road.</li></ul> <p>A letter from the City of San Diego Fire Chief must be included in the EIR indicating the standards for service can be maintained following implementation of each Project phase. This letter should recognize the increased delay that will accrue to service to the CVE neighborhood due to planned incompatible uses of Remington Road.</p>

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		<p>A new fire station may be required to support these vital services, and if so should be included as a mitigation before new student housing is constructed, and the fair-share cost of that municipal improvement must be bundled into the Project and revealed in the EIR.</p>
4.13-5	<p>UPD is the designated first responder for all incidents on campus and within the College Area Community.</p>	<p>This is not the case.</p> <p>Residents in the College Area Community who contact UPD to report an incident are told to report it to SDPD. UPD will neither take a report nor dispatch an officer off campus unless SDPD first comes to the scene and then requests backup from UPD. This is not "first responder" status.</p> <p>Additionally, Remington Road and its adjoining sidewalk is not campus property. UPD have never enforced parking regulations on Remington Road, because it is a City street and UPD does not have authority to issue citations for City parking infractions.</p> <p>Elsewhere in the DEIR, particularly Section 4.14/Appendix K Traffic, it is stated that ticketing and enforcement of parking violations on Remington Rd. will be conducted by UPD and SDPD. SDSU and this DEIR do not have the authority to commit SDPD to any level of enforcement, and UPD do not have the authority to enforce parking violations. Therefore, such statements in this DEIR are meaningless and misleading and must be removed.</p>

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### G: Comments on DEIR Section 4-14 and Appendix K, Transportation-Circulation and Parking

#### G.1 Background

The DEIR calls for the construction of new dormitory buildings fronting on a short stretch of Remington Road, a public city-owned street. Remington Road was constructed as a country lane in the 1950s leading to the new housing development College View Estates (CVE), which at that time was some distance from the college campus. Remington Road remains the main access road for the 300-some homes in CVE. Over time, San Diego State College became San Diego State University, which bought up land on both sides of Remington Road. In the 1990s Chapultepec Hall, an 830-bed 12-story dormitory, was constructed fronting on Remington Road. The road was not upgraded, and is still classified by the City of San Diego as a two-lane collector road with no fronting uses. (This is belied by the fact that there is now a 12-story dormitory fronting onto the street.) See Exhibit 11 for a photo of the existing Remington Road.

The DEIR calls for the construction of new dormitories fronting on the same stretch of Remington Road, with no infrastructure upgrades. These will be built in three phases, and each phase will include approximately 850 beds. Thus, the existing population housed in buildings fronting on Remington Road will be more than quadrupled by this project. In addition, Phase 1 will include the construction of a food-service facility, also fronting on Remington Road.

As shown in Exhibit 11, Remington Road is red-striped with a bike lane and "no parking" signs. Because the existing dormitory does not provide adequate facilities for passenger pick-up/drop-off, deliveries (FedEx, USPS, UPS, vending services, food services), or maintenance vehicles, the red-striped curb and the adjacent city sidewalk are often blocked by passenger vehicles, delivery trucks, SDSU maintenance vehicles, and public-safety vehicles. As a result, controlled observations of the street in front of the existing dormitory (see the appended Research Report) revealed that the bicycle lane, traffic lanes, and sidewalk are obstructed between 35% and 85% of the time, depending on when the observations took

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place. This is despite the current implementation of all significant mitigation measures that SDSU has proposed in the DEIR.

The proposed Phases 1-3 do not remedy this deficiency. Phase 1 will include a small four-car turnout for pick-up/drop-off and loading, and, as has been shown in the Research Report, this is far from adequate. Additionally, the Phase 1 project will remove an existing four-car turnout that presently is in front of Chapultepec Hall. Moreover, Phases 2 and 3 are designed to give service and delivery vehicles no option but to park illegally, either on the red-curb bike lane, partially blocking the traffic lane, or straddling the curb and the sidewalk, if they are to access the buildings. See Exhibits 12 and 13 for illustrations of the parking practices for deliveries, service vehicles, and passengers at the existing building. It should be noted that the practice of illegal, dangerous and incompatible use of Remington Road is not confined to external users. SDSU's own campus-owned service vehicles follow the same incompatible and illegal practices when servicing the existing dormitory building (Exhibit 13).

To understand what the impact will be of quadrupling the number of dormitory residents on this short road segment, the best place to start is to look at the existing Chapultepec tower. Unfortunately, there is little or no evidence in the DEIR that this was ever done as the analysis for DEIR Section 4-14/Appendix K was conducted.

The idea of housing 3400 or more students in buildings fronting on a red-curbed bike lane, with three of the four phased structures having no compatible and legal means of access, would seem preposterous. Yet, that is what the DEIR proposes, and it is an approach that was endorsed in the DEIR traffic study.

### G.2 General comments on DEIR traffic study

The DEIR traffic study was conducted for SDSU and their contractor Dudek by Lanscott, Law & Greenspan. Evidence from the DEIR suggests that work on the traffic study began at least as early as February, 2014.

The traffic engineers evidently did not collect any data from or make any observations of the existing Chapultepec dormitory. Because the existing dormitory is nearly identical in size, placement, and proposed occupancy (i.e., undergraduate freshmen) as each of Phases 1-3, the best way to estimate the likely impact of the future phases in terms of traffic generation and distribution, as well as incompatible uses, would be to study the actual impacts of the existing building. For whatever reason, shortcuts were taken.

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- No trip-generation study was conducted on the SDSU campus. Instead, a trip-generation multiplier from a 2009 study done at Chapman University in Orange, CA, was used. There is no reason to believe that trips-per-bed generated by a dormitory at an urban-downtown location in Orange (within walking distance of off-campus facilities, restaurants, coffee shops, and popular student hangouts) will be comparable to dormitories situated at a remote corner of the SDSU campus, where there are no off-campus walkable amenities for the students.
- No observations were taken regarding the endpoints of trips to and from the existing building. Instead, it was assumed that 95% of the generated trips will begin or end at Parking Structure 12, which is a 4-10 minute walk from the Phase 1-3 buildings. The controlled observations summarized in the attached Research Report reveal almost as many peak-hour trip endpoints in front of the existing building as the DEIR projects overall for the entire Phase 1 project. If this truly represents only 5% of the trips than the entire DEIR traffic study is based on dramatically erroneous assumptions.
- No acknowledgement or analysis was undertaken of the use by students of car-sharing apps such as Uber and Lyft. The 2009 Chapman University study predates the existence of these transportation options. Even a short period of observation of the existing building has revealed the significant extent to which students make use of these apps. Each trip using Uber generates two times the traffic as if a private vehicle were used. Moreover, these services are used as substitutes by students for other forms of public transportation, so that the DEIR traffic study's assumptions in those areas are questionable. Without studying this usage, the DEIR cannot claim to be based on realistic assumptions.
- No observations were made at the intersection nearest to the Phase 2 and Phase 3 buildings: Remington Road at Hewlett Drive. Instead, the DEIR traffic study relies on a Sandag model to declare it a "certainty" that no more than 2% of traffic generated by the project will use the route through that intersection in the CVE neighborhood to reach Montezuma Road and Highway 8. This is despite the fact that navigation apps such as Google Maps recommend using the CVE route when the alternative (55th street) is congested (see Exhibit 17). A cursory observation would reveal that the 2% estimate is unrealistic, but no observation at all was undertaken.
- No trip-generation was considered or included for the food-service operation that is to be constructed during Phase 1. Delivery trucks, employees, and customers of the facility will produce traffic impacts that are completely ignored in the DEIR.

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For all of these reasons, the assumptions made in the DEIR traffic study are suspect. There should have been observations taken and a trip-generation study done that are specific to the SDSU campus and the location of the proposed project. There was every opportunity to do so. To ignore the availability of the existing Chapultepec dormitory as a source of valid estimates for Phases 1-3 and the impact of recent technology on students' use of transportation options is an inexcusable shortcut.

If the lead agency relies on the Traffic sections of the DEIR as written, their ability to properly assess the impacts of the Project will be unacceptably impaired.

### G.3 DEIR treatment of significance criteria

Contrary to the finding of no significant impact in the DEIR, it is clear that that the Phase 1-3 buildings will create significant, unmitigated impacts on Remington road.

The DEIR contains the following statement regarding inquiries that are to be addressed under CEQA guidelines (Appendix K p. 19):

Would the project ... substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (The proposed Project does not include design features or incompatible uses that would substantially increase hazards, and, therefore, no further analysis of this criterion is required.)

On the contrary, as noted above, the project's design will leave no option but for maintenance, delivery, public-safety and passenger vehicles to violate the red-curb no-parking restriction if they are to obtain adequate access to the buildings. The Phase 2 building, in particular, is to be built with no setback from the city sidewalk, with a canyon behind that precludes building any kind of access pathway or road. The attached Research Report documents the extent of obstruction of bicycle lanes, travel lanes, and sidewalks due to the existing, adjacent Chapultepec dormitory. Given that data, the design and placement of the Phase 1-3 buildings, especially Phase 2, must be considered to be an element that will "increase hazards due to incompatible uses." Simply declaring the opposite to be true does not make the problem go away.

The DEIR does not describe any mitigation plan that would require service vehicles and delivery trucks to make use of legal parking some distance away from the proposed buildings. If such a mitigation were to be proposed, it would have to be explained how bulky items for delivery, thousands of students carrying move-in and move-out possessions, and trucks delivering food and supply items for the restaurant

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would be moved a substantial distance along public sidewalks without the use of vehicular transport and without blocking the sidewalk or street for normal pedestrian and vehicular access. The examples of Remington Road serving as a loading zone and its sidewalk as a loading dock that are presented in Exhibits 12-15 cannot be ignored—indeed it must be taken into account that such activity will at least quadruple if the Project is completed according to the description in the DEIR.

Appendix K pp. 20-21 include the following guidance from the CSU Transportation Study Impact Manual for determining the level of significance of these impacts:

- Safety: Directly or indirectly cause or expose all users (motorists, pedestrians, bicyclists, and bus riders) to a permanent and substantial transportation hazard due to a new or existing physical design feature or incompatible uses.
  - *Comment: the physical design of the buildings, lacking facilities for access, will expose all of these users to transportation hazards due to incompatible uses. Trucks parked in the bicycle lane and straddling the sidewalk block drivers' view of pedestrians, cyclists and skateboarders. Serious injuries and fatalities will occur as a result; the only question is how many and how often.*
- On-Site Circulation: Project designs for on-site circulation, access, and parking areas are inconsistent with the circulation and parking plans in the Campus Master Plan or with applicable roadway design standards.
  - *Comment: Remington Road is designed as a two-lane connector with no fronting uses. Placing large dormitories fronting on this road and using Remington Road to access the buildings is in conflict with roadway design standards.*
- A project fails to provide adequate accessibility for service and delivery trucks on-site, including access to truck loading areas.
  - *Comment: The project has no accessibility for service and delivery trucks on-site, and most phases have no truck-loading areas.*
- A project fails to provide adequate accessibility for pedestrians and bicyclists.
  - *Comment: Blockage of the bike lanes and sidewalks when they are used as makeshift loading docks and pick-up/drop-off areas will eliminate adequate accessibility.*

Having identifying these specific criteria, however, the DEIR apparently never returns to the subject of evaluating the proposed project against them. Instead, in Section 16 beginning on p K-85, the

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significance of impacts is limited to a discussion of road segments and intersections, not including Remington Road.

The proposed project presents significant impacts under criterion (d) on p. K-19, and that the level of significance is evident from the guidance given. The DEIR should specify that the project will have a *significant and unmitigated impact* due to criterion (d).

### G.4 DEIR proposed mitigation measures

The DEIR proposes a number of mitigation measures to reduce the impacts on Remington Road, despite denying that there are any impacts. The following table contains a summary and commentary regarding these measures. None of these are sufficient to cause a notable reduction of the incompatible use of the road.

Measure	Current or new	Comment
<b>A dedicated pick-up/drop-off zone on Remington Road (4 spaces)</b>	There currently is a 4-space turnout at the existing Chapultepec dorm. This will be removed as part of the project and replaced with a different 4-space turnout nearby. There will be no net increase in off-street spaces for deliveries, pick-up or drop-off.	The observations in the attached Research Report were conducted under conditions of having a 4-space turnout in place. The DEIR did not do any analysis to determine whether a 4-space turnout will be adequate. The Research Report analysis shows that a minimum of 20 spaces would be needed to reduce street, bike lane and sidewalk blockage to an acceptable level and that even then the spaces would have to be separated from the main roadway and a pedestrian barrier put in place to encourage use of the turnout instead of stopping in the main travel lane.
<b>Synchronization of traffic signals on 55th street</b>	New	This is irrelevant to the problem of blockage on Remington Road. It could have an impact on the amount of traffic that chooses the route through CVE instead of taking 55th street.
<b>Repainting curbs on Remington Road</b>	Nothing new. Curbs are regularly repainted by the City.	All observations in the Research Report were done under conditions of well-marked curbs
<b>Changing wording on signs from no-parking to no-stopping, placing tow-away</b>	New	This is the only "mitigation" measure that differs from current practice, and it is trivial. The warning sign at the

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warning at entrance to CVE. Temporary no-parking sandwich-board sign during special events.		entrance to CVE could not be enforced, because parking at most times and in most places is perfectly legal in CVE and nonresident cars cannot be towed. The tow-away warning would be irrelevant to the problem of incompatible use of Remington Road. If SDSU is suggesting that the City should step up parking enforcement in CVE then SDSU should pay its fair share of the increased cost. A sandwich-board warning during special events is irrelevant to this project. See Exhibit 15 for an illustration of the effectiveness of no-parking and no-stopping warnings along Remington Road.
Parking guards at CVE entrance during special events.	This has been the practice since Viejas Arena was built in the 1990's. Nothing new.	This is irrelevant to the proposed project. The project has nothing to do with special events. This "mitigation" evidently was included just to pad the list.
Additional lighting along Remington Road	New, but not a mitigation measure	The DEIR seems to imply that since the incompatible uses of Remington Road will occur, at least they should be well-lighted to reduce accidents. If the street were not being impacted by incompatible use, current lighting in place would be sufficient for safety. The current lighting is completely compatible with San Diego city standards for a two-lane collector road. It is only because SDSU plans to co-opt the road and use it for private purposes that the lighting would be needed.

If SDSU has confidence that there are mitigation measures that will prevent the incompatible and illegal use of Remington Road that arises from the Project design, then it should commit to a stated level of operational performance. If SDSU is unwilling to make such a commitment, it proves that the mitigation measures recited in the DEIR are simply empty, hollow promises, which have never worked in the past and SDSU itself does not believe will work in the future.

The following statement, if included in the EIR, would demonstrate that SDSU believes its own words:

San Diego State University agrees to implement any and all mitigation measures necessary—up to and including discontinuing dormitory operations—to ensure that Remington Road will be

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obstructed by stationary vehicles associated with the dormitories no more than 5% of the time during any selected 2-hour period.

A rate of obstruction of 5% would give SDSU a generous amount of leeway in the performance commitment—a no parking/no standing zone should be obstructed 0% of the time. If SDSU is unwilling to commit to a performance standard such as this, the lead agency will know that the impacts to Remington Road from design features of the project are significant and unmitigated.

### G.5 Other specific comments

Page	Comment
4.14-1 "It is certain that the proposed Project would not result in significant traffic capacity impacts in the College View Estates community."	<p>This is based on consulting a Sandag model. No model can produce a certainty. Drivers do not consult Sandag's model when they decide which route to take, but they likely do consult a navigation app. These apps often recommend using CVE streets to avoid congestion on 55th St and Montezuma when heading from the project site to Highway 8 or Mission Valley.</p> <p>Exhibit 17 contains a screenshot from the Google Maps navigation app taken at the east side of PL 10A, where the Phase 2 building would be placed. The app recommends using streets through CVE to reach a point near the intersection of Fairmount Ave. and I-8. Such apps take account of current congestion and recommend the fastest route. The screenshot documents that, even without the proposed Project, there is sufficient congestion on 55<sup>th</sup> street and Montezuma Road at some times of day to make travel through CVE the faster option. After construction of the Project the additional congestion will make it even more likely that the app will recommend the CVE route. At equilibrium, enough traffic will be diverted through CVE to equalize the delay between the two alternative routes.</p> <p>All of this could have been studied by actually observing traffic patterns in CVE. No observations were done, even at the closest intersection to the Phase 2 building site. The methodologies used in the DEIR ignore technological advances that have changed car usage in recent years (navigation and car-sharing apps, specifically).</p> <p>The EIR must contain a proper study of impacts on streets in the CVE neighborhood, and not rely on a model that can be shown to be flawed in light of current technologies and their use by drivers, particularly college-age drivers.</p>

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<p>4.14-5 and 4.14-7, "Phase I would generate ... 39 inbound / 33 outbound trips during the PM peak hour." "... 5% of project-generated traffic will travel to and from the Project site directly, while the other 95% would travel to and from Parking Structure 12."</p>	<p>The controlled observations summarized in Appendix A show more than 25 inbound and outbound trips beginning/ending at the project site during specific hours. If this represents only 5% of the project-generated traffic for an 800+ bed dormitory, then Phase I must be expected to generate more than 500 trips during peak hours. This obvious inconsistency could have been avoided if the DEIR study were based on actual observations rather than an outdated study from 2009 at a distant campus that is not transferable to the SDSU campus. As it is, the clearly inaccurate estimates, on which all other calculations are based, casts doubt on the entire DEIR traffic analysis.</p>
<p>4.14-39, "... the Project would not result in an increase of student enrollment above existing levels"</p>	<p>This is a false statement. Project Phase 1 implements the sophomore live-on requirement (LOR) and only requires 600 beds (existing sophomores living off-campus will be required to live on-campus). After Phase 1 is completed, sufficient beds will be available for all out-of-area freshmen and sophomores at current enrollments to live on campus. Project Phases 2 and 3 cannot be filled by freshmen and sophomores at current levels of enrollment. SDSU has not suggested a LOR for juniors and seniors; and because about half of juniors and seniors transfer in from community colleges the Phase 2&amp;3 bed count would not be sufficient for that. Although SDSU has not described the enrollment scenario that would fill the Phase 2&amp;3 beds and trigger their future construction, a general enrollment increase above existing levels is the only feasible scenario. The Phase 2&amp;3 buildings are not compatible with campus housing needs at current enrollment levels.</p> <p>To gain an understanding of the enrollment levels that would be compatible with the construction of Phases 2&amp;3, the decertified 2007 Campus Master Plan gives SDSU's most recent estimates. Approximately 3000 new beds were estimated to be needed in the portfolio of construction projects that would support a campus enrollment of 35,000 FTES. Since that time, SDSU has constructed 600 beds at South Campus Plaza and with this DEIR proposes 2600 more. Thus this Project can best be viewed as completing one piece of a campus build-out to the level needed to support 35,000 FTES.</p> <p>The best information available, then, suggests that only 23% of the beds in the Project would be filled by students currently attending SDSU at today's enrollment levels. The other 77% represent the support for an increase in campus FTES to at least 35,000.</p>
<p>4.14-40 "the proposed Project would not result in a significant impact related to parking"</p>	<p>This is based on the false assumption discussed immediately above. The 2007 Campus Master Plan contains a summary of the parking needs to support enrollment growth to a level that</p>

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	<p>would be compatible with the construction of Project Phases 2 and 3.</p> <p><a href="http://advancement.sdsu.edu/masterplan/2007/approval.html">http://advancement.sdsu.edu/masterplan/2007/approval.html</a></p> <p>See the paragraphs below this table for a further discussion of the DEIR's inadequate and false conclusions about parking impacts of the Project.</p>
4.14-40 "Regular enforcement of the existing residential parking permit program limits campus spillover parking during the times of enforcement."	<p>The city Area-B permit program only covers about one-half of the streets in CVE. There is free, 24-hour on-street parking in CVE that is a shorter distance from the Phase 2 structures than is Parking Structure 12 on campus. No enforcement measures are available to reduce this spillover.</p>
4.14-40 "It is unlikely that these students would park in the CVE neighborhood at night, only to have to move their vehicle and park on-campus before 8am once the Area B enforcement begins."	<p>As noted immediately above, Area B only covers half of CVE. Enforcement hours for those streets covered only account for 32% of the hours in a week. Students can park anywhere in CVE from 7pm Friday to 8am Monday, and in one-half of CVE on a 24/7 basis. Saying that something is "unlikely" is pure speculation based on no evidence whatsoever, because the DEIR does not contain any data that came from studying conditions on the ground at the existing Chapultepec dormitory.</p>
4.14-40-41 "Changes to the existing parking permit program that may be desired by the CVE residents are beyond the scope of the proposed Project and this analysis."	<p>SDSU appears to be saying that there will be an impact on CVE, but the residents should simply bear it and, if they choose, they can petition the city to implement more-restrictive measures on their streets. This is an arrogant and unacceptable statement to appear in an EIR. CVE residents endure personal inconvenience from the existing Area B regulations, as it limits their ability to entertain and enjoy their own properties. SDSU's attitude appears to be that the university will not take responsibility for the impacts of its projects on the surrounding neighborhood, rather, the residents should simply suffer through it.</p>
4.14-42 "... students moving into the Chapultepec Residence Hall are directed to park in Parking Structure 12 ... Similar instructions would be provided for move-in operations for the Project "	<p>When the project is complete, 3400 students will be expected to move their belongings 1000 feet or more from Parking Structure 12 to the entrance to their dorm on Remington Road during a 1-day period. The DEIR shows a circulation pattern on the Remington Road sidewalk. To avoid blocking the sidewalk and creating incompatible use, this move-in would have to be accomplished by students walking in single file, carrying all of their belongings for an academic year, without vehicular transport of any kind. Exhibit 2 contains photographs of the current move-in/move-out process on Remington Road from Chapultepec Hall. The no-parking restrictions are ignored, and dozens of cars vie for illegal parking places. There are no proposed mitigation measures that will change this picture once the project is built out--the difference will be that instead of 830 students it will be 3400 students all trying to move in or</p>

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	<p>move out at once. The existing situation is chaotic and unacceptable. The future situation will be pure gridlock on the sidewalks, bike lanes, and travel lanes, as discussed in the attached Research Report. The basic problem is one that cannot be mitigated: fronting high-density dormitories on a two-lane connector road that is designed for no fronting uses simply will not work. There is no feasible enforcement scenario that will allow the move-in/move-out processes to proceed without involving impacts on pedestrian and vehicular use of Remington Road. This is yet another instance where a failure to observe actual conditions on the ground at the existing dormitory has led to statements in the DEIR that are at odds with all experience, expectations, and common sense.</p>
<p>4.14-42: "Under existing conditions, drivers illegally stop their vehicles along Remington Road to either drop-off or pick-up students or deliveries despite the No Parking red curb. When drivers stop, the two-lane road effectively becomes one lane resulting in increased congestion and potential safety hazards. As a Project feature, the red curbs along Remington Road would be repainted and the existing signs would be modified from "No Parking" to "No Stopping at Any Time" signs. (See EIR Section 2.0, Project Description.) Several signs would be posted at short intervals in the area. Accordingly, anyone using these areas as loading zones would be ticketed. Additionally, the Project would include a dedicated pick-up/drop-off zone within the Project site. (See EIR Section 2.0, Project Description.) Off street delivery trucks and ride-hailing and ridesharing vehicles could park in this area rather than idle along Remington Road and 55th Street. This would further assist in reducing congestion on Remington Road due to loading and unloading. These Project features would help prevent unsafe traffic conditions due to stopped or</p>	<p>Enforcement and ticketing is not a credible mitigation unless SDSU is committed to arranging for the presence of sworn officers on a permanent basis in front of the proposed buildings on Remington Road, ticketing each and every vehicle—including USPS, FedEx, UPS, SDSU-owned service vehicles, Uber, Lyft, pizza and food delivery services—that stop even momentarily on Remington Rd. As documented in the Research Report attached to these comments, obstruction of Remington Road is not a matter of a few vehicles parking for extended durations—it is many vehicles parking for short durations. An enforcement strategy that sends an officer to the site on a periodic basis will not mitigate this. Nor will an enforcement protocol that allows officers to issue warnings or to allow stopped vehicles a chance to "move along" to avoid ticketing. By the time an officer tells an Uber driver to move along, the obstruction has already occurred and the officer's intervention will only serve to prolong it.</p> <p>Moreover, UPD officers do not have the authority to issue parking citations on City streets. Thus, if enforcement is to be a mitigation, the EIR must show that the City of San Diego has agreed to provide a permanent police presence and that SDSU will reimburse the City for the cost. If it is to be effective, the enforcement must be done by a sworn officer who can order a driver to remain in position while a ticket is issued. Non-sworn parking enforcement personnel will be unable to issue citations to a driver who simply leaves the scene before the ticket can be issued.</p> <p>The inadequacy of the proposed four-car turnout is documented extensively elsewhere in these comments, and in the attached Research Report.</p>

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Cont.

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idling vehicles along Remington Road."	All of these facts are well-known to SDSU, because in 25 years of operating the existing Chapultepec dorm there has been no effective means found for preventing the continuous obstruction of Remington Road as part of the normal operation of the Chapultepec tower. This proposed Project will quadruple the impact, without effective mitigation. The EIR must acknowledge these facts.
Appendix K Traffic counts by Accurate Video Counts	All observations were done on April 19, 2016 except for Remington Rd and 55th St. These were done on December 13, 2016 which is 2 days prior to the start of the final exam period for the fall semester. Normal campus events are curtailed during this time period, and students in preparation for exams do not undertake their usual daily activities. The counts should have been taken during a typical mid-semester time period. Evidently either measuring traffic on Remington Rd was an afterthought, or the investigators repeated the counts during a quieter period so as to produce results more in line with desired findings.

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Cont.

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### G.6 Parking

As noted in the table above, there are specific statements in the DEIR regarding parking impacts of the Project that are incompatible with fact.

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- On page 4.14-39 of the DEIR it is stated: "Based on Fall 2015 SDSU parking permit sales, approximately 32% of on-campus resident students bring a vehicle to campus." This statement lacks even face validity.
  - a. In Fall 2015 the vast majority of students living on campus were freshmen. There were relatively few sophomores. The LOR of the Sophomore Success Program will change the mix of students living on campus to be about evenly divided between freshmen and sophomores. Out-of-area sophomores, unlike freshmen, are familiar with the city and have had one year to obtain off-campus internships, employment, or other connections. Most of the employment centers for students are not reasonably accessible by the limited public transportation in San Diego. To take advantage of these important opportunities for augmenting their educational experience, many students will require cars, and this requirement will increase as they progress through their undergraduate education.
  - b. This Project Phase 1 will bring approximately 600 sophomores to campus who were previously housed off campus, many of them previously driving their cars to get to

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school. The DEIR assumes that when those students are forced by the LOR to rule out an off-campus residence they will also give up the car that would have enabled that option. This is an example of adverse selection biasing a survey result. In 2015 students not possessing cars would self-select into becoming campus residents, because they had no choice. Those with cars were more likely to live off campus. Thus the sampling frame of the 2015 data was not representative of the student body. Once the LOR is in place students who would have self-selected into off-campus housing in 2015 will bring themselves and their cars to overnight on campus.

- c. SDSU has in its possession a survey dated June 2013 conducted for SDSU by Nelson/Nygaard Consulting Associates, Inc. From that study, on page 1-10 the following table is taken:

Figure 1-4 Peak Parking Demand Ratios, Spring and Fall 2012

User Group	Spring 2012			Fall 2012		
	Population	Parking Demand	Demand Ratio	Population	Parking Demand	Demand Ratio
Resident Students	3,052	1,598	0.52	2,827	1,480	0.52
Commuter Students	24,783	6,479	0.26	28,016	7,198	0.26
Faculty/Staff	3,308	2,221	0.67	3,308	2,169	0.66
Total	31,143	10,298	0.33	34,151	10,847	0.32

The ratio of 52% was found to represent the proportion of resident students that demanded on-campus parking. There is no explanation in the DEIR of why a study that SDSU paid for was ignored while a patently flawed estimator was used in its place.

Based on this information, the DEIR understates demand for parking by resident students. But even in the case of the Nelson/Nygaard study the campus population was weighted more toward freshmen than will be the case once the sophomore LOR is put in place and the same self-selection bias applies.

Based on the data available to SDSU, the DEIR must state that the percentage of resident students bringing a car to campus will be substantially more than one-half once the LOR is in place.

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Cont.

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- On p 4.14-39 of the DEIR it is stated: "Based on this percentage, the proposed Project would reduce parking demand attributable to the 2,566 students who would now be living on campus in the amount of approximately 1,180 vehicles/parking spaces (46% x 2,566 students). Therefore, the net parking demand would decrease as a result of the Project from approximately 1,180 parking spaces to approximately 822 spaces."

This is based on the incorrect assertion that 2,566 beds of the Project will be occupied by students currently living off campus, who will be forced to live on campus by the LOR of the Sophomore Success Program.

As noted repeatedly in these comments to the DEIR, and as documented by the Executive Briefing on the LOR reproduced as Exhibit 1, and as is acknowledged in this DEIR on p. \_\_, only Phase 1 of the Project provides beds needed to implement the sophomore LOR, and only 600 of the 850 beds in Phase 1 are required. The other 2000 beds of the Project would be occupied by students who are not currently commuting to campus. In addition, the Project would remove 150 parking spaces in Lot 9 from the campus inventory.

The correct arithmetic is as follows:

	Commuting	Resident	TOTAL
<b>Parking demand per student</b>	0.26	0.52	
<b>Changes due to LOR beds</b>			
beds	-600	600	
impact	-156	312	156
<b>Changes due to non-LOR beds</b>			
beds		2000	
impact		1040	1040
<b>PL 9 removal</b>			150
<b>TOTAL IMPACT</b>			<b>1346</b>

Here the multipliers for parking demand by commuting and resident students are taken from the Nelson/Nygaard study, which conservatively underestimates demand for parking by resident students for the reasons given above.

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Cont.

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The corrected estimate is that if the Project is built, SDSU would have to increase the inventory of on-campus parking by 1,396 spaces in order to maintain parking congestion *at current levels*. All of these calculations are done using statistics and multipliers provided by SDSU.

Current congestion in parking areas, on the west side of campus where the Project would be built, is extreme. Exhibits 18 and 19 document that, on busy days, there is no parking at all available on the entire west side, let alone in PS 12, which the DEIR states will be the main option that students will use when they bring cars to campus.

For all of these reasons, it is a certainty that the Project will result in significant spillover parking in the CVE neighborhood, with students taking advantage of unlimited, free parking on the CVE streets that are not under the area B permit program, and parking in evenings and weekends everywhere.

The DEIR must recognize this as a significant, unmitigated impact of the Project. The lead agency must demand that the DEIR correctly account for the impact and propose measures to mitigate it.

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H:

### Comments on DEIR Section 6 , Alternatives

#### H.1 Summary of shortcomings of DEIR Section 6

The Section 6 Alternatives section of the DEIR:

- perpetuates the misrepresentation described in Section A of these comments, evidently for the purpose of misleading the lead agency into believing that all phases of the Project are needed to implement the Sophomore Success Program, and uses that misrepresentation to assert that the Project has advantages over a reduced-density alternative;
- misleadingly claims to represent an ex ante evaluation of alternatives, when in fact it was created ex post as a justification for decisions already made and a DEIR already in existence;
- is not compliant with CEQA guidelines because it relies on evaluation criteria that are impermissible, inconsistently applied, unconnected to any university plan or objective, and arbitrarily selected to favor the project alternative preferred by SDSU planners; and
- impermissibly rejects viable alternative sites that meet all of the objectives of the Project and avoid significant and unavoidable impacts that will arise from the Project description as contained in the DEIR.

These points will be expanded and explained in the following paragraphs of this commentary.

#### H.2 Goal of Project

In commentary provided above to Section 2, Project Description, the misleading characterization of the Project as an implementation of the Sophomore Success Program was commented on in detail. As documented there, only 600 of the 2566 beds included in the Project are needed to fully implement the Sophomore Success Program and its live-on requirement (LOR). In commentary above regarding Section 4.14 and Appendix K of the DEIR, it is noted that the same incorrect and misleading characterization was used to limit the traffic study area to local, rather than regional impacts and to incorrectly dismiss the need to study impacts on parking arising from the Project. In the current Section 6, on p. 6-1, it is stated:

The overall goal of the proposed project is to enable an increased number of students to participate in San Diego State University's (SDSU's) Residential Education Program (i.e.,

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Sophomore Success Program) and to add vitality and services to the west campus area where the proposed project would be located.

To "add vitality" is an undefined construct. A dictionary reference defines the word "vitality" as "a state of being strong and active." It is unclear and unstated in the DEIR how that term is to be understood as it might apply to an inanimate object such as an area of a university campus. Whatever is meant by the word's use here, it would appear to be redundant to the other, more understandable, aspects of the stated goal, which are to add more dormitory beds to enable the LOR and to add services (presumably dining facilities).

If the purpose of the Project is to implement the Sophomore Success Program, then the alternative described in Section 6 of the DEIR as the "reduced density alternative," i.e., to build only Phase 1, is equally capable of fulfilling the purpose as is the full Project. Yet, the DEIR alternatives analysis rejects the Phase 1-only approach because it will not allow SDSU to meet "future local housing demands" (p. 6-11). Meeting future local housing demands is not stated as a Project goal anywhere in the DEIR. If that is indeed meant to be a goal of the Project, then the implications of that explained in part A of these comments, covering Section 2 of the DEIR, are validated. If not, then the reduced-density alternative should be preferred to the full Project, because it provides all of the acknowledged benefits and avoids a number of the impacts.

Furthermore, the DEIR's treatment of the no-project alternative includes the following statement:

under the No Project Alternative, the existing inconsistencies with the College Area Community Plan, City of San Diego General Plan, and other relevant planning documents, all of which have designated the site as a prime area for a high density student residential project, would remain.

This ludicrous assertion that building nothing on a greenfield site can be incompatible with a community plan (i.e., that a community plan can somehow *require* buildings to be built and native habitat to be destroyed) does not need elaboration. It should be removed from the DEIR. But, the further implication that the true goal of the Project—never explicitly stated in the DEIR—is to provide capacity for future campus growth is revealing.

The DEIR must not be certified unless the lead agency is given a clear and correct description of the actual goals of the project, which appear to go beyond implementing the LOR of the Sophomore Success Program and extend to be capable of supporting a substantial growth in campus FTES, as documented in part A of these comments.

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Cont.

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### H.3 Backfilling

For purposes of this commentary, the term "backfilling" is defined as the presentation of an analysis that disingenuously purports to be unbiased but has the actual purpose of applying a veneer of objectivity over a predetermined outcome. The alternatives analysis given in the DEIR Section 6 is an example of backfilling.

On P 6-2 the DEIR states: "Four project alternatives were developed during the conceptual planning phase of the proposed project. These alternatives were selected in an effort to reduce the proposed project's identified significant impacts ...."

That statement is untrue. The alternatives presented in Section 6 of the DEIR were not developed during a "conceptual planning phase," and they were not selected in an effort to reduce identified significant impacts. Rather, they were developed after the Project description had been finalized and work on the DEIR had begun, and they were selected precisely for the purpose of avoiding opportunities to reduce the significant impacts. The following evidence supports this conclusion.

- A website maintained by the firm Land Lab hosted a complete Project description, in all respects identical to that contained in this DEIR, that was marked with a completion date of 2010. Shortly after that website was discovered and its link posted to social media, it was taken down. However, its content was captured and is shown as Exhibit 3 of these comments. This material indicates that Carrier Johnson and Land Lab collaborated in defining and describing all three Phases of the Project far earlier than is represented in the DEIR. A California Public Records Act (PRA) request resulted in documents dated May 15, 2013 that showed architectural renderings and a development footprint for Phases 1-3 in essentially the same locations and configuration as in the DEIR. Thus, any "conceptual planning phase" for the Project took place in 2010 or before.
- The DEIR states that "Recreation Field 103" was excluded as an alternative because "development on this site would require the removal of an existing use that would have to be relocated" (p. 6-6). This was not true during any "conceptual planning phase" when the alternatives analysis was allegedly done. From 2002 to 2016 the location was used variously as a parking lot and as a staging area for construction projects. There was no existing use that would require relocation until mid-2016, when Recreation Field 103 was hurriedly constructed and given its current name. Thus, the alternatives analysis, which refers to that facility by name, could not have been completed prior to 2016.

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- The DEIR contains various studies and documents that refer to the Project description and are dated prior to 2016. Thus, the drafting of the DEIR started before the alternatives analysis was completed.
- A PRA request dated February, 2017 returned documents described as "Map and Matrix created by Eric and Laura to support EIR alternative site analysis" (see Exhibit 6). Presumably this refers to Laura Shinn, who did not join SDSU until December, 2013, long after any purported "conceptual planning phase" of the Project. This map and matrix is evidence that the alternatives analysis represented was still a work in progress in early 2017.
- The DEIR states that "[the Field 103] site would not achieve the project goals and objectives in that it is not located in close proximity to other student housing facilities or amenities, would not benefit adjacent uses, or is not located in an area that has the capacity to accommodate a large number of student housing beds and associated amenities" (p. 6-6). To the extent that these assertions are defined coherently each is easily shown to be false, as is detailed below. If the purpose were to evaluate alternatives "in an effort to reduce the proposed project's identified significant impacts," then the Field 103 site would not have been excluded. The alternatives that were included in the analysis are inferior to Field 103 on all of the stated dimensions as a potential location for new student housing, as are the Phase 2 and Phase 3 locations.

From all of this evidence, it is clear that the Alternatives chapter in the DEIR is an exercise in backfilling: It was designed to reject any and all alternatives other than the one preferred by SDSU's project planners. The analysis was done *ex post*, not *ex ante*. As written, Section 6 would give the lead agency a misleading, incomplete, and incorrect understanding of the true nature of the project and the alternatives available.

### H.4 Evaluation criteria

#### H.4.1 Stated criteria

On p. 6-1, eight criteria are identified as "specific project objectives." (These are reiterated from Section 2 of the DEIR with some differences.) Various of these criteria are either impermissible under the CEQA Guidelines, selectively applied only when they favor the alternative preferred by SDSU's planners, or redundant. The following discussion deals with each of those cases.

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### H.4.2 Impermissible use of cost to eliminate alternatives

On p. 6-1 of the DEIR Section 15126.6(a) of CEQA Guidelines is quoted as follows:

... [CEQA] Guidelines states that an EIR is to describe a range of reasonable alternatives to the proposed project, or to the location of the project, that would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project.

Conveniently for its purpose of backfilling, the DEIR does not quote the subsequent paragraph of the Guidelines, Section 15126.6(b):

(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, *even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.* [Emphasis added.]

Thus, if the CEQA guidelines are followed, cost is not to be used as a reason for eliminating from discussion and comparison an otherwise-viable alternative location for a project.

This is not the same as saying that total cost could not be an element of comparison once alternatives have been selected for analysis. But, the DEIR nowhere calculates or estimates the total cost of any of the possible project sites, including the sites favored by SDSU's planners. If it did, there is no doubt (as stated in the letter from a professional architect that accompanies these comments) that the Phase 2 and Phase 3 building sites described in the DEIR would be shown to be the most expensive options of any available on-campus site due to expenses for site preparation in the canyon area. But, without ever comparing *total cost*, the DEIR alternatives analysis uses one *element* of cost—the cost of relocating an existing use on a site—to eliminate from any consideration whatsoever alternative building sites that meet all of the project objectives.

Specifically, on p. 6-1, the DEIR states in objective (7) "... where the land is owned by the university and unencumbered by other uses or existing structures that would need to be demolished." This restriction is purely a cost consideration. If a potential building location is "capable of avoiding or substantially lessening any significant effects of the project," then eliminating it from discussion solely because there

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would be some cost involved in relocating existing uses or demolishing structures is contrary to CEQA Guidelines Section 15126.6(b).

The criterion of cost was used impermissibly to support the elimination from discussion of the following two alternative building locations (among others):

1. The 55th Street peninsula alternative was eliminated from discussion and comparison because (among other reasons which are discussed elsewhere) it "involves use of land that SDSU presently does not own or control and would require time and cost to transfer to SDSU ownership ..."

Because it "would involve time and cost" is not a permissible reason to dismiss the alternative, and it is misleading to state to the lead agency that SDSU does not "control" the land. Aztec Shops, the owner of the site, is a 501(c)(3) charitable organization whose board of directors is nominated by SDSU and Associated Students (another SDSU auxiliary). The Aztec Shops Articles of Incorporation state that it has the purpose of conducting

... All commercial activities ... anywhere on or on behalf of the university, housing, property acquisition and development, and administration of other business activities as determined by the Vice President for Business and Financial Affairs when it is deemed to be more effective to accomplish such functions and activities through Aztec Shops.

Given this captive relationship between Aztec Shops and the SDSU administration, it is deceptive to suggest to the lead agency that there would be significant friction in arranging for Aztec Shops-owned real property to be included in the Project. Indeed, in other portions of the DEIR the existing housing on 55th Street is simply referred to as SDSU housing, such as on p. 4.10-1 where it is described as "multifamily housing primarily owned by SDSU" and on page 6-4 where the beds on 55th Street are declared to be part of the "campus inventory." On the SDSU Housing website Aztec Shops structures on 55th Street are integrated into the described housing inventory without distinction. In the memorandum "Second Year Live-on Requirement Briefing -- Full" dated December 15, 2015 the buildings owned by Aztec Shops are regarded by SDSU planners to be SDSU property (Exhibit 1).

2. The Recreation Field 103 site was eliminated from discussion and comparison because (among other things) it "would require the removal of an existing use that would have to be relocated."

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↓ O6-188

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This is simply selecting one element of project cost and using that to eliminate the alternative from evaluation and consideration, contrary to the CEQA Guidelines.

↑ O6-188  
Cont.

### H.4.3 Inconsistent application of "no existing use" criterion

Furthermore, the DEIR is selective in its application of the restriction that any alternative must be unencumbered by existing uses or structures. If this criterion were applied consistently, the Phase 1 location described in the DEIR would have to be eliminated from consideration. The Phase 1 location contains two existing structures and a parking facility that will be demolished during construction: The Cholula Recreation Center and the Aztec Shops convenience store presently situated on the site will be removed during construction of Phase 1.

O6-189

The DEIR is less than forthright about the plans to demolish those two buildings and eliminate other existing uses during Phase 1. In the NOP issued in December, 2016, it was clearly stated that construction "would entail demolition of the following existing on-site uses: a small retail building, a multi-purpose building, an American [sic] with Disabilities Act ('ADA') parking/upper-campus drop-off area, and Parking Lot 9" (p. 3). But, these facts appear to have been expunged from the DEIR textual descriptions (while left intact in the DEIR architectural renderings). On DEIR p. 2-7, the Phase 1 demolition step is described, but the demolition of the two buildings has been omitted.

O6-190

It is apparent that the no-existing-use criterion was edited into the DEIR after comments on the NOP were received. Evidence of this is the inconsistent way the phrase was introduced into the list of eight criteria. In paragraph 2.4 beginning on p. 2-7, the phrase "where the land is owned by the university and unencumbered by other uses or existing structures that would need to be demolished" was added to criterion (7). On p. 6-1 the phrase "where the land is owned by the university, and unencumbered by other uses or existing structures that must be demolished prior to redevelopment" was added to criterion (3). This comports with the fact that the NOP and Initial Study did not recognize the need for an alternatives analysis in the EIR. It appears that once SDSU's planners realized they would have to include the Alternatives section, they edited the list of project objectives to give themselves additional ammunition for rejecting alternative locations that they did not prefer. Further evidence of this is that mention of the need to demolish structures on the Phase 1 site was omitted from the DEIR. All of this reinforces the earlier characterization that the Alternatives section in the DEIR largely consists of disingenuous backfilling.

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The Alternatives section must be rewritten in the EIR, eliminating the criterion that alternative locations must be unencumbered by existing uses or buildings, because:

- the criterion simply represents one element of overall project cost, and its arbitrary use to exclude alternatives from consideration violates CEQA Guidelines; and
- the DEIR ignores the criterion when its use would exclude an alternative preferred by the project planners, such as the Phase 1 location, and invokes the criterion when it can be used to eliminate an alternative that is not preferred; and
- if the "no existing uses" criterion were enforced consistently, SDSU would be forever bound to preserve old and inefficient structures. Such a criterion was not observed when SDSU recently redeveloped the Student Union, Storm-Nasatir Hall, and the Engineering building.

O6-192

### 11.4.4 Impermissible use of location to eliminate alternatives

The essence of CEQA Guidelines Section 15126.6(b) is that alternative locations must be considered when they could lessen environmental impacts (even when they might cost more or somewhat impair project objectives). To eliminate an alternative location based simply on where it is is explicitly contrary to this requirement. That would be rejecting an alternative location because it is an alternative location.

O6-193

On p. 6-1 one of the project goals is stated as: "(1) Create a distinct housing neighborhood, specifically on west campus..." This is impermissible, circular logic. The DEIR may not claim to be considering alternative locations and then reject alternatives because of where they are. Creating a distinct housing neighborhood is a reasonable objective, but restricting it to be on the west side of campus is not allowed under CEQA Guidelines.

O6-194

The DEIR also gives the following as an objective: "(2) alleviate isolation of the Chapultepec Hall and respond to the deficit in student amenities in the proposed project vicinity..." This is also an impermissible restriction of alternative sites based on where they are. It would be reasonable to have the objective of creating clusters of dormitories with none of them isolated, but saying that such a cluster must be next to the existing Chapultepec building is not allowed. There are two ways to address the isolation of Chapultepec: (1) relocate Chapultepec operations to another part of campus (repurposing or demolishing the existing building); or (2) create additional housing in the vicinity of Chapultepec. The DEIR may not prefer alternatives that accomplish the objectives one way over those that accomplish it the other way simply because of where the non-isolated cluster of housing would be located.

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The DEIR's inclusion of these criteria is equivalent to stating: "we will consider alternative locations for the buildings as long as that does not involve putting them somewhere else." This nonsense construction must be removed from the EIR.

O6-196

It is no defense to this comment to note that in Section 6 the DEIR presents a comparison of the proposed project site to two alternative sites on the other side of the campus, because in the detailed analysis those two alternatives were rejected primarily because of where they located.

### H.4.5 Arbitrarily selected and redundant criteria

Another criterion listed in the DEIR that is inconsistent with the CEQA Guidelines is the phrase "take advantage of an existing undeveloped area on campus" in objective (6). CEQA Guidelines, Section 15126.6(c) state:

- (c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. ... Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

O6-197

The fact that a site has previously been developed is not a permissible reason to eliminate it as an alternative—on the contrary, there are typically negative environmental effects from greenfield development that can be avoided if a brownfield alternative is available. Brownfield sites are more likely to avoid or lessen one or more significant effects, and it is not consistent with the Guidelines to use their previously developed status as a reason to reject them from consideration as an alternative.

There are multiple redundant phrases among the eight criteria in the DEIR p. 2-7. Specifically, criterion (3) adds nothing to the other stated objectives, and several of the statements simply reiterate that there should be enough capacity and that housing should be built on the west side of campus.

O6-198

### H.4.6 University mission and goals not represented in evaluation criteria

In the DEIR there is no discussion that ties the Project objectives or goals to the overall strategy of SDSU, nor is there recognition that the basic mission of SDSU is education and research.

O6-199

There are specific elements of the University's published strategic plan that are relevant to this project but are not captured in the listed goals and objectives on p. 2-7 and 6-1. Specifically, at

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<http://go.sdsu.edu/strategicplan/community-and-communication.aspx>? It is stated that the University seeks to "renew and revitalize good neighbor relationships with the surrounding community."

For a project that has such a large and negative impact on the community surrounding SDSU, it is inconsistent with the Strategic Plan to fail to recognize and consider that impact when evaluating alternatives. An evaluation criterion should have been included that captures the negative effects on neighborhood character and desirability that stem from placing massive multi-story housing projects within footsteps of a quiet residential neighborhood. This deficiency must be corrected in the final EIR so that the lead agency will gain a complete understanding of how the Project impacts SDSU's ability to execute against its strategic plan.

Even more glaring is the lack of recognition of the reasons for SDSU's very existence: education and research. The Phase 2 and Phase 3 project descriptions in the DEIR include the obliteration of native canyon habitat that was included in the San Diego Multi-Species Conservation Plan by joint agreement with federal, state, and city agencies. The reason for its inclusion was that the location is part of a canyon ecosystem that hosts rare and endangered plant and animal species, and its conservation and preservation offer irreplaceable opportunities for on-campus education and research. SDSU students studying biology, sustainability, and bio-survey techniques can use the canyon as a living laboratory to augment classroom experiences. Faculty researchers can conduct experimental and observational studies in the canyon on topics such as species conservation and habitat restoration. There is no other location on campus—and few locations in the San Diego area—where these kinds of learning experiences and research can be accomplished. No building constructed on the site can replace the value lost when these opportunities are forever taken away from SDSU students and faculty.

The final EIR must include criteria that make clear to the lead agency that the building site proposed for Phase 2 and Phase 3 of the Project contains valuable resources to support the university's basic mission, and that these will be lost forever if the Project is approved as described.

### H.5 Pro forma analysis of viable alternatives

Failure to include in the EIR a dramatically modified alternatives analysis that is defensible and consistent under the CEQA guidelines will deprive the lead agency of a chance to consider the full environmental impacts of the Project. In this section, a version of an alternatives analysis is presented that avoids the bias, inconsistency, and impermissibility of the DEIR presentation. This is not to be taken as a comment that the EIR must follow the exact form and structure of the alternatives analysis given

↑ O6-199  
Cont.

O6-200

O6-201

O6-202  
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Attachment 3



## Responses to Comments - Organizations

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below, but merely to illustrate and confirm that the analysis presented in Section 6 of the DEIR is deceptive and inappropriate.

An simplification of an accepted four-step approach<sup>1</sup> to an alternatives analysis, is:

1. Define performance and acceptance criteria;
2. identify alternatives;
3. evaluate alternatives against criteria; and
4. combine the evaluations to find the preferred alternative.

### Step 1: Define performance and acceptance criteria

The following are the performance and acceptance criteria used in the DEIR, modified to (a) eliminate the phrases that are impermissible under CEQA Guidelines per the discussion above; (b) eliminate criteria that are redundant or irrelevant to the alternative analysis; and (c) to capture the requirement of CEQA Guidelines Section 15126.6.

1. *Neighborhood.* Create a distinct housing neighborhood similar to the student residential neighborhood on the east side of campus, that is inviting and safe, that has a distinct identity, and that provides both the students in the new housing and students in existing, adjacent housing with supportive amenities such as a tutoring center, a dining facility, community spaces, and study areas.
2. *Isolation.* Alleviate isolation of Chapultepec Hall.
3. *Capacity.* Provide additional student housing in an area that has the capacity to accommodate a large number (2700) of student housing beds and associated amenities.
4. *Dining.* Provide food and convenience services in the vicinity of the proposed project.
5. *Operational.* Provide additional housing without taking needed beds offline.
6. *Walkability.* Reduce regional traffic and increase the walkability of the SDSU campus by providing on-campus housing that includes a variety of student-friendly amenities and that is situated within a walkable distance from the academic, athletic, and social centers of campus.
7. *Impacts.* Capability of avoiding or substantially lessening any significant effects of the project, as required by CEQA Guidelines.

<sup>1</sup> See, for example the methodology in use at the US Department of Defense at <https://drive.google.com/file/d/0B1eTNhrTP4DY3JxM19PSDBscGM/view?usp=sharing>

↑ O6-202  
Cont.

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## Responses to Comments - Organizations

In this list, the following phrases that appear in the DEIR criteria list on p. 6-1 were modified or removed:

<i>DEIR Criterion or phrase</i>	<i>Reason for modification or removal</i>
respond to the deficit in student amenities in the proposed project vicinity, as reported by the residents and staff of Chapultepec Hall	Requiring that the project be built in the vicinity of Chapultepec hall is impermissible in an alternatives analysis under CEQA Guidelines. The phrase regarding amenities is redundant with criterion 1
specifically on the west side of campus	Impermissible use of location to restrict alternatives
where the land is owned by the university, and unencumbered by other uses or existing structures that must be demolished prior to redevelopment	These are impermissible elements of cost, per the discussion above. (Note that if the DEIR had elected to use total project cost as a dimension on which to compare alternatives it would be permissible to include it. But it is not permissible to arbitrarily exclude an alternative simply because it contains one category of cost taken out of context. There is no information in the DEIR that allows comparison of overall cost for the described Project to that of any alternative; therefore, Project cost is not used as a point of comparison.)
increase on-campus student housing options by providing housing for approximately 2,700 additional students in a distinct neighborhood, thereby reducing the demand for student housing in the adjacent off-campus neighborhoods	This is redundant to criteria 1 and 3 in the list above. The specific number 2700 is included in criterion 3.
take advantage of an existing undeveloped area on campus to construct housing	The restriction to greenfield sites is not consistent with CEQA Guidelines, per the discussion above.
provide additional on-campus housing for freshman students, thereby making existing housing that is more appropriate for sophomores available to sophomores in furtherance of the Sophomore Success Program	This criterion is not useful for distinguishing among the alternatives. Any of the alternative sites can be developed with internal floorplans that are appropriate for the students living there. The decision on what students to assign to which building does not relate to the comparison of alternative building locations

The seven performance criteria that will be used in this pro forma analysis are those defined above:

*neighborhood, proximity, capacity, dining, operational, walkability, and impacts.*

Because the purpose here is to show that an unbiased alternative analysis will lead to conclusions

dramatically different from those in the DEIR, no criteria will be added to the list to reflect additional

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## Responses to Comments - Organizations

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elements of SDSU's Strategic Plan or the education and research missions of SDSU. By adhering as closely as possible to the list of criteria in the DEIR, correcting only for lack of conformity to CEQA Guidelines, inconsistency, and redundancy, it will be demonstrated that when the goal is to actually look for the building locations that best meet the project objectives while minimizing impacts, the Phase 2 and Phase 3 Project locations must be eliminated from consideration.

### Step 2: Identify alternatives

The pro forma analysis considers several alternatives that satisfy the performance and acceptance criteria for the project and are selected in conformity with the CEQA Guidelines. For reference, Exhibits 7-11 depict the DEIR baseline case, as well as examples of four other feasible building-location configurations. These exhibits are briefly introduced and analyzed for feasibility in the comment letter from JK Architecture that is attached to these comments. The available, unencumbered land to the east of the existing Chapultepec tower offers many possible variations on the examples shown in Exhibits 8-11. For purposes of this pro forma analysis, the following four alternatives are defined:

- The "DEIR" alternative represents the Phases 1-3 as presented in the DEIR, as depicted in Exhibit 7.
- The "Phase 1-only" alternative represents a project that builds Phase 1 as described in the DEIR but eliminates Phases 2 and 3.
- In the "East from Chappy" alternative, Phase 1 is to be built in the location given in the DEIR, but Phases 2 and 3 are built on other sites. The "East from Chappy" alternative involves using the land at the corner of 55<sup>th</sup> Street and Canyon Crest Drive presently occupied by the low-value buildings of the International Student Center, as well as the land presently occupied by Recreation Field 103. There are many possible variations of building placements within this envelope that will not affect the outcome of this pro forma analysis. Exhibit 8 shows an option

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Cont.

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where Phases 2 and 3 are built entirely on the Field 103 site, and Exhibit 9 shows an option where they are built entirely on the ISS site. For this pro forma analysis the East from Chappy alternative is defined as a blend of these depictions. (Note: in some presentations SDSU has implied that there is a trolley tunnel under Field 103. This is not the case. The trolley tunnel in the area was constructed with a cut-and-cover method and is completely contained under Canyon Crest Drive.) Exhibit 9 depicts a feasible arrangement of the structures under this option.

- In the "East-North from Chappy" alternative, Phase 1 is to be built in the location given in the DEIR, but Phases 2 and 3 are built on other sites. The alternative "East-North from Chappy" involves using the land at the corner of 55th and Canyon Crest Drive as well as PL 11 and some of the sites occupied by the existing Aztec Shops housing inventory on 55th Street. There are numerous possible variations under this concept. Exhibit 9 gives a layout that would be wholly contained on the land currently occupied by the low-value buildings of the International Student Center. Exhibit 10 shows a concept that would replace dated, inefficient structures on 55<sup>th</sup> Street. For purposes of this discussion, the East-North from Chappy alternative is defined as a blend of these depictions, with some of the Phase 2 and 3 structures built on the ISS site and PL 11, and others replacing outdated buildings on 55<sup>th</sup> Street. At the level of analysis done here, the exact placement of the buildings within that envelope will not affect the analysis.

Because this analysis is strictly pro forma, it has the limited objective of showing that there are alternatives that are superior to the Project description contained in the DEIR. Many variations of the "East from Chappy" and "East-North from Chappy" alternatives could be described and analyzed. There is vacant land next to the Aztec Recreation Center (now a parking lot and a hillside) that is at least as large as the site proposed for Phase 2 in the DEIR, and is closer to the Phase 1 dining facility and to all campus amenities. If it were desired to retain the International Student Center in its existing location it

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## Responses to Comments - Organizations

would be possible to describe an alternative that builds around it. As shown in Exhibit 10, there is enough capacity on 55<sup>th</sup> Street to create the entire Phase 2 and Phase 3 portions of the project without building at all on the corner of Canyon Crest Drive. And, there are at least 12 other on-campus sites that have the capacity to hold the Project's structures.

The following table summarizes the alternatives used in this pro forma analysis.

Alternative	Phase 1 locn, beds	Phase 2 locn, beds	Phase 3 locn, beds	Total beds
1. DEIR	PL 9, 850 beds	Canyon west of Chappy, 850 beds	Canyon north of Chappy, 866 beds	2566
2. Phase 1 only	PL 9, 850 beds	-	-	850
3. East from Chappy	PL 9, 850 beds	PL 11/ISC Site, 850 beds	Field 103, 866 beds	2566
4. East-North from Chappy	PL 9, 850 beds	PL 11/ISC Site, 1050 beds	55th St, 666 or more beds	2566 or more

### Step 3: Evaluate alternatives against criteria

The following tables give an evaluation of each alternative against the seven criteria. This is done in a simple, unweighted fashion by ranking the alternatives from 1-4 based on how well they satisfy each criterion. When there is a tie the tied alternatives are assigned the same rank.

<b>Neighborhood</b>		
Rank	Alternative	Evaluation
1	East from Chappy	Proximity to the core of campus, including library, ARC, West Commons, Aztec Shops Terrace, all giving additional study areas and space for living/learning activities. The neighborhood will be similar to the residential community on the east side
1	East-North from Chappy	
1	Phase 1 only	
4	DEIR	The Phase 2 site is remote from campus, far from amenities. Safety of students walking alone at night is an issue. Very dissimilar to the residential neighborhood on the east side. The residential units currently on 55 <sup>th</sup> street are left stranded instead of being integrated into the community.

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## Responses to Comments - Organizations

<b>Isolation</b>		
Rank	Alternative	Evaluation
1	East from Chappy	Adjoins Chapultepec on its east side, all sites are close to dining and amenities. Closest to other on-campus amenities for dining, study, and recreation.
1	East-North from Chappy	Adjoins Chapultepec on its east side
1	Phase 1 only	Adjoins Chapultepec on its east side
1	DEIR	Surrounds Chapultepec on three sides

<b>Capacity</b>		
Rank	Alternative	Evaluation
1	East-North from Chappy	More than 2566 beds can be accommodated, possibly up to 10,000 beds on the 55th St peninsula if fully developed. Includes dining
2	East from Chappy	2566 beds, with dining
2	DEIR	
4	Phase 1 only	850 beds, with dining

<b>Dining</b>		
Rank	Alternative	Evaluation
1	East from Chappy	All buildings close to new dining facility at 55th & Remington; closest to Aztec Shops Plaza, West Commons, Student Union
2	East-North from Chappy	All buildings close to new dining facility at 55th & Remington; some beds farther from Aztec Shops Plaza, West Commons, Student Union
3	Phase 1 only	Close to new dining facility at 55th & Remington, more distant from Aztec Shops Plaza, West Commons, Student Union
4	DEIR	Phase 2 beds farther from new dining facility at 55th & Remington, even farther from Aztec Shops Plaza, West Commons, Student Union

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<i>Operational</i>		
Rank	Alternative	Evaluation
1	East from Chappy	No beds will be taken offline under any of the alternatives. The East-North from Chappy alternative will construct more beds in Phase 2, so that the existing 55th Street buildings can be reconstructed in subphases, moving existing students into new housing as old, inefficient buildings are replaced. There is flexibility in how big to make each subphase and how many subphases to schedule.
1	East-North from Chappy	
1	Phase 1 only	
1	DEIR	

<i>Walkability</i>		
Rank	Alternative	Evaluation
1	East from Chappy	Beds closest to the heart of campus, classrooms, ARC, Aztec Shops Plaza, West Commons, Student Union. Closest to off-campus locations popular with students.
2	East-North from Chappy	Most beds close to the heart of campus, classrooms, ARC, Aztec Shops Plaza, West Commons, Student Union. Closer to off-campus locations popular with students.
3	Phase 1 only	Farther from classrooms, close to ARC.
4	DEIR	Phase 2 beds farther from everything on campus and off campus

<i>Impacts</i>		
Rank	Alternative	Evaluation
1	Phase 1 only	No significant impacts from aesthetics. Impacts to traffic and incompatible uses of Remington road can be mitigated with proper design modifications. Fewer buildings implies less impact from noise, air pollution, energy use, greenhouse gas. Fewer impacts to land use and planning. Fewer impacts to parking.
2	East-North from Chappy	Few significant impacts from aesthetics. Does not add additional impacts to Remington road from incompatible uses. More buildings implies more impact from noise, air pollution, energy use and greenhouse gas; but the replacement of energy-inefficient buildings with modern

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## Responses to Comments - Organizations

3	East from Chappy	<p>LEED certified buildings can bring about an overall reduction in those impacts. Fewer impacts due to land use and planning. More impacts to parking than the Phase 1 only alternative, but opportunities to include more parking as the 55th Street corridor is improved. The move-in and move-out process can be feasibly be accomplished without impact to city streets and sidewalks due to the proximity of PS 12 to the project site.</p> <p>Few significant impacts from aesthetics. Does not add additional impacts to Remington road from incompatible uses. More buildings implies more impact from noise, air pollution, energy use and greenhouse gas. Fewer impacts due to land use and planning compared to the DEIR alternative. More impacts to parking than the Phase 1 only alternative, but proximity to PS 12 results in fewer impacts than the DEIR alternative. The move-in and move-out process can be feasibly be accomplished without impact to city streets and sidewalks due to the proximity of PS 12 to the project site</p>
4	DEIR	<p>Significant impacts from aesthetics, land use and planning and traffic due to incompatible uses of Remington Road. Location far from parking facilities increases use of ride-sharing services and causes impacts on neighboring communities from parking by students. The move-in and move-out process cannot feasibly be accomplished without impact to city streets and sidewalks. Construction noise within a 300-foot buffer area around sensitive habitat will exceed limits and therefore cause a significant impact</p>

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Cont.

### Step 4. Combine the evaluations to find the preferred alternative

In this pro forma analysis a simple, unweighted combination will be computed by adding the ranks achieved by each alternative on each of the seven criteria. The smaller the total additive rank score, the more preferred the alternative.

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## Responses to Comments - Organizations

The analysis presented in the DEIR must also include weights for the various criteria, and the weight given to impacts must at least equal the weight given to all other criteria combined so as to capture the concept that the best alternatives will be ones whose benefits outweigh their impacts. Given the limited purpose of this pro forma analysis, however, the unweighted presentation will allow a simpler demonstration that the project described by the DEIR is—when evaluated under its own, self-stated criteria—the least compliant with CEQA. Adding weights would only reinforce that finding.

The results are given in the following table.

Overall rank	Alternative	Additive rank score
1	East from Chappy	10
2	East-North from Chappy	10
3	Phase 1 only	14
4	DEIR	20

The table shows that the "East from Chappy" alternative and the "East-North from Chappy" alternative are the best ways to meet the objectives of the Project. These alternatives put the student beds closer to the center of campus and closer to amenities, make the campus more walkable, integrate the entire west campus housing inventory (including the beds on 55th Street) into a living-learning community, and provide the most options for future growth. They also avoids most of the negative and significant impacts that cannot be avoided or mitigated under the DEIR plan.

The DEIR option is the least desirable among the four alternatives considered.

### H.6 Additional detailed comments on Section 6 of DEIR

The following table contains a number of additional detailed comments on aspects of Section 6 of the DEIR.

Page	DEIR	Comment
6-4	Statement that "the first 850 beds to be constructed would merely provide replacement housing"	There are many obvious ways to schedule the three phases of the Project to avoid this, including the alternative given in the pro forma analysis above. SDSU has been successfully renovating and rebuilding on-campus housing for decades and to suggest that now the campus planners cannot figure out how to stage the development so as to retain a growing number of beds on campus as the

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## Responses to Comments - Organizations

6-4 to 6-7	"pre-requisite criteria: site preparation and other costs, ..., technical challenges, alignment with current Master Plan, benefits of adjacent uses, impact on surrounding community, and capacity for future expansion"	<p>55" Street peninsula is redeveloped lies beyond the range of credibility.</p> <p>These words occur without definition or explanation. They are not traceable to the project objectives given on p. 6-1. They appear to have been intended for application only to the "on-campus" alternatives and not the "off-campus" alternatives. Yet, no consistent reference is made to these criteria on pp. 6-5 to 6-7. The only alternatives that are completely mis-aligned with the campus master plan are the Phase 2 and Phase 3 sites, yet these are not eliminated from consideration. As noted above, using cost as a reason to eliminate an alternative is contrary to the CEQA guidelines, and whatever "technical challenges" is supposed to mean only the Phase 2 and Phase 3 sites are greenfield locations in a canyon without existing utility connections, so they would be by far the most technically challenging. The term "benefits adjacent uses" is undefined, yet it is repeated in the subsequent paragraphs as if it has a known meaning when applied to a few of the potential alternatives, but not to others. The term "impact on surrounding community" seems understandable, but it is selectively applied—it is used, for example, to eliminate the University Towers site but not the Phase 2 and Phase 3 sites, which consist of Las Vegas-style high-rise buildings within footsteps of a quiet residential neighborhood. In summary, these criteria appear to be left over from an earlier draft of the Alternatives section, which indeed is borne out by comparing to the matrix obtained under a PRA request reproduced as Exhibit 6.</p>
6-6	Recreation Field 103: "This site would not achieve the project goals and objectives in that it is not located in close proximity to other student housing facilities or amenities..."	It is adjacent to the Phase 1 site and across the street from the proposed dining facility. It is closer to dining and other amenities than is the Phase 2 site
6-6	Recreation Field 103: "... would not benefit adjacent uses ..."	As noted, this phrase is undefined and appears to be left over from an earlier draft of the alternatives analysis.
6-6	Recreation Field 103: "... or located in an area that has the capacity to accommodate a large number of student housing beds and associated amenities..."	The area of the "East from Chappy" alternative proposed here is larger than the DEIR alternative, and can accommodate more beds. The beds would be clustered around the dining area instead of strung out along Remington Rd as in the DEIR

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		alternative. The existing housing on 55 <sup>th</sup> St. would no longer be stranded. The East from Chappy alternative is superior to the DEIR alternative on all of these measures.
6-6	Recreation Field 103: "Additionally, development on this site would require the removal of an existing use that would have to be relocated."	As noted, relocating the existing soccer field is simply a matter of cost, and that is an impermissible reason to dismiss the alternative. The soccer field was built between April and November, 2016 when the DEIR was already being prepared. It appears that the soccer field was put in place precisely to give SDSU's planners a convenient reason to reject the alternative of using the site for student housing.
6-6	Recreation Field 103: "Therefore, this alternative location would fail to meet most of the basic project objectives."	On the contrary, as shown in this commentary and the pro forma analysis, this alternative meets each and every one of the project objectives, and is superior to the DEIR alternative on most criteria.
6-11	"However, because current uses would not be changed on the project site with the No Project Alternative, current traffic congestion related to the absence of the proposed transportation-related project features would not be remedied."	The meaning of this sentence is opaque, but a reasonable guess is that it claims that the Project is a net positive for traffic compared to leaving the campus the way it is. This is contradicted by the traffic analysis in the DEIR itself, and by the commentary provided in the Traffic section of this commentary.

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Cont.

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### H.7 Concluding remarks on Section 6 of DEIR

The overall effect of the Alternatives Section 6 of the DEIR is to obscure the true nature of the project and mislead the lead agency as to the on-campus alternatives that exist. This confirms that the consideration of alternatives to the building locations proposed in the DEIR was never taken seriously. The analysis uses ill-defined criteria inconsistently applied to eliminate from consideration viable low-impact alternatives in favor of the pre-determined high-impact alternative that has been preferred by SDSU's planners since at least 2010.

Any objective analysis, based on clearly defined criteria consistent with CEQA guidelines will find that the Phase 2 and Phase 3 project sites are the least compliant on campus. They are also the most costly and the most damaging to SDSU's mission and Strategic Plan.

The lead agency must demand a serious analysis that follows the CEQA Guidelines and applies relevant criteria equally to the proposed DEIR alternative and other viable options.

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## Responses to Comments - Organizations

Attachment 3 Exhibits



Eric Hansen <ehansen@mail.sdsu.edu>

### Re: Second-Year Live-In Requirement Meetings

1 message

Eric Hansen <ehansen@mail.sdsu.edu>  
To: Bob Schulz <rschulz@mail.sdsu.edu>

Mon, Dec 7, 2015 at 2:31 PM

Hi Bob,  
I'll let Eric or Tom confirm, but the plan was that we would all meet with President Hirshman so we could answer in-depth questions.  
e

Eric J. Hansen - M.B.A., Ph.D., LEED Green Associate  
Director  
Office of Housing Administration  
San Diego State University  
5500 Campanile Drive  
San Diego, CA 92182-1802  
619.594.5742  
<http://housing.sdsu.edu>

On Dec 7, 2015, at 12:21 PM, Bob Schulz <rschulz@mail.sdsu.edu> wrote:

Just to confirm, The meeting on the 15th will just be Eric and Tom McCarron with President Hirshman?

Sent from my iPhone

On Dec 7, 2015, at 12:24 PM, Claudia Martinez <cmartinez@mail.sdsu.edu> wrote:

Good morning -

Hope your Monday is going great so far. As you may be aware, this group will be gathering this next week to prepare and further discuss the 2nd-Year live-in Requirement topic with President Hirshman next week. Below is a timeline -

**Thursday 12/10 3 PM - 4 PM** - Prep meeting for presentation to President Hirshman in Large Conference Room SSW 2640

**Tuesday 12/15 1 PM** - Presentation on this topic to President Hirshman, MH-3340

As always, please let me know if any further questions arise. Thank you.

All the best,

-

**Claudia G Martinez**  
Executive Assistant to the Vice President  
Office of the Vice President for Student Affairs

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## Responses to Comments - Organizations

### Strategic Question #3 – Important Partnerships/Stakeholders

#### On Campus

- Admissions/Enrollment Services
- Financial Aid
- Greek Life
- Athletics
- University Relations and Development
- Honors College
- Student Rights and Responsibilities
- Counseling and Psychological Services
- University Police
- Guardian Scholars

#### Off Campus

- Parents/Families
- Greek Alumni/National Chapters
- Local properties
- CACC

### Strategic Question #4 – Timeline

Due Date	Activity
December 2015	Presidential Approval
January 2016	Second Live-on Requirement Development Committee created
April 2016	Stakeholder engagement completed
June 2016	Program and Communication Plan completed
August 2016	Admissions messages and collateral completed
August 2017	First class of first time freshmen (FTF) under SLR policy matriculate to campus
August 2018	First class of second year students return to live-on campus (phase I)
	New Residence Hall is completed
August 2020	Entire eligible second year student class returns to live-on campus (phase II)

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Cont.

## Responses to Comments - Organizations

Attachment 3 Exhibits

### Second Year Live-On Requirement Briefing - Full December 15, 2015

#### Premise

In alignment with the San Diego State University "Building on Excellence" strategic plan, the second year residential program, is intended to provide targeted support for the unique needs of sophomore students while supporting their development towards independence and assisting them in developing the skills to become increasingly autonomous and self-reliant.

#### Desired Outcome:

SDSU seeks to explore the potential viability and efficacy of a second year live-on requirement that includes the Aztec Journey residential program intended to support the engagement and academic success for second-year students, satisfy the needs of a niche demographic, enhance campus engagement, and mitigate behavior that is detrimental to student success.

#### Issues:

1. The campus has experienced a recent growth in private apartments and fraternities that are attracting second year students and increasing density of students in close proximity to campus, but lacking a structured program.
2. Higher alcohol, drug, harassment, and sexual assault cases have been reported in these communities.
3. Many second year students experience the "sophomore slump" where they leave the highly structured and supportive environments of the residence halls and are not yet equipped to effectively navigate all of their personal developmental and academic issues alone.

#### Historic Context:

1. The capture rate of returning students has fluctuated in recent years and is currently 3% of SDSU sophomores live in on-campus residences.
2. There has recently been a dramatic increase in high-density student apartments being constructed with nearby developers (i.e. Sterling Alvarado, Suites on Paseo, Paseo Place, BLVD 63, Zuma, Aztec Corner, etc.)
3. In 2010, and then again in 2012, a second year program initiative was initiated by SDSU, but due to demand for first time freshmen (FTF) beds, the initiative was abandoned/truncated.
4. Given recent enrollment fluctuations impacting demand, returning student license agreements have been rescinded to create space for new FTF students.

#### Strategic Questions:

1. Can SDSU support a second year live-on requirement from a capacity and financial perspective? If so how?
2. If yes, what are the opportunities and challenges/risks raised with a second year live-on requirement?
3. What other public institutions have or are considering a second year live-on requirement? What lessons can we learn?
4. What implications would there be regarding communications, policy, programs, and logistics if SDSU moved forward with a second year live-on example?
5. Who are the important partnerships and stakeholders to consider?
6. What would be a proposed program and implementation timeline?

#### Strategic Question #1 - Capacity and Financial Feasibility

##### Capacity - New Hall Required

- Preferred Strategy - Build a new traditional residence
  - o Assign all second year and upper division students to suites and apartments (better suited due to developmental needs).

3

Exhibit 1: SDSU briefing on live-on requirement

103

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Cont.

## Responses to Comments - Organizations

Attachment 3 Exhibits

- Build a new traditional residence hall to accommodate 600 displaced first time freshmen (FTF) to open in Fall 2020.
- Alternate Strategy – Purchase or partner for additional apartments
  - Keep first time freshmen suites and SCP
  - Purchase or work with public private partnerships to yield additional second year and upper division students in additional capacity.

### Financial Pro Forma

- Improves housing debt service coverage ratio (DSCR) even with the addition of debt for a 600-bed residence hall. – See Appendix B

### Assumptions

The following assumptions have been utilized in development of the pro forma and capacity planning:

SDSU would:

1. Maintain current enrollment projections of no growth of new matriculated students (including all residency and class standing statuses) for the foreseeable future.
2. Continue to capture approximately 72% of the FTF class (97% non-local, 22% local)
3. Capture 32% of the sophomore class (50% non-local, 5% local) by phasing in with full implementation in Fall 2018 and 62% (97% non-local, 22% local) of the sophomore class once fully implemented
4. Continue to capture the historically small percentage of other class standings
5. Utilize all of the Aztec Shops apartment inventory including Albert's College, College West, Fraternity Row, and Piedra del Sol
6. Include all of the Capstone apartments adding 350 revenue beds in the Fall of 2017
7. Construct a new hall with ~500 beds (480 revenue beds opening) Fall 2019 (\$187K per bed X 500 = \$93.6M)
8. Renovate Tenochca low-rise in FY18 and improve east side alley way at \$23M (\$21M in debt with \$2M contribution)
9. Finance debt at no more than 5.75% (1% higher than previously projected with South Campus Plaza pro forma)
10. Construct Tula Pavilion in FY17 at \$10M (Paying cash out of Housing Reserves)
11. Utilize the same rate increases for residence halls apartments, and meal plans as previously projected with South Campus Plaza pro forma
12. Utilize same historical per bed expenses with same per year increases as previously projected with SCP pro forma
13. Triple Chapultepec and Cuicacalli but no other existing halls
14. Assign half of Cuicacalli for sophomores and half first time freshmen (FTF)
15. Open South Campus Plaza as tripled occupancy for sophomores

### **Strategic Question #2 – Potential Opportunities and Challenges/Risks**

#### Opportunities

1. SDSU can produce a structured environment and program that supports the unique academic and personal developmental needs of second year students.
2. Increasing the residential complexion of the campus can increase levels of engagement with all students which has the potential of increasing involvement and affinity while at SDSU and increasing involvement and contributions as alumni, donors, and parents of future Aztecs.
3. Opportunities for policy violations and crimes (i.e., alcohol, drug, harassment, and sexual assault, etc.) can be mitigated and/or quickly adjudicated.
4. According to the most recent (2008) National Survey of Sophomore-Year Initiatives, respondents said the primary reason they established a sophomore initiative on their campus was to improve retention (65.7%), improve student satisfaction (64.9%), improve student engagement (62.9%), prepare

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[students] for career (e.g., internships) (49.8%), and to assist [students] in the selection of a major (49.3%). (As cited in Heier, 2012)

5. The most resident data from Student Affairs Research Assessment demonstrates an academic benefit for students who live on campus two years compared to those who do not live on campus.

	Fall 2007 First-Time Freshmen Cohort (N = 8,570)		
	Off-campus (2,386)	On-campus for one year (N = 2,937)	On-campus for more than one year (N = 3,247)
Make it through to junior year	63.4%	72.7%	85.9%
First Year Grade Point Average	2.39	2.80	2.94

6. Increasing the number of students living on campus will reduce the transportation congestion to the campus every day as students will not need to commute and instead will be able to walk to and from class. This has implications on both traffic patterns and can contribute to a reduced carbon footprint in alignment with the American College & University Presidents' Climate Commitment signed by President Hirschman in 2014.
7. Engage off campus landlords in 2+2 program whereby they agree to SDSU criteria to then be included in referral program.

### Challenges/Risks

- Some otherwise eligible/targeted students will choose not to attend SDSU due to a two year live-on requirement.
- Some students will have a financial hardship if required to live on campus for two years.
- The timing of communications of the policy change will be important as students recruited and admitted as incoming freshmen will need to know before applying to avoid any sense of bait and switch (may mean communication to high school juniors would be first opportunity).
- If the 'New Hall' strategy were employed, it would be important to remain committed to the Second Year Live-on Requirement for the duration of the 30-year debt to ensure required debt service.
- Some in the Greek community will likely see a second year program as a veiled effort to undermining the Greek community. In some cases, influential Greek alumni may target the President and other campus leadership to lobby for the second year live-on requirement to be abandoned.
- Some area landlords will likely protest the adoption of a second year live-on requirement due to perceived impacts on their source of revenue.

### Strategic Question #3 - Benchmark Institutions

Institution	State	Funding	Website
University of Montana	MT	Public	<a href="http://www.housing.itsu.edu/">http://www.housing.itsu.edu/</a>
Illinois State University	IL	Public	<a href="http://www.samo.edu/residence/apply.html">http://www.samo.edu/residence/apply.html</a>
Southeast Missouri State University	MO	Public	<a href="http://www.wssu.edu/campus-life/housing-and-residence-living/graduate-residents.aspx">http://www.wssu.edu/campus-life/housing-and-residence-living/graduate-residents.aspx</a>
Winston-Salem State University	NC	Public	<a href="http://www.albany.edu/housing/newstudent.shtml">http://www.albany.edu/housing/newstudent.shtml</a>
State University of New York	NY	Public	<a href="http://www.shio.edu/housing/buolap/requirement.cfm">http://www.shio.edu/housing/buolap/requirement.cfm</a>
Ohio University	OH	Public	<a href="http://www.mansfield.edu/residence-life/upload/Housing-and-Closing-Requirement-3-4-14.pdf">http://www.mansfield.edu/residence-life/upload/Housing-and-Closing-Requirement-3-4-14.pdf</a>
Mansfield University	PA	Public	<a href="http://www.winthrop.edu/reslife/default.aspx?id=6285">http://www.winthrop.edu/reslife/default.aspx?id=6285</a>
Winthrop University	SC	Public	
Weber State University	UT	Public	
University of Wisconsin - River Falls	WI	Public	<a href="https://www.uwrf.edu/ResidenceLife/ContractRates/2-Year-Residency-Requirement.cfm">https://www.uwrf.edu/ResidenceLife/ContractRates/2-Year-Residency-Requirement.cfm</a>
Texas A&M University - Commerce	TX	Public	<a href="http://www.tamuc.edu/campuslife/housing/prospectiveStudents/ap">http://www.tamuc.edu/campuslife/housing/prospectiveStudents/ap</a>

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			glicationProcess.aspx
Texas A&M University-Kingsville	TX	Public	
The Ohio State University	OH	Public	<a href="http://nstep.osu.edu/">http://nstep.osu.edu/</a>
Cal Poly – San Luis Obispo	CA	Public	<a href="http://mustangnews.net/cal-poly-considering-requirement-for-all-freshmen-sophomores-to-live-on-campus/">http://mustangnews.net/cal-poly-considering-requirement-for-all-freshmen-sophomores-to-live-on-campus/</a>

### Questions

- When did you implement the second year live-on requirement on your campus? How long has it been in place? How many second year students do you have?
- How long was your planning and implementation phase of the requirement?
- What was your communication plan (i.e. timeline, marketing, etc.)?
- What are the benefits of the requirement? What are the challenges? What recommendations would you make to a campus who considering implementing this requirement?
- What was the reaction from students? Parents? Student organizations that house second year students? Community members?
- What facility types are offered to second year students on your campus (i.e. apartments, suites, traditional residence halls, etc.)?
- What does your room selection process look like for second year students? When does this process take place?
- Do you have a specific programming model for this community? What are the components of this model? Would you be willing to share your model with us?
- Do you have learning communities in the residence halls? If yes, do these programs continue into the second year?
- Do you have an exemption process for this requirement? What exceptions have you made?
- What student success data exists which indicates the benefits of living on campus for two years at your institution (i.e. higher GPAs, decreased discipline, increased graduation rates, etc.)?
- What partnerships were/critical in the success of the second year requirement?
- What, if anything, would you do differently if given the opportunity?

### Strategic Question #4 – Communications, Program, Policy, Contracting Implications

#### Communications:

- The communication strategy would need to begin informing potential SDSU students well before they apply to the institution so that the program and expectations were well communicated and understood by the campus and incoming students avoiding charges of bait and switch and thereby negatively impacting yield and retention rates.
- Ideally communication of the requirement would be introduced no later than Explore SDSU (March) over two and half (2.5) years prior to the matriculation of the incoming first time freshmen (FTF) while they are juniors in high school.
- Admissions messages and collateral would need to be produced reflecting the upcoming two year live-on requirement two (2) years prior to the matriculation of the incoming first time freshmen (FTF) while they are seniors in high school.

#### Program Features:

- Addressing unique needs of returning/continuing and transfer students who would be successful on campus
  - To accommodate requests from returning students, the following policies have been implemented:
    - Additional autonomy from policies (i.e., guest policy, roommates, etc.)
    - Increased privacy
    - No or optional meal plan

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- Living options separate from First Time Freshmen
- Ability to select where to live
- Ability to select any roommate regardless of gender
- Value-added programs not available off campus
  - Programs/Seminars based on intended learning outcomes
    - Academic advising/coaching
    - Career/internship development
    - Community development/Networking
    - High impact learning opportunities
      - Study abroad
      - Service learning
  - Independence (i.e. financial responsibility, cooking, off campus housing issues, etc.)
  - Traditions
  - Through:
    - Sophomore mentoring
    - Targeted websites
    - Kick off Events
    - Traditions
- Demonstration of impact – (i.e. Tracking of academic success)

### Policy Features:

- Modified community policies
  - Guest visitation negotiated by residents
  - No guest check-in requirement
  - Alcohol allowed (within room) for those aged 21+
- Reduced staffing ratios (from 40 to 1 to 50 to 1)
- All gender inclusive assignments

### Contracting:

- Use of suites and apartments
- Choose room/apartment location
- Choose roommates – gender inclusive
- Optional Meal Plan
- Discounted rates
- Early Move In and Housing Over-the-Break available in all apartments
- Both 9-month and 11.5-month license agreements available

### **Strategic Question #5 – Important Partnerships/Stakeholders**

#### On Campus

- Admissions/Enrollment Services
- Financial Aid
- Greek Life
- ~~Publication~~
- University Relations and Development
- Honors College
- Student Rights and Responsibilities
- Counseling and Psychological Services

- University Police
- Guardian Scholars

#### Off Campus

- ~~Resident/Residence~~
- Greek Alumni/National Chapters
- Local properties
- CACC

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### Strategic Question #6 – Timeline

Due Date	Activity
December 2015	Presidential Approval
January 2016	Second Live-on Requirement Development Committee created
April 2016	Stakeholder engagement completed
June 2016	Program and Communication Plan completed
August 2016	Admissions messages and collateral completed
August 2017	First class of first time freshmen (FTF) under SLR policy matriculate to campus
August 2018	First class of second year students return to live-on campus (phase I)
August 2020	New Residence Hall is completed Entire eligible second year student class returns to live-on campus (phase II)

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### Appendix A Capacity Analysis



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Exhibit 1, SDSU briefing on live-on requirement

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# Responses to Comments - Organizations

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SDSU Housing Demand/Capacity Analysis  
San Diego State University  
Updated 03/17/18

Students	TOTAL SDSU HEADCOUNT SD CAMPUS (ALL YEARS)										Projected			
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
New Freshmen (Resident - Local)	2,142	2,329	2,319	1,882	1,972	1,810	1,581	1,588	1,443	1,443	1,443	1,443	1,443	1,443
New Freshmen (Resident - Non-Local)	3,051	1,635	1,537	1,576	2,017	1,835	2,498	2,553	2,457	2,457	2,457	2,457	2,457	2,457
New Freshmen (Out of State - Domestic)	331	333	311	268	289	387	500	548	650	650	650	650	650	650
New Freshmen (International)	85	48	56	56	92	117	174	263	350	350	350	350	350	350
New Freshmen (total)	5,559	4,353	4,223	3,302	3,370	4,119	4,671	4,918	4,900	4,900	4,900	4,900	4,900	4,900
Continuing Freshmen/Sophomores (Resident - Local)	2,902	2,232	2,496	2,705	2,449	1,894	1,940	1,670	1,670	1,670	1,670	1,670	1,670	1,670
Continuing Freshmen/Sophomores (Resident - Non-Local)	3,391	3,337	2,233	1,684	2,083	2,130	1,914	2,436	2,436	2,436	2,436	2,436	2,436	2,436
Continuing Freshmen/Sophomores (Out of State - Domestic)	168	208	241	258	358	387	323	416	416	416	416	416	416	416
Continuing Freshmen/Sophomores (International)	25	48	59	80	119	171	247	319	319	319	319	319	319	319
Continuing Freshmen/Sophomores (total)	5,586	5,825	5,029	4,727	4,989	4,462	4,444	4,841	4,841	4,841	4,841	4,841	4,841	4,841
New Transfer Juniors	3449	2765	2281	1978	1798	1057	3077	2,787	2,787	2,787	2,787	2,787	2,787	2,787
Continuing Juniors	4,785	3,141	4,483	3,919	5,425	4,167	3,911	4,040	4,040	4,040	4,040	4,040	4,040	4,040
Juniors (total)	8,234	7,906	6,764	5,897	7,223	7,224	6,988	6,747	6,747	6,747	6,747	6,747	6,747	6,747
Seniors	10,249	10,482	10,556	9,719	9,378	9,934	10,511	10,494	10,494	10,494	10,494	10,494	10,494	10,494
Graduate Students	5,895	6,105	6,021	5,286	4,800	4,861	4,812	4,981	4,981	4,981	4,981	4,981	4,981	4,981
ALL AA Students	871	1,005	968	1,339	1,510	652	600	600	600	600	600	600	600	600
Undergraduate Transitory	196	222	244	256	267	243	473	535	535	535	535	535	535	535
Total Students	36,170	35,662	33,541	30,270	31,784	31,252	32,026	32,641	28,523	28,523	28,523	28,523	28,523	28,523
Including US Transitory, excluding AU (already included across student level)	35,695	34,889	32,817	29,187	30,541	30,843	31,899	32,576	-	-	-	-	-	-

GENERAL NOTES:  
 - All actual headcounts are from Office of Analytics Studies enrollment reports (except AU) based on census.  
 - All projected headcounts are from Enrollment Services (except AU). Assumes flat overall enrollment, increase in out-of-state and international students, and no less than 37% local area first-time freshmen (FTF).  
 - All projections are from AU + AU (AU) Semester@SDSU.  
 - All headcount numbers are for the San Diego campus and do not include Imperial Valley or E-campus students.  
 - Freshmen Live-on Requirement was implemented starting fall 2009.

FOOTNOTES:  
 - New Freshmen category includes new students to university.  
 - Other Freshmen/Sophomore category includes second-year freshmen, transfer students with freshman standing and all sophomores.  
 - Graduate Students category includes post-bacc, masters, doctoral, and other grad students.  
 - AU/AA Students category includes all students in AU programs and Academic Affairs sponsored students.

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Students	PROJECTED RESIDENT HALL HEADCOUNT (FALL TERM)											
	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
New Freshmen (Resident - Local)	319	414	378	232	307	399	342	347	315	315	315	315
New Freshmen (Resident - Non-Local)	2,272	3,475	3,475	1,549	1,789	2,429	2,486	2,393	2,393	2,393	2,393	2,393
New Freshmen (Out of State - Domestic)	272	305	281	267	338	449	460	628	628	628	628	628
New Freshmen (International)	17	32	26	28	35	48	60	109	109	109	109	109
New Freshmen (Total)	2,800	2,236	2,052	2,046	2,611	2,588	3,310	3,491	3,478	3,478	3,478	3,478
Fall Opening Actuals	3,204	2,232	2,013	2,093	2,614	2,596	3,315	3,551				
Continuing Freshmen/Sophomores (Resident - Local)	46	70	79	76	53	30	24	16	16	33	50	67
Continuing Freshmen/Sophomores (Resident - Non-Local)	318	545	386	182	196	163	111	113	113	609	1,318	2,363
Continuing Freshmen/Sophomores (Out of State - Domestic)	16	49	36	23	28	13	11	11	11	104	208	404
Continuing Freshmen/Sophomores (International)	380	662	654	726	776	707	140	143	3	72	64	131
Continuing Freshmen/Sophomores (Total)	384	703	445	281	278	247	120	104	140	778	1,340	2,861
Fall Opening Actuals												
New Transfer Juniors	408	229	101	94	154	260	226	129	129	129	129	129
Continuing Juniors	50	81	159	101	130	89	73	86	86	86	86	86
Juniors (Total)	458	310	260	195	284	349	299	215	215	215	215	215
Fall Opening Actuals	459	340	252	200	264	325	267	181				
Seniors	52	53	86	95	97	93	82	79	79	79	79	79
Fall Opening Actuals	82	165	135	187	124	109	113	163				
Graduate Students	19	24	35	46	26	35	25	55	55	55	55	55
Fall Opening Actuals	22	26	29	48	19	34	22	78				
All AA Students	80	81	64	39	156	52	26	22	22	22	22	22
Fall Opening Actuals	80	81	64	39	156	52	26	22				
Undergraduate Transition	31	78	80	48	17	27	6	22	22	22	22	22
Total Students	3,789	3,555	2,957	3,206	3,450	3,800	3,883	4,005	4,005	4,005	4,005	4,005
Fall Opening Actuals	4,231	3,547	2,938	2,858	3,475	3,163	3,883	4,100				
Including LSC Transition, excluding AA (already included across student level)	3,740	3,332	2,883	2,715	3,311	3,199	3,880	4,005	4,005	4,535	5,297	6,721
												6,738

GENERAL NOTES:

-all actual headcounts are from CHS Occupancy Report from Opening

-all projected headcounts are from Enrollment Services and Instruction Research (except AA). Assume the resident enrollment, increase in out-of-state and international students, and at least 27% local area first-time freshmen (FTF).

-Does not include occupancy of SDSU affiliated, but not CHS managed facilities.

-All projections are from AA - AA/VO Services@SDSU

-all headcount numbers are for the San Diego campus and do not include regional Valley or C-Campus students

-freshman live-on requirement was implemented starting fall 2009

FOOTNOTES:

-New freshmen category includes new students to campus.

-Other freshmen projections include students who are freshmen, transfer students with freshmen standing and all sophomores.

-Continuing freshmen/sophomores include students who are sophomores, transfer students with sophomore standing, and other grad students.

-All AA students category includes all students in AA programs and Academic Affairs sponsored students.



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PROJECTED PERCENTAGE OF ENROLLMENT HEADCOUNT IN ONA-MANAGED HOUSING BY CLASS STANDING (FALL TERM)

Students	Actual										Projected			
	FRESHMAN	FRESHMAN	FRESHMAN	FRESHMAN	FRESHMAN	FRESHMAN	FRESHMAN	FRESHMAN	FRESHMAN	FRESHMAN	FRESHMAN	FRESHMAN	FRESHMAN	FRESHMAN
New Freshmen (Resident - Local)	10%	18%	16%	18%	20%	20%	23%	23%	23%	23%	23%	23%	23%	23%
New Freshmen (Resident - Non-Local)	75%	50%	80%	95%	98%	98%	97%	97%	97%	97%	97%	97%	97%	97%
New Freshmen (Out of State - Domestic)	82%	82%	90%	93%	94%	99%	99%	99%	97%	97%	97%	97%	97%	97%
New Freshmen (International)	83%	67%	66%	56%	18%	41%	39%	41%	41%	41%	41%	41%	41%	41%
New Freshmen (Total)	14%	51%	88%	62%	64%	83%	71%	70%	70%	70%	70%	70%	70%	70%
Continuing Freshmen/Sophomores (Resident - Local)	2%	3%	3%	3%	2%	2%	1%	1%	1%	2%	3%	4%	5%	5%
Continuing Freshmen/Sophomores (Resident - Non-Local)	9%	18%	13%	11%	9%	8%	8%	5%	5%	25%	50%	87%	97%	97%
Continuing Freshmen/Sophomores (Out of State - Domestic)	10%	19%	15%	9%	9%	1%	7%	8%	1%	25%	50%	87%	97%	97%
Continuing Freshmen/Sophomores (International)	0%	15%	12%	5%	4%	1%	1%	1%	1%	10%	20%	41%	41%	41%
Continuing Freshmen/Sophomores (Total)	7%	11%	9%	6%	6%	2%	2%	2%	2%	18%	22%	41%	41%	41%
New Transfer Juniors	12%	8%	4%	5%	9%	9%	7%	5%	5%	5%	5%	5%	5%	5%
Continuing Juniors	1%	7%	6%	1%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Juniors (Total)	6%	4%	4%	3%	4%	5%	6%	3%	3%	3%	3%	3%	3%	3%
Seniors	1%	0%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Graduate Students	0%	0%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
All AA Students	12%	8%	7%	3%	10%	8%	6%	6%	6%	6%	6%	6%	6%	6%
Undergraduate Transitory	18%	34%	37%	39%	8%	11%	1%	4%	4%	4%	4%	4%	4%	4%
Total Students	10%	9%	9%	9%	11%	11%	14%	14%	14%	14%	14%	14%	14%	14%
Including US Transitory, excluding AA (already included across student level)	10%	10%	9%	9%	11%	11%	14%	14%	14%	14%	14%	14%	14%	14%

GENERAL NOTES:  
 All actual headcounts are from the Enrollment Management Contact (AUI).  
 All projected headcounts are from Enrollment Services and Institutional Research Contact (AUI). Assumes Fall resident enrollment, increase in out-of-state and international students, and no less than 17% local area first-time freshmen (FTF).  
 Assumes sophomore occupancy based on historical percentages of enrollment.  
 Does not include occupancy of SDSU-affiliated, but not Ona-managed facilities.  
 All projections are from AUI - AUI W20 Semester (2020).  
 All headcount numbers are for the San Diego campus and do not include Imperial Valley or S-campus students.  
 Freshman Live-on Requirement was implemented starting Fall 2020.

FOOTNOTES:  
 New Freshman category includes new students to university.  
 Other Freshmen/Sophomores category includes second-year freshmen, transfer students with freshman standing and all sophomores.  
 Graduate Students category includes post-bacc, masters, doctorate, and other grad students.  
 ALL AA Students category includes all students in AA programs and Academic Affairs sponsored students.

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PLANNING APPROACH: MAXIMUM BED CAPACITY (FALL TERM)													
	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
<b>TIER 1: TRADITIONAL-STYLE RESIDENCE HALLS</b>													
Chapultepec*	540	540	540	540	540	540	808	820	806	806	806	806	806
Maya	209	209	209	209	209	209	209	214	204	204	204	204	204
Olmeque	184	184	184	184	184	184	384	388	384	376	376	376	376
Tenochca	555	555	555	555	555	555	555	555	642	642	642	642	642
Zura	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Subtotal: Tier 1	1,897	1,897	1,897	1,897	1,897	1,897	2,165	1,636	2,440	2,432	2,432	2,432	2,432
<b>TIER 2: SEMI-SUITE-STYLE RESIDENCE HALLS</b>													
University Towers	543	543	543	543	543	543	544	544	542	542	542	542	542
South Campus Plaza I	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	620	620	930	930
Subtotal: Tier 2	543	543	543	543	543	543	544	544	542	1,162	1,162	1,472	1,472
Subtotal Capacity: Freshman-Focused Residence Halls	2,440	2,440	2,440	2,440	2,440	2,440	2,709	2,180	2,982	3,594	3,594	4,384	4,384
<b>TIER 3: SUITE-STYLE RESIDENCE HALLS</b>													
Cucacali*	673	673	673	673	673	673	742	752	752	752	752	752	752
Subtotal: Tier 3	673	673	673	673	673	673	742	752	752	752	752	752	752
Subtotal Capacity: All Residence Halls	3,113	3,113	3,113	3,113	3,113	3,113	3,451	2,932	3,734	4,346	4,346	5,136	5,136
<b>TIER 4: APARTMENT-STYLE RESIDENCE HALL</b>													
Villa Alvarado	326	326	326	326	326	326	330	330	330	330	330	330	330
Granada	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	181	243	243	243	243
Subtotal: Tier 4	326	326	326	326	326	326	330	330	511	573	573	573	573
Subtotal Capacity: SDSU-Owned Facilities	3,439	3,439	3,439	3,439	3,439	3,439	3,781	3,505	4,045	4,919	4,919	5,709	5,709
<b>TIER 5: APARTMENT-STYLE HOUSING</b>													
Piedra del Sol	228	228	228	228	228	228	228	228	262	262	262	262	262
College West	80	80	80	80	80	80	80	76	82	82	82	82	82
Alberts College - OHA Managed	-	-	-	-	-	-	-	266	143	450	450	450	450
Alberts College - Astec Shops Managed	450	450	450	450	450	450	450	172	308	-	-	-	-
Fraternity Row	240	240	240	240	240	240	240	240	240	240	240	240	240
Capstone Facility	-	-	-	-	-	-	-	-	-	350	350	350	350
Astec Corner	600	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal: Tier 5	1,598	998	998	998	998	998	998	982	1,034	1,034	1,304	1,304	1,304
Subtotal Capacity: All Apartments and Suites	2,597	1,997	1,997	1,997	1,997	1,997	2,070	2,307	2,297	2,359	2,709	2,709	2,709
<b>Subtotal Capacity: All Campus Housing</b>	<b>5,037</b>	<b>4,437</b>	<b>4,437</b>	<b>4,437</b>	<b>4,437</b>	<b>4,437</b>	<b>4,779</b>	<b>4,487</b>	<b>5,079</b>	<b>5,953</b>	<b>6,303</b>	<b>7,093</b>	<b>7,093</b>
Efficiency Factor	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
<b>Effective Housing Capacity: All Campus Housing</b>	<b>4,936</b>	<b>4,348</b>	<b>4,348</b>	<b>4,348</b>	<b>4,348</b>	<b>4,348</b>	<b>4,683</b>	<b>4,397</b>	<b>4,977</b>	<b>5,834</b>	<b>6,177</b>	<b>6,951</b>	<b>6,951</b>
Projected Housing Headcount: New Freshmen	3,204	2,232	2,033	2,046	2,611	2,588	3,319	3,491	3,478	3,478	3,478	3,478	3,478
Projected Housing Headcount: Other Freshmen/Sophomores	384	703	445	291	278	247	149	146	143	778	1,540	2,964	2,981
Projected Housing Headcount: Other Students	643	652	480	474	583	520	448	401	393	387	387	387	387
<b>Total Projected Housing Headcount</b>	<b>4,231</b>	<b>3,587</b>	<b>2,958</b>	<b>2,811</b>	<b>3,472</b>	<b>3,355</b>	<b>3,916</b>	<b>4,038</b>	<b>4,014</b>	<b>4,643</b>	<b>5,405</b>	<b>6,829</b>	<b>6,846</b>
<b>Surplus (Deficit) Beds - Residence Halls</b>	<b>(861)</b>	<b>(177)</b>	<b>432</b>	<b>559</b>	<b>(102)</b>	<b>15</b>	<b>(211)</b>	<b>(603)</b>	<b>(50)</b>	<b>177</b>	<b>(584)</b>	<b>(1,234)</b>	<b>(1,251)</b>
<b>Surplus (Deficit) Beds - OHA Managed</b>	<b>(49)</b>	<b>47</b>	<b>656</b>	<b>783</b>	<b>122</b>	<b>239</b>	<b>13</b>	<b>(44)</b>	<b>426</b>	<b>1,191</b>	<b>772</b>	<b>122</b>	<b>105</b>
<b>Surplus (Deficit) Beds - All SDSU Affiliates Managed</b>	<b>705</b>	<b>801</b>	<b>1,410</b>	<b>1,537</b>	<b>876</b>	<b>993</b>	<b>767</b>	<b>359</b>	<b>964</b>	<b>1,191</b>	<b>772</b>	<b>122</b>	<b>105</b>

\*All actual headcounts are from the Enrollment Services (except AU)

\*Freshmen Live-on Requirement was implemented starting Fall 2009

## FOOTNOTES:

Capacity numbers and projected revenue beds. NEO Student Staff/Non-Revenue Beds already deducted.

\*Increase in beds due to double rooms converted to triples.

Does not include Sanitary Suites (44 bed capacity)

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Cont.

## Responses to Comments - Organizations

Attachment 3 Exhibits

### Sophomore Live-on Requirement Analysis

#### Demand

Class Standing	Enrollment	% Housing	Outstanding
Fresh	4,902	20%	980
Sophomore	4,812	41%	1,964
Junior	6,747	17%	1,147
Senior	10,494	1%	105
Grad	4,981	1%	50
Nonresident	500	4%	20
<b>Total</b>	<b>32,568</b>		<b>6,773</b>

\*Note: Does not include implications of a matriculating All Live-on Requirement

#### Supply

Building Type	Normal	Max
Residence Halls	2,502	3,315
Suites	673	738
SCP	422	930
Apartments	1,939	1,953
<b>Total</b>	<b>5,854</b>	<b>6,966</b>

Surplus/(Deficit) (1,138) 183

#### Scenario #1

Building Type	Max	FTF	Sophomore	Junior	Senior	Grad	All	Total	Surplus
Residence Halls	3,315	3,315						3,315	-
Suites	738	121	617					738	-
SCP	930		930					930	-
Apartments	1,953		1,953	215	79	55	24	1,790	163
<b>Total</b>	<b>6,966</b>	<b>3,436</b>	<b>2,964</b>	<b>215</b>	<b>79</b>	<b>55</b>	<b>24</b>	<b>6,773</b>	<b>183</b>

#### Scenario #2

Building Type	Max	FTF	Sophomore	Junior	Senior	Grad	All	Total	Surplus
Residence Halls	3,315	2,964						2,964	399
New FTF Hall	300	480						480	20
Suites	738		673					673	65
SCP	930		930					930	-
Apartments	1,953		1,953	215	79	55	24	1,794	219
<b>Total</b>	<b>7,496</b>	<b>3,436</b>	<b>2,964</b>	<b>215</b>	<b>79</b>	<b>55</b>	<b>24</b>	<b>6,773</b>	<b>683</b>

Cost	Total Cost
\$ 187,800	\$ 93,850,000

#### Scenario #3

Building Type	Max	FTF	Sophomore	Junior	Senior	Grad	All	Total	Surplus
Residence Halls	3,315	2,964						2,964	499
New FTF Hall	600	600						600	-
Suites	738		673					673	65
SCP	930		930					930	-
Apartments	1,953		1,953	215	79	55	24	1,794	219
<b>Total</b>	<b>7,556</b>	<b>3,436</b>	<b>2,964</b>	<b>215</b>	<b>79</b>	<b>55</b>	<b>24</b>	<b>6,773</b>	<b>783</b>

Cost	Total Cost
\$ 137,200	\$ 118,880,000

#### Scenario #4

Building Type	Max	FTF	Sophomore	Junior	Senior	Grad	All	Total	Surplus
Residence Halls	3,315	2,763						2,763	552
Suites	738	673						673	65
SCP	930		930					930	-
Apartments	1,953		1,953	215	79	55	24	1,953	-
New Apartments	500		81	215	79	55	24	454	46
<b>Total</b>	<b>7,496</b>	<b>3,436</b>	<b>2,964</b>	<b>215</b>	<b>79</b>	<b>55</b>	<b>24</b>	<b>6,773</b>	<b>663</b>

Cost	Total Cost
\$ 137,000	\$ 68,500,000

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Cont.

# Responses to Comments - Organizations

Attachment 3 Exhibits

Phased Residential Capacity/Demand by Class Standing and Rail Type

	Year	Phase I				Phase II				Phase III				Phase IV			
		2018				2019				2020				2021			
		Enrollment	Academic	Other	Total	Enrollment	Academic	Other	Total	Enrollment	Academic	Other	Total	Enrollment	Academic	Other	Total
<b>PHASE I: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE II: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE III: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE IV: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE V: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE VI: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE VII: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE VIII: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE IX: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE X: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XI: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XII: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XIII: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XIV: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XV: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XVI: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XVII: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XVIII: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XIX: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XX: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XXI: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Staff	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
<b>PHASE XXII: UNIVERSITY TOWN</b>																	
Undergraduate	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Graduate	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Faculty	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20</

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Cont.

Exhibit 1: SDSU briefing on live-on requirement

## Responses to Comments - Organizations

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Attachment 3 Exhibits

Appendix B  
Pro Formas

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Exhibit 1: SDSU briefing on live-in requirement

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## Responses to Comments - Organizations

Attachment 3 Exhibits

### Sophomore Live-on Requirement Assumptions *Updated April 2, 2015*

Attached is a draft pro forma for what we would need to address a sophomore live-on requirement using Scenario #2. Here are the assumptions built in:

**We would:**

1. Maintain current enrollment projections of no growth of new matriculated students (including all residency and class standing statuses) the foreseeable future.
2. Continue to capture 72% of the FTF class (94% non-local, 22% local)
3. Capture 54% of the sophomore class (94% non-local, 5% local) by phasing in with full implementation in Fall 2018
4. Continue to capture the small percentage of other class standings as has been done in recent past
5. Utilize all of the Aztec Shops apartment inventory including Albert's College, College West, Fraternity Row, and Piedra del Sol)
6. Capstone would add 350 revenue bed in the Fall of 2017
7. Construct a new hall with 480 revenue beds opening Fall 2018 (\$187K per bed X 500 = \$93.6M)
8. Renovate Tenochca low-rise in FY17 and improve east side alley way at \$23M (\$1M in debt with \$2M contribution)
9. Pay the same interest rate on debt as previously projected with SCP pro forma
10. Construct Tula Pavilion at \$10M (Paying out of Housing Reserves)
11. Utilize the same rate hall, meal plan, and apartment increases previously projected with SCP pro forma
12. Utilize same historical per bed expenses with same per year increases as previously projected with SCP pro forma
13. Triple Chapultepec and Cuic but no other existing halls
14. Assign half of Cuic for sophomores and half FTF
15. Open SCP as tripled occupancy for sophomores

Scenario #2 yields an occupancy of 6,773 with approximately 683 excess spaces (mostly in halls) for unforeseen enrollment growth.

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Exhibit 1: SDSU briefing on live-on requirement

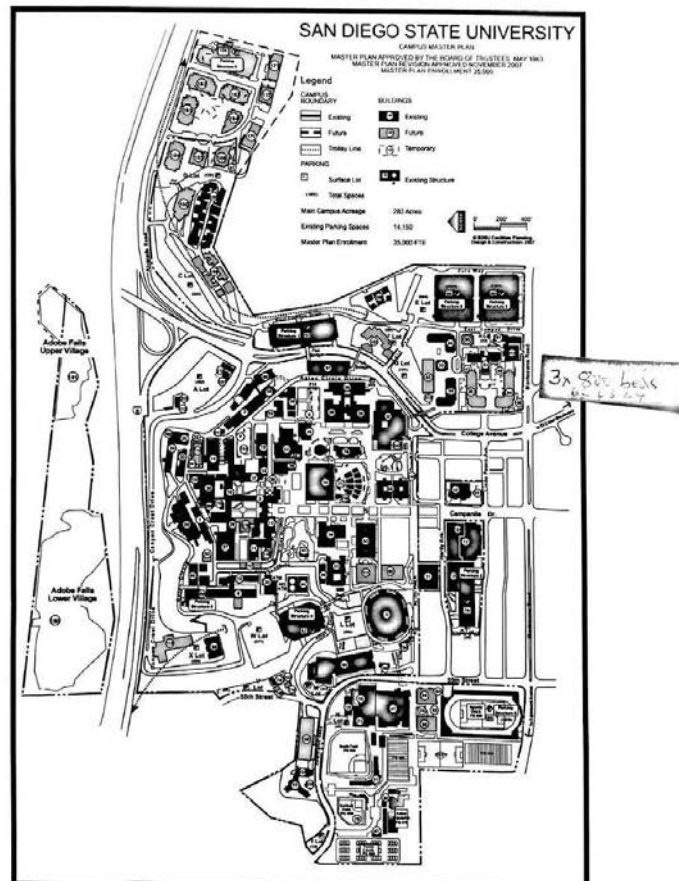
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## Responses to Comments - Organizations

Main Bldg  
 Attachment 3 Exhibits  
 FV 08-09  
 MP 2007/Update  
 LEGENDS



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 Cont.



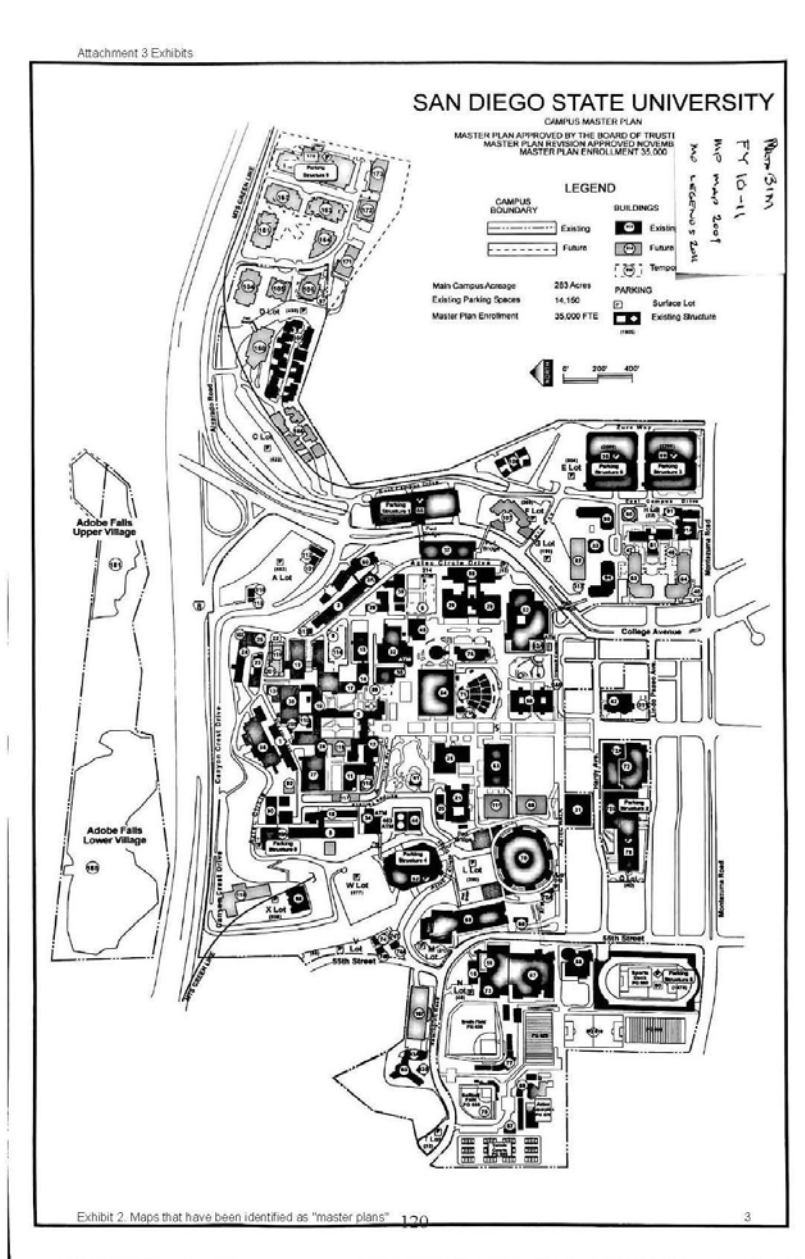
## Responses to Comments - Organizations

### Attachment 3 Exhibits

56. Art - North
58. Adams Humanities
59. Student Services - East
60. Chemical Sciences Laboratory
62. Residence Hall (800 bed)
63. Residence Hall (800 bed)
64. Residence Hall (800 bed)
66. Conference Center
67. Aztec Athletics Center/Hall of Fame
68. Arena Meeting Center
69. Aztec Recreation Center
70. Viejas Arena at Aztec Bowl
- 70a. Arena Ticket Office
71. Open Air Theater
- 71a. Open Air Theater Hospitality House
72. KPBS Radio/TV
- 72a. Gateway Center
- 72b. Extended Studies Center
73. Racquetball Courts
74. International Student Center
- 74a. International Student Center Addition - A
- 74b. International Student Center Addition - B
- 74i. International Student Center - temporary
76. Love Library Addition/Manchester Hall
77. Tony Gwynn Stadium
78. Softball Stadium
79. Parking Structure 2
80. Parking Structure 5/Sports Deck
81. Parking Structure 7
82. Parking Structure 4
86. Aztec Aquaplex
87. Tennis Center Building
88. Alumni Center
89. Basketball Center
90. Arts and Letters
- 90a. Parking Structure 8
91. Tenochca Hall (Coeducational Residence)
- 91a. Tula Hall
92. Art Gallery
93. Chapultepec Hall (Coeducational Residence)
- 93a. Cholula Hall
- 93b. Monty's Market
94. Tepayac (Coeducational Residence)
95. Tacuba (Coeducational Residence)
96. Parking Structure 6
97. Rehabilitation Center
98. Business Services
99. Parking Structure 3
100. Villa Alvarado Hall (Coeducational Residence)
101. Maintenance Garage
102. Cogeneration/Chill Plant
104. Academic Bldg A
105. Academic Bldg B
106. Academic Bldg C - Education
107. College of Business
109. University Children's Center
111. Performing Arts Complex
110. Growth Chamber
112. Resource Conservation
113. Waste Facility
114. Science Research Building
115. Physical Plant/Corporation Yard

O6-230  
Cont.

## Responses to Comments - Organizations



O6-230  
Cont.

## Responses to Comments - Organizations

Attachment 3 Exhibits

114. Science Research Building  
 115. Physical Plant/Corporation Yard  
 116. School of Communication Addition A  
 117. School of Communication Addition B  
 118. School of Communication Addition C  
 119. Engineering Building Addition  
 135. Bio Science Center  
 160. Alvarado Hotel  
 161. Alvarado Park – Academic Bldg 1  
 162. Alvarado Park – Academic Bldg 2  
 163. Alvarado Park – Academic Bldg 3  
 164. Alvarado Park – Academic Bldg 4  
 166. Villa Alvarado Apartments Expansion  
 167. Student Housing  
 170. Parking Structure 9  
 171. Alvarado Park – Research Bldg1  
 172. Alvarado Park – Research Bldg2  
 173. Alvarado Park – Research Bldg3  
 180. Adobe Falls Lower Village – Residential  
 181. Adobe Falls Upper Village – Residential  
 201. Physical Plant Shops  
 208. Betty's Hotdogger  
 240. Transit Center  
 302. Field Equipment Storage  
 303. Grounds Storage  
 310. EHS Storage Shed  
 311. Substation D  
 312. Substation B  
 313. Substation A  
 745. University House (President's Residence)

LEGEND  
 EXISTING FACILITY/ Proposed Facility  
 Note: Building numbers correspond with building numbe

56. Art - North  
 58. Adams Humanities  
 59. Student Services - East  
 60. Chemical Sciences Laboratory  
 62. Residence Hall (800 bed) Phase 1  
 63. Residence Hall (800 bed) Phase 2  
 64. Residence Hall (800 bed) Phase 2  
 65. Office of Housing Administration  
 66. Conference Center  
 67. Aztec Athletics Center/Hall of Fame  
 68. Arena Meeting Center  
 69. Aztec Recreation Center  
 70. Viejas Arena at Aztec Bowl  
 70a. Arena Ticket Office  
 71. Open Air Theater  
 71a. Open Air Theater Hospitality House  
 72. KPBS Radio/TV  
 72a. Gateway Center  
 72b. Extended Studies Center  
 73. Racquetball Courts  
 74. International Student Center  
 74a. International Student Center Addition - A  
 74b. International Student Center Addition - B  
 74t. International Student Center - temporary  
 76. Love Library Addition/Manchester Hall  
 77. Tony Gwynn Stadium  
 78. Softball Stadium  
 79. Parking Structure 2  
 80. Parking Structure 5/Sports Deck  
 81. Parking Structure 7  
 82. Parking Structure 4  
 86. Aztec Aquaplex  
 87. Tennis Center Building  
 87a. Tennis Lockers  
 88. Parma Payne Goodall Alumni Center  
 89. Basketball Center  
 90. Arts and Letters  
 90a. Parking Structure 8  
 91. Tenochca Hall (Coeducational Residence)  
 91a. Tula Hall  
 92. Art Gallery  
 93. Chapultepec Hall (Coeducational Residence)  
 93a. Cholula Hall  
 93b. Monty's Market  
 94. Tepeyac (Coeducational Residence)  
 95. Tacuba (Coeducational Residence)  
 96. Parking Structure 6  
 97. Rehabilitation Center  
 98. Business Services  
 99. Parking Structure 3  
 100. Villa Alvarado Hall (Coeducational Residence)  
 101. Maintenance Garage  
 102. Cogeneration Plant Addition  
 104. Academic Bldg A  
 105. Academic Bldg B  
 106. Academic Bldg C - Education  
 107. College of Business  
 109. University Children's Center  
 110. Growth Chamber  
 111. Performing Arts Complex  
 112. Resource Conservation  
 113. Waste Facility

O6-230  
 Cont.

## Responses to Comments - Organizations

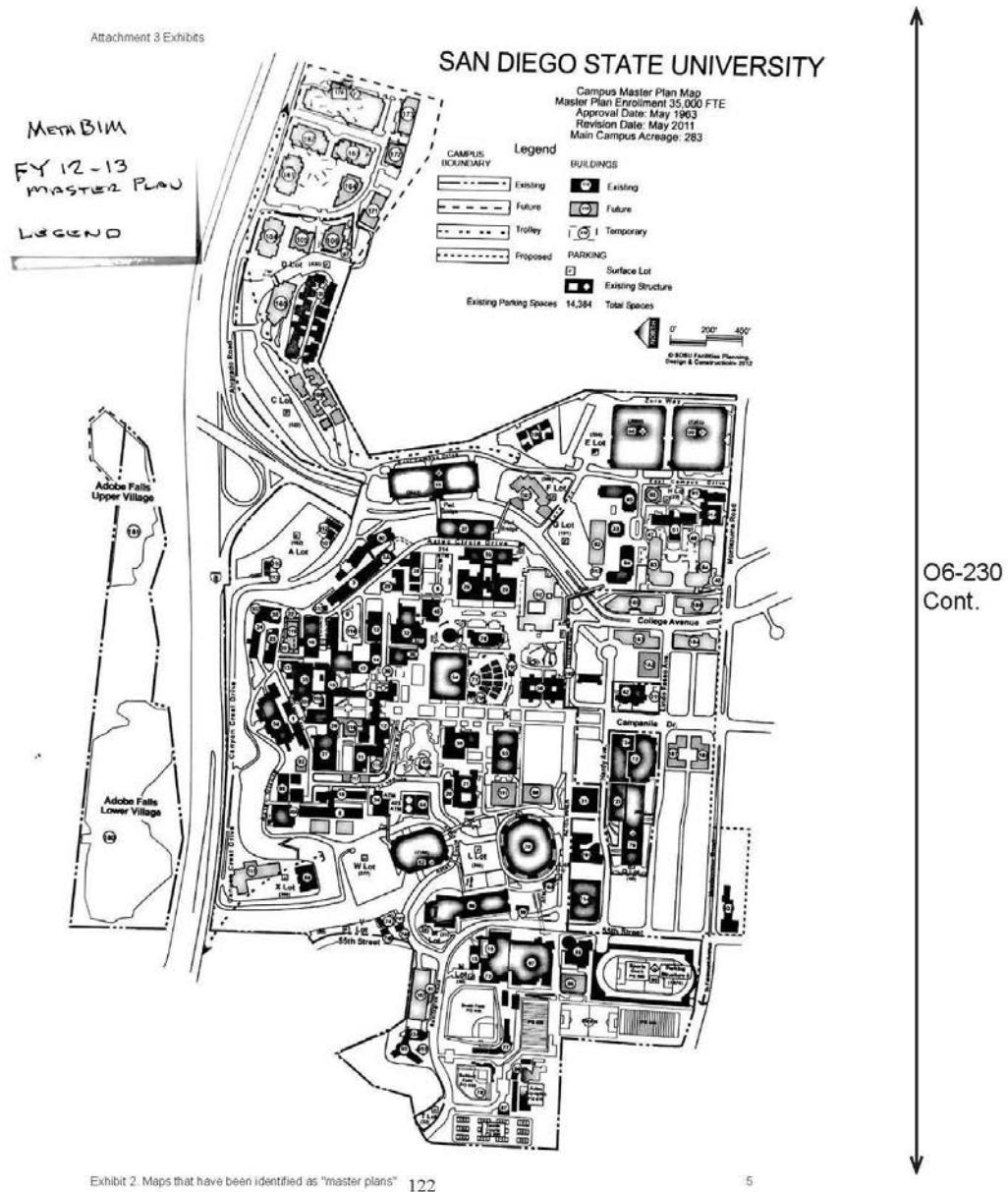


Exhibit 2. Maps that have been identified as "master plans" 122

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## Responses to Comments - Organizations

Attachment 3 Exhibits

ATTACHMENT A  
CPB - Item 6  
May 10-11, 2011  
Page 2 of 2

### SAN DIEGO STATE UNIVERSITY

Master Plan Revision - May 2011

Master Plan Enrollment: 35,000 FTE

Master Plan Revision approved by the Board of Trustees: May 1963, June 1967, July 1971, November 1973, July 1975, May 1977, November 1977, September 1978, September 1981, May 1982, July 1983, May 1984, July 1985, January 1987, July 1988, July 1989, May 1990, July 1990, September 1998, May 1999, March 2001, November 2007, May 2011

1. Art-South	69. Aztec Recreation Center	167. U-Lot Residence Hall
2. Hepper Hall	70. Viejas Arena at Aztec Bowl	170. Parking Structure 9
3. Geology/Mathematics-Computer Science	70a. Arena Ticket Office	171. Alvarado Park-Research Building 1
3a. Geology/Mathematics-Computer Science Addition	71. Open Air Theater	172. Alvarado Park-Research Building 2
5. Engineering Laboratory	71a. Open Air Theater Hospitality House	173. Alvarado Park-Research Building 3
6. Education	71g. Open Air Theater Ticket Booth	180. Adobe Falls Lower Village-Residential
8. Storm Hall	72. KPBS Radio/TV	181. Adobe Falls Upper Village-Residential
9. Industrial Technology	72a. Gateway Center	182. Plaza Linda Verde Parking-Building 3
10. Life Science-South	72b. Extended Studies Center	183. Plaza Linda Verde Building 1
11. Little Theatre	73. Racquetball Courts	184. Plaza Linda Verde Building 2
12. Communication	74. International Student Center	185. Plaza Linda Verde Building 5
13. Physics	74a. International Student Center Addition - A	186. Plaza Linda Verde Building 4
14. Physics-Astronomy	74b. International Student Center Addition - B	187. Plaza Linda Verde Building 6
15. Public Safety	74c. International Student Center - temporary	188. Plaza Linda Verde Building 7
16. Peterson Gymnasium	76. Love Library Addition/Manchester Hall	201. Physical Plant Shops
17. Physical Sciences	77. Tony Gwynn Stadium	205. Betty's Hotdogger
18. Nasair Hall	78. Softball Stadium	240. Transit Center
19. Engineering	79. Parking Structure 2	302. Field Equipment Storage
20. Exercise and Nutritional Sciences Annex	80. Parking Structure 5/Sports Deck	303. Grounds Storage
21. Exercise and Nutritional Sciences	81. Parking Structure 7	310. EHS Storage Shed
22. CAM Lab (Computer Aided Mechanics)	82. Parking Structure 4	311. Substation D
23. Physical Plant/Boiler Shop	86. Aztec Aquaplex	312. Substation B
24. Physical Plant	87. Aztec Tennis Center	313. Substation A
25. Cogeneration Plant	87a. Tennis Center Lockers	745. University House (President's home)
26. Hardy Memorial Tower	88. Parma Payne Goodall Alumni Center	932. University Towers (Residence Hall)
27. Professional Studies and Fine Arts	89. Basketball Center	
28. East Mall	90. Arts and Letters	
29. Student Services-West	90a. Parking Structure 8	
30. Administration	91. Teneoeca Hall (Coeducational Residence)	
31. Calpulili (Counseling, Disabled and Student Health Services)	91a. Tula Hall	
32. East Commons	92. Art Gallery	
33. Cuicacali (Dining)	93. Chapultepec Hall (Coeducational Residence)	
34. West Commons	93a. Choluta Hall	
35. Life Science - North	93b. Aztec Market	
36. Dramatic Arts	94. Tepayac (Coeducational Residence)	
37. Education and Business Administration	95. Tacuba (Coeducational Residence)	
38. North Education	96. Parking Structure 6	
38a. North Education 60	97. Rehabilitation Center	
39. Faculty/Staff Club	98. Business Services	
40. Housing Administration	99. Parking Structure 3	
41. Scripps Cottage	100. Villa Alvarado Hall (Coeducational Residence)	
42. Speech, Language and Hearing Sciences	101. Maintenance Garage	
44. Physical Plant/Chill Plant	102. Cogeneration/Chill Plant	
45. Aztec Shops Bookstore	104. Academic Building A	
46. Maya Hall	105. Academic Building B	
47. Omeca Hall (Coeducational Residence)	106. Academic Building C - Education	
51. Zura Hall (Coeducational Residence)	107. College of Business	
52. Aztec Student Union	109. University Children's Center	
53. Music	110. Growth Chamber	
54. Love Library	111. Performing Arts Complex	
55. Parking Structure 1	112. Resource Conservation	
56. Art-North	113. Waste Facility	
58. Adams Humanities	114. Science Research Building	
59. Student Services-East	115. Physical Plant/Corporation Yard	
60. Chemical Sciences Laboratory	116. School of Communication Addition A	
62. Residence Hall Phase I (800 bed)	117. School of Communication Addition B	
63. Residence Hall Phase II (800 bed)	118. School of Communication Addition C	
64. Residence Hall Phase III (800 bed)	119. Engineering Building Addition	
65. Housing Administration	135. Donald P Shiley BioScience Center	
66. Conference Center	160. Alvarado Hotel	
67. Fowler Athletics Center/Hall of Fame	161. Alvarado Park-Academic Building 1	
68. Arena Meeting Center	162. Alvarado Park-Academic Building 2	
	163. Alvarado Park-Academic Building 3	
	164. Alvarado Park-Academic Building 4	
	166. Villa Alvarado Hall Expansion	

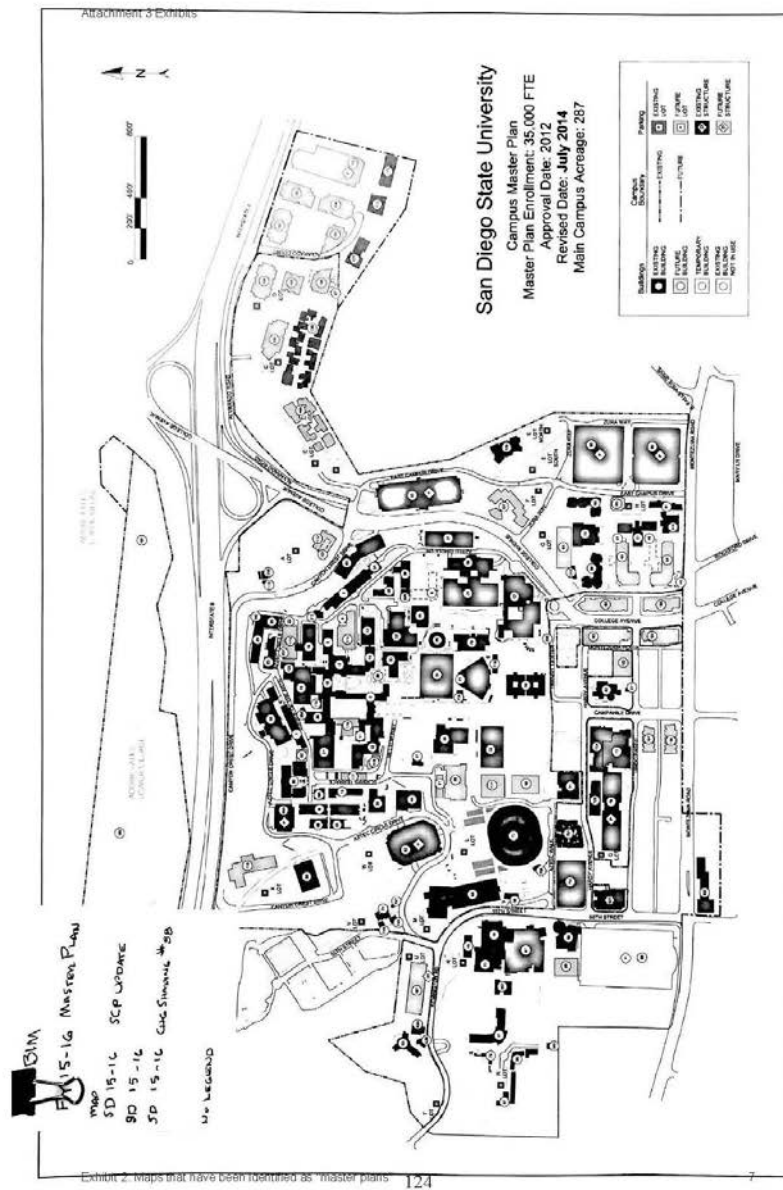
LEGEND: Existing Facility/Proposed Facility

O6-230  
Cont.

Exhibit 2. Maps that have been identified as "master plans" 123

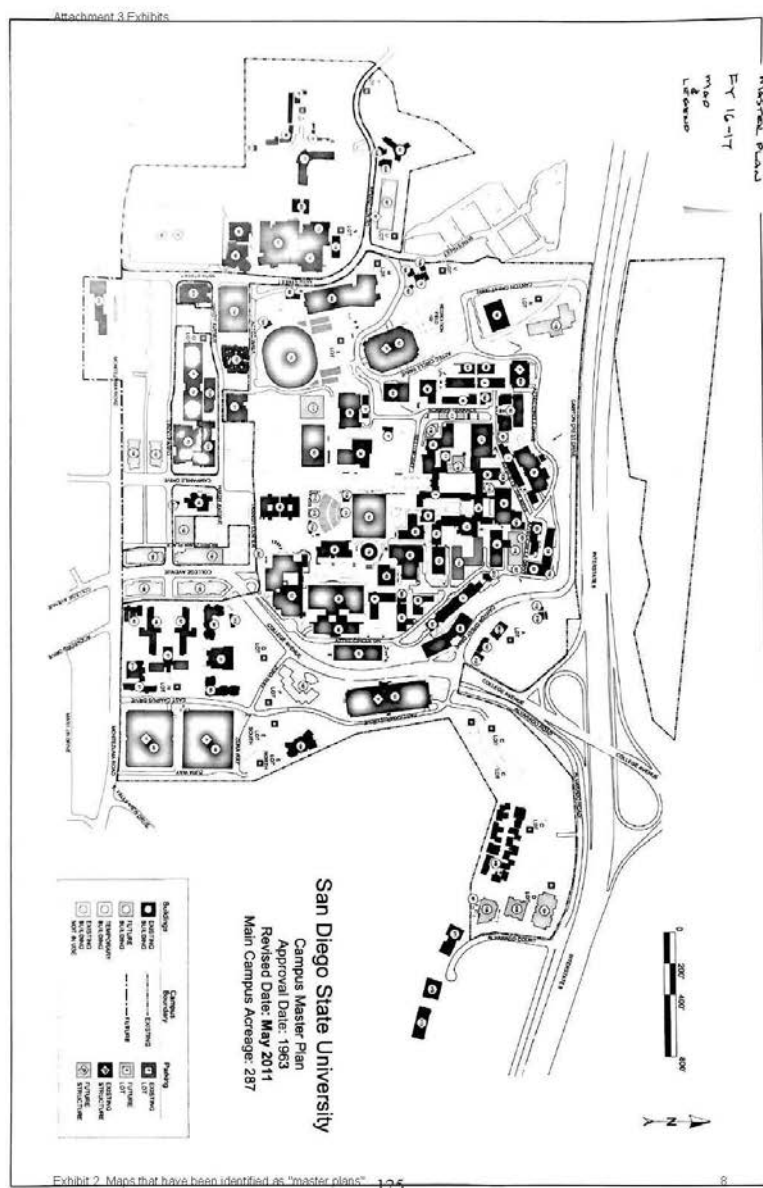
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## Responses to Comments - Organizations



O6-230  
Cont.

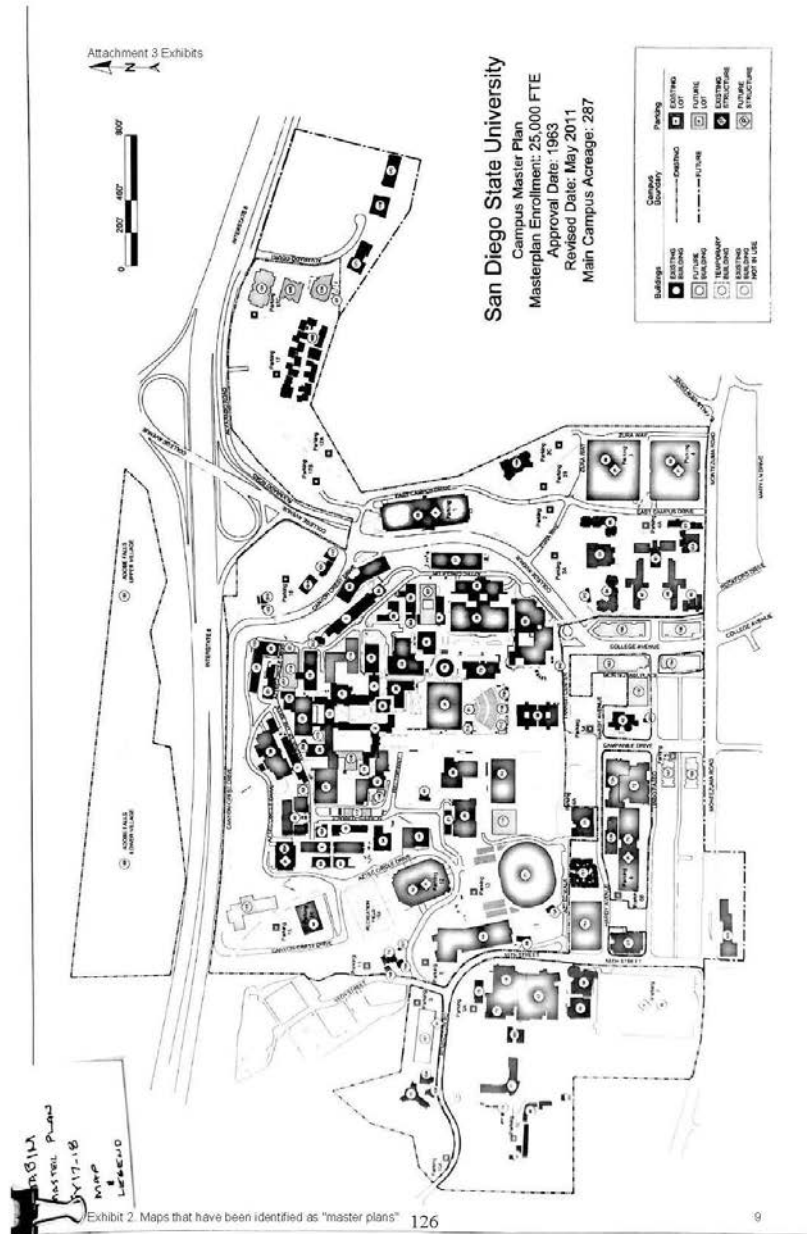
## Responses to Comments - Organizations



O6-230  
Cont.



## Responses to Comments - Organizations



## Responses to Comments - Organizations



O6-230  
Cont.

## Responses to Comments - Organizations

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### Attachment 3 Exhibits **About the Project**

landLAB collaborated with Carrier Johnson Architects on the master plan for the West Campus housing at SDSU. The landscape draws inspiration from historic gardens and architecture of the Alhambra. Perched high on a hillside, the patios, terraces and roof deck are oriented to capture views of mountains beyond. Bougainvillea covered arcades direct the user into the main entry points and public dining areas. Series of courtyards pique your interest, and create a variety of spaces for both the public and for residents. A gated pool and large fire pit activate the main dining terrace. A pedestrian bridge and elevator connects the main dining facility to the Canyon Towers and Canyon View Park at the lower level. Centered on the North side of the development, lies grand staircase that provides a direct route from the main dining terrace down to the Canyon Trails (and access road). Along this same access road, small cafe is conveniently located, to grab a quick latte on your way to class, or a sunny place to hang out and meet up with friends.

O6-230  
Cont.

Exhibit 3: 2010 version of Project design extracted from web site 128

2

## Responses to Comments - Organizations

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Exhibit 3. 2010 version of Project design extracted from web site 129

3

O6-230  
Cont.



## Responses to Comments - Organizations

Attachment 3 Exhibits



**Site Section B**



SECTION B

Exhibit 3, 2010 version of Project design extracted from web site 131

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Cont.

## Responses to Comments - Organizations

### Site Analysis



← San Diego Food Bank Arriva Public Art Competition 'Landscape River' →

### San Diego Redondo Beach Follow Us

702 Wreilton Dr. 2620 Curtis Ave.  
San Diego, Unit B  
CA 92109 Redondo Beach,  
info@land-lab.com CA 90278  
858.483.9817 info@land-lab.com  
310.793.2971



landLAB environmental design Looking for Something?  
Exhibit 3, 2010 version of Project design extracted from web site

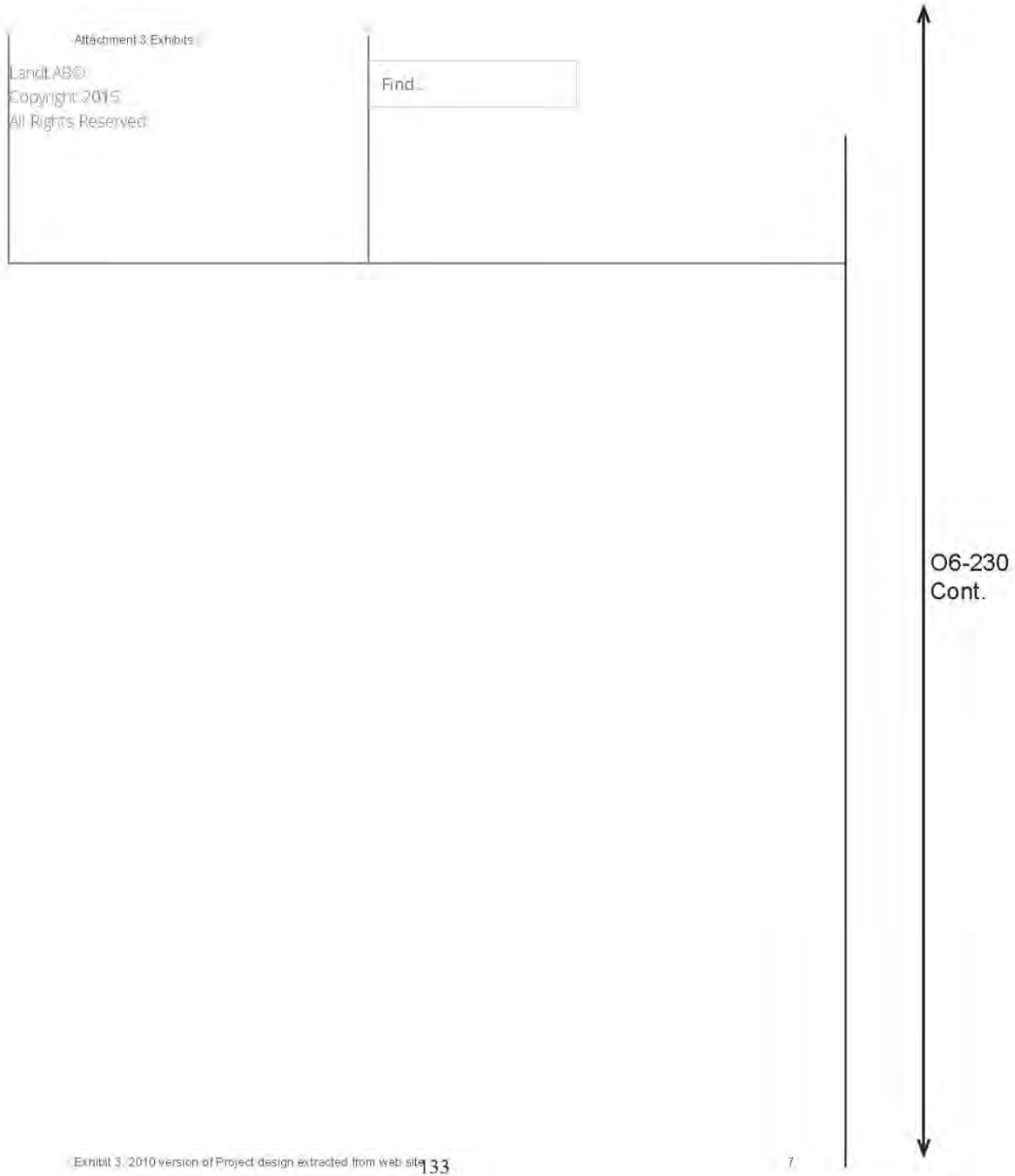
132

O6-230  
Cont.



## Responses to Comments - Organizations

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## Responses to Comments - Organizations

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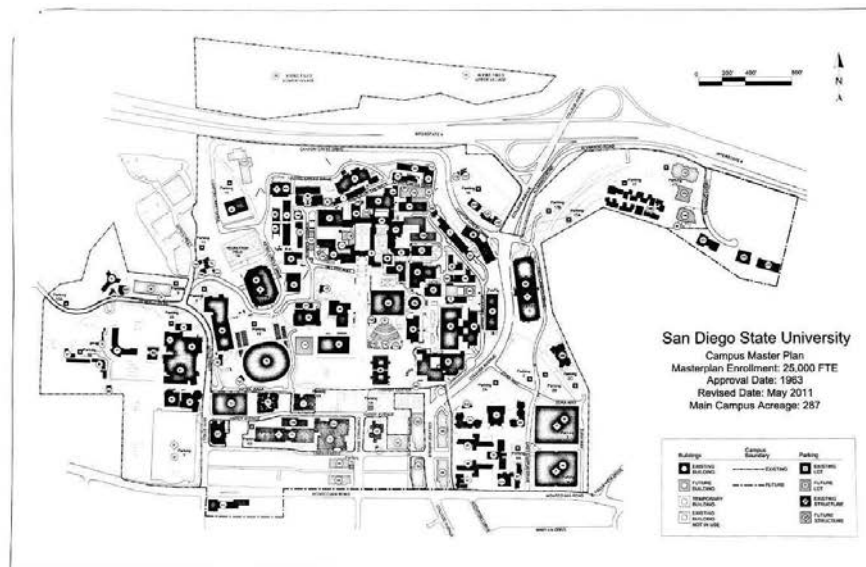
Attachment 3 Exhibits

O6-230  
Cont.

Exhibit 3 / 2010 version of Project design extracted from web site 134

## Responses to Comments - Organizations

Attachment 3 Exhibits

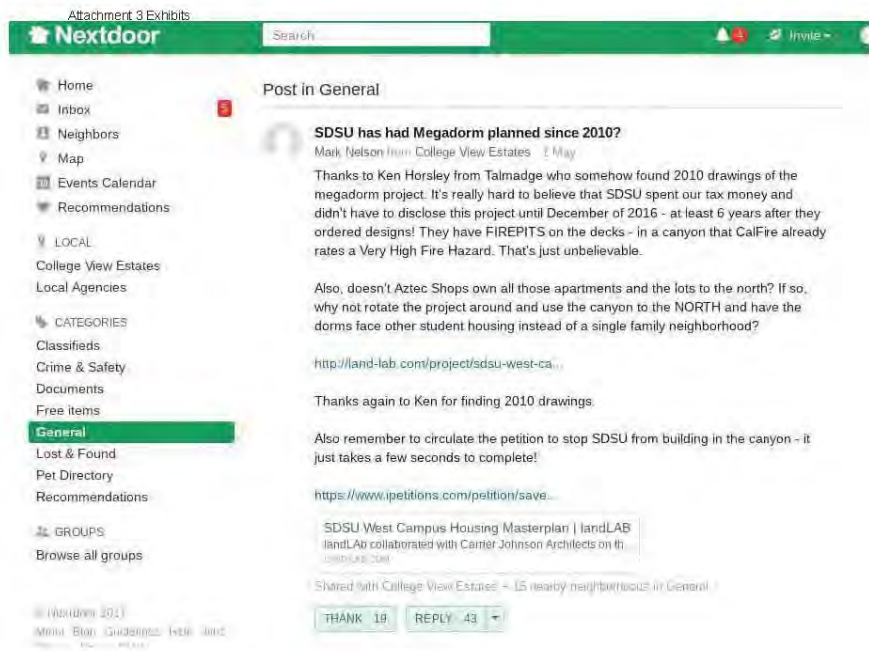


O6-230  
Cont.

Exhibit 4. Approved 2011 master plan

135

## Responses to Comments - Organizations



O6-230  
Cont.

Exhibit 5. Social-media posting that preceded removal of 2010 Project design from Land Lab website

## Responses to Comments - Organizations

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Attachment 3 Exhibits

### PRA Responses

#### Response to Robert Plice PRA #3 1/10/2017:

1. Documents related to Sophomore Success Program

Delegated to Student Affairs

2. Configuration and placement of new residence halls on campus

Map and Matrix created by Eric and Laura to support EIR alternative site analysis.

#### Response to Mark Nelson, PRA 1/26/2017

"This is a Public Records Act request for any currently existing internal documents or communications; or documents or communications between SDSU and its contractors or the California State University Board of Trustees or the California State University System regarding the following aspects of the New Student Housing Project represented generally by the website <http://newscenter.sdsu.edu/chapultepec-info/> (hereafter the "project");"

1. "Regarding the purpose or need for the project, frequently referred to the "purpose and need"  
Brailsford and Dunlavey Market Study  
Slide show from Eric for Sophomore Success
2. "Regarding the description of the project"  
CJ study  
CJ Density studies
3. "Regarding alternative locations for the project"  
Map and Matrix created by Eric and Laura to support EIR alternative site analysis.

#### Response to whoever asked for the latest "Approved Master Plan"

Sorry, I cannot remember who this was but I think someone from the CO responded. In any case, we would provide the 2017/18 master plan map and legend.

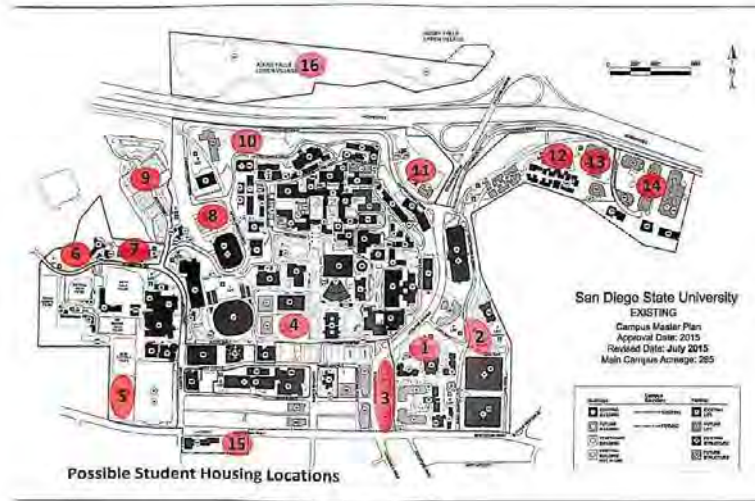
Exhibit 6. Work in progress on alternatives analysis in early 2017

1

O6-230  
Cont.

## Responses to Comments - Organizations

Attachment 3 Exhibit 6



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Cont.

Exhibit 6: Work in progress on alternatives analysis in early 2018

# Responses to Comments - Organizations

Attachment 3 Exhibits

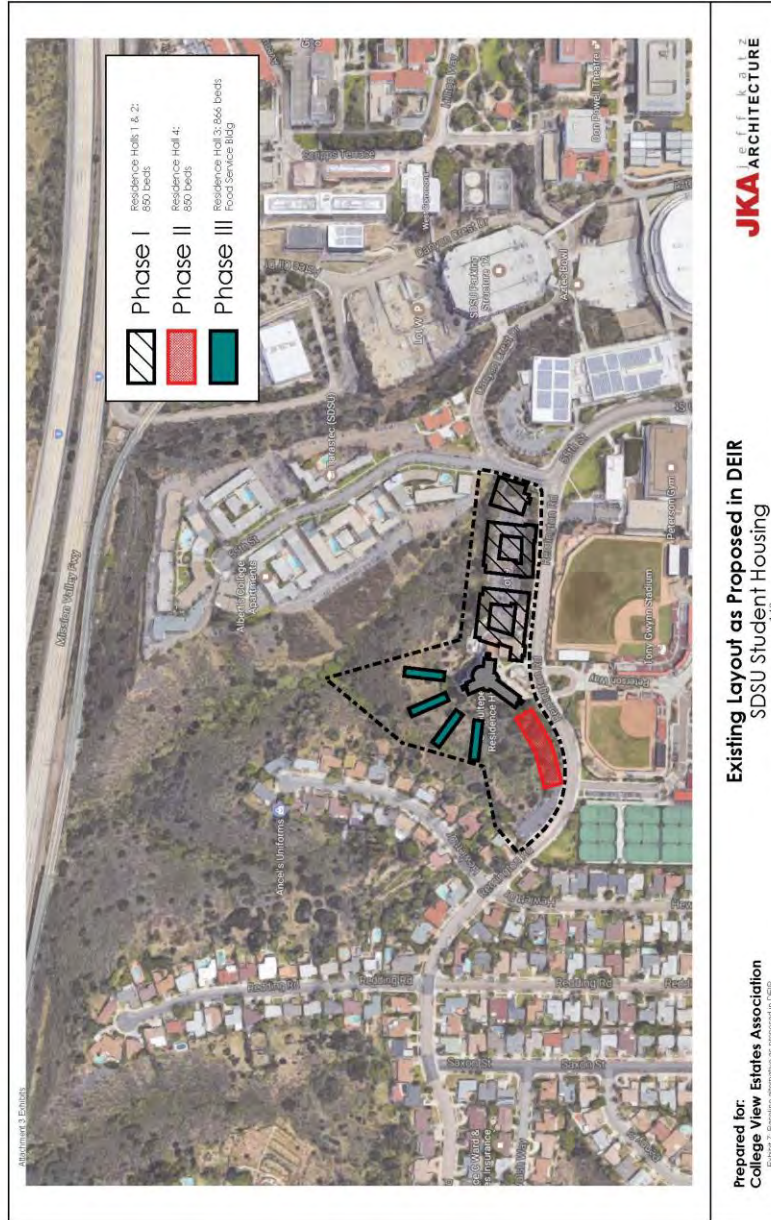
Exhibit 6: Work in progress on alternatives analysis in early 2019

Item Description	Final Score - 1107 direct impacts at Item 2 to 200,000, 2,000 and 20,000 people										Total Score
	Item 2 Score	Item 200,000 Score	Item 2,000 Score	Item 20,000 Score	Impact on land use	Impact on water	Impact on air	Impact on noise	Impact on other	Impact on	
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O6-230  
Cont.



## Responses to Comments - Organizations



O6-230  
Cont.

## Responses to Comments - Organizations



O6-230  
Cont.



## Responses to Comments - Organizations



O6-230  
Cont.

## Responses to Comments - Organizations



O6-230  
Cont.

## Responses to Comments - Organizations

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Attachment 3 Exhibits



Exhibit 11. Remington Road and existing Chapultepec tower, early morning view

144

O6-230  
Cont.



## Responses to Comments - Organizations

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Attachment 3 Exhibits



Exhibit 12. Delivery trucks blocking sidewalk, bike lane, and traffic lane on Remington Rd

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O6-230  
Cont.

## Responses to Comments - Organizations

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Attachment 3 Exhibits



Exhibit 12. Delivery trucks blocking sidewalk, bike lane, and traffic lane on Remington Rd



## Responses to Comments - Organizations

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Attachment 3 Exhibits



Exhibit 12. Delivery trucks blocking sidewalk, bike lane, and traffic lane on Remington Rd

O6-230  
Cont.

## Responses to Comments - Organizations

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Attachment 3 Exhibits



Exhibit 13. SDSU-owned vehicle blocking sidewalk while servicing Chapultepec tower

148

O6-230  
Cont.

## Responses to Comments - Organizations

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Attachment 3 Exhibits



O6-230  
Cont.

Exhibit 14. Sidewalk in front of Chapultepec is used as a loading dock

149

## Responses to Comments - Organizations

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Attachment 3 Exhibits



Exhibit 15: Move-in / Move-out process on Remington Rd, with "no stopping any time" sign in place.

150

O6-230  
Cont.

## Responses to Comments - Organizations

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Attachment 3 Exhibits



Exhibit 16. Typical peak-hour illegal parking by vehicles associated with Chapultepec

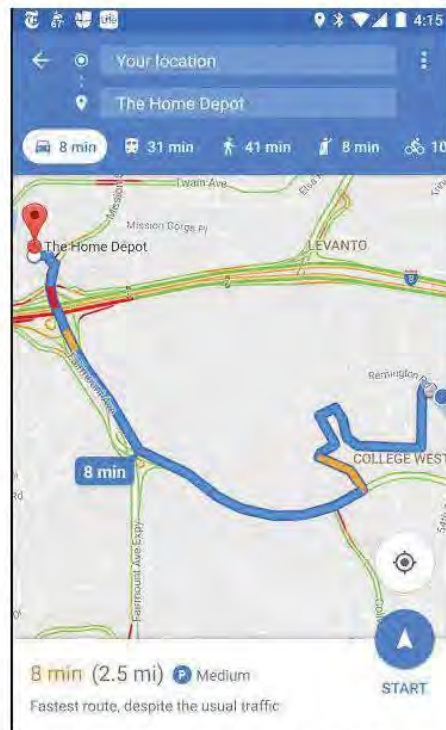
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Cont.



## Responses to Comments - Organizations

Attachment 3 Exhibits



Screenshot from Google Maps mobile app at 4:15pm April 25, 2017 showing that the recommended route from Remington Road Parking Lot 10a to a point near Hwy 8 interchange in Mission Valley is to use streets in the CVE neighborhood. Lot 10a is adjacent to the Phase 2 proposed dormitory buildings. The DEIR asserts that vehicles will not use this route because of a Sandag model.

Exhibit 17. Screenshot from Google Maps mobile navigation app

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Cont.

## Responses to Comments - Organizations

Attachment 3 Exhibits



Exhibit 18. SDSU sign on Montezuma Rd warns of extreme parking congestion on west side

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Cont.



## Responses to Comments - Organizations

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Attachment 3 Exhibits



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Cont.

Exhibit 19. Sign warning that PS 12 has no student parking available due to impacted conditions

## Responses to Comments - Organizations

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Attachment 3 Exhibits



Exhibit 20. Scenic vistas to be obscured or destroyed by Project

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## Responses to Comments - Organizations

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Attachment 3 Exhibits



Exhibit 20. Scenic vistas to be obscured or destroyed by Project

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Cont.



## Responses to Comments - Organizations

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Attachment 3 Exhibits



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Cont.

Exhibit 21. Examples of “Las Vegas Kitsch” architecture similar to Phase 2 buildings

## Responses to Comments - Organizations

Attachment 3 Exhibits



Exhibit 22. Area of current utility-undergrounding project in CVE neighborhood

### Research Report

#### Summary of Controlled Observations of Incompatible Uses of Remington Road Due to Presence of Chapultepec Dormitory

Robert K. Pllice, Ph.D.

Associate Professor Emeritus  
San Diego State University

Eleanor W. Lynch, Ph.D.

Professor Emerita  
San Diego State University

##### 1. Objective

This study was undertaken during the Spring, 2017 semester at San Diego State University (SDSU). The research site was the location where the existing Chapultepec Residence Hall fronts onto Remington Road, a City of San Diego two-lane connector road with bicycle lanes in both directions and City sidewalks on both the north and south sides. The entire length of Remington Road in this area is marked as a no-parking zone, with red-painted curbs.

Because the existing dormitory building has limited facilities for deliveries, pick-up and drop-off, service vehicles, and public-safety vehicles, there have been a long-standing complaints by College View Estates (CVE) residents that the sidewalks, bicycle lanes, and traffic lanes are often blocked by illegally parked vehicles. Anecdotal evidence (including photographs of delivery trucks, postal vehicles, SDSU campus vehicles, and private cars) had been collected, but no effort had been undertaken to make controlled observations.

This study had three main objectives: (1) to quantify the extent of obstruction of Remington Road caused by dormitory activities, and to calculate a percentage level of demand satisfaction (LDS) observed on the road at various times of day; (2) to use the observations of the existing dormitory building for calculating the size of a grade-separated turn-out area that would be needed to increase the LDS to a level consistent with the road's designation as a no-parking zone; and (3) to extrapolate from the observations taken at the existing dormitory building to determine the sizes of grade-separated turnout areas that would be needed once Phases 1-3 of SDSU's proposed New Student Housing Project are completed.

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### 2. Theory

It is assumed that vehicles parking illegally in front of the dormitory have random inter-arrival times that can be characterized by an exponential distribution. It is further assumed that the amount of time waiting in front of the dormitory (service time) is also random and exponential. Under these conditions, the area in front of the dormitory can be modeled as an M/M/∞ queue with a stationary probability mass function that is Poisson, given by

$$\pi_k = \frac{(\lambda/\mu)^k e^{-\lambda/\mu}}{k!} \quad k \geq 0$$

where  $1/\lambda$  is the mean inter-arrival time and  $1/\mu$  is the mean service time. This is the appropriate model to use when there is no waiting for service after an object arrives in the queue.

We can estimate the mean number of vehicles in the queue,  $\lambda/\mu$ , from estimates for these parameters obtained from controlled observations. Then, using the probability mass function, we can obtain the probability that the number of vehicles in the queue will be less than or equal to  $k$ , for any positive  $k$ . Using that probability, we can determine the minimum queue size that will be required to reduce the probability of queue overflow to less than 1%. This is the nominal level of demand satisfaction (LDS) that we will take to be consistent with designation as a red-curbed no-parking zone.

### 3. Methodology

Volunteer observers were stationed on Remington Road at a location opposite Chapultepec Hall that afforded good observation of traffic on the street in front of the building. To record each event of a vehicle arrival or departure, photographs were taken with digital cameras that time-stamped the images with the exact date and time of the arrival or departure. At least two photographs were obtained for each vehicle included in the study: one when it arrived and parked in front of the dorm, and another when it departed. The photographs were archived online and are available for replication study.

After the photographs were organized into online albums for each time period included in the study, they were manually coded by a trained researcher, and the arrival and departure times of each vehicle were entered into a spreadsheet. The spreadsheet data was used to calculate descriptive statistics, inter-arrival times, service times, and relevant values of the stationary Poisson probability mass function.

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Cont.



## 4. Results

The following table summarizes the results over 11 observation periods totalling 14.4 hours of study:

Start time	Duration (minutes)	Number of vehicles	Average inter-arrival time (minutes)	Average service time (minutes)	Observed obstruction rate	Predicted obstruction rate (1- $\pi_0$ )	99% LDS queue requirement	99.9% LDS queue requirement
4/12/2017 6:58:13	65.02	9	11.00	4.9	35.29%	33.98%	3	4
4/12/2017 19:30:00	120	30	4.00	5.07	73.33%	73.07%	8	11
4/13/2017 21:35:00	85.12	10	9.42	6.50	64.32%	60.27%	4	5
4/13/2017 18:27:00	89.95	20	3.31	3.77	72.00%	67.77%	5	6
4/16/2017 10:30:44	53.40	22	2.57	5.95	85.44%	90.13%	1	9
4/19/2017 16:29:23	80.62	11	6.53	4.93	51.88%	55.92%	4	6
4/17/2017 16:32:55	61.52	10	6.67	2.43	35.00%	31.31%	3	4
4/20/2017 16:30:00	60	13	4	1.68	34.68%	29.71%	3	4
4/20/2017 18:30:00	62.07	31	2.60	1.35	34.83%	37.42%	4	5
4/21/2017 16:30:00	59.98	7	4.8	5.43	70.52%	67.74%	6	8
4/21/2017 18:30:00	73.95	23	3.12	2.12	52.11%	49.31%	4	5

The "observed obstruction rate" column indicates the percentage of time that any or all of the traffic lane, bicycle lane, or sidewalk were obstructed. This ranged from 35% to 86%, (corresponding to a LDS of 65% to 14%) during the selected time periods. The "predicted obstruction rate" column shows the value  $1 - \pi_0$ , which is the Poisson probability that the queue will not be empty, parameterized by estimates for  $\lambda$  and  $\mu$  obtained from the inter-arrival time and service-time columns. It can be seen that the Poisson probability model does a good job of predicting the actual, observed queue status. The column "99% LDS queue requirement" gives the queue size that would be needed to reduce the probability of obstruction to 1%, which is taken as a conservatively reasonable expectation for a no-parking zone. This equates to the size of a turnout area in front of the dormitory that could reduce illegal parking on the street to that probability, provided that the turnout was fully utilized by arriving traffic. (For comparison, the "99.9% LDS queue requirement" column is also shown.)

Following this initial exploratory analysis, the five time periods with an observed obstruction rate of 60% or more were aggregated and averaged to form estimators of the parameters  $\lambda$  and  $\mu$  for a time period that can be taken to be a high-activity, peak period. This yielded estimates of  $1/\lambda = 4.12$  and  $1/\mu = 5.10$ .

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Cont.

## Responses to Comments - Organizations

### 5. Conclusions

Using these parameter estimates, the following table was calculated:

Phase	status	beds	hourly arrivals per bed	inter-arrival time	service time	required queue size	
						99% LDS	99.9% LDS
0	existing	830	0.01756011902	4.12	5.10	5	7
1	planned	850	0.01756011902	4.02	5.10	5	7
2	planned	850	0.01756011902	4.02	5.10	5	7
3	planned	866	0.01756011902	3.95	5.10	5	7
						<b>20</b>	<b>28</b>
0+1		1680	0.01756011902	2.03	5.10	8	9
2+3		1716	0.01756011902	1.99	5.10	8	10
						<b>16</b>	<b>19</b>
0+1+2+3+4		3396	0.01756011902	1.01	5.10	<b>11</b>	<b>14</b>

This table shows that if separate turnout areas were constructed for each of the four Phases of the project (here the existing dormitory is designated Phase 0), it would require 20 spaces total to increase the LDS on Remington Road to 99%.

If it were feasible to construct a single turnout area that would be shared by multiple phases of the project, fewer spaces would be required. A total of 16 spaces could be sufficient if Phases 0 and 1 share a common turnout area, and Phases 2 and 3 likewise share a common facility. If it were feasible to construct a single turnout area that would actually be used by all vehicles, the minimum size required would be 11 spaces. These estimates assume that the configuration of the turnout areas shared by multiple buildings would be sufficiently proximate to each destination so that vehicles would not be incentivized to avoid using them.

However, these estimates would only apply under ideal conditions. First, the turnout areas would have to be separated from the main roadway, and a pedestrian barrier would have to be constructed that would prevent drivers from simply ignoring the turnout and parking momentarily on the main traffic lane. Second, enforcement of a limited parking time would have to be continuous in the turnout areas, so that cars would not take advantage of the available space for long-term parking. If these conditions were not met, the estimated minimum turnout sizes given above would understate the true requirement, perhaps by a considerable extent.

There is no realistic scenario under which the four-car turnout area specified in the DEIR would be adequate to mitigate illegal parking on Remington Road.

Research Report 4

Attachment 3

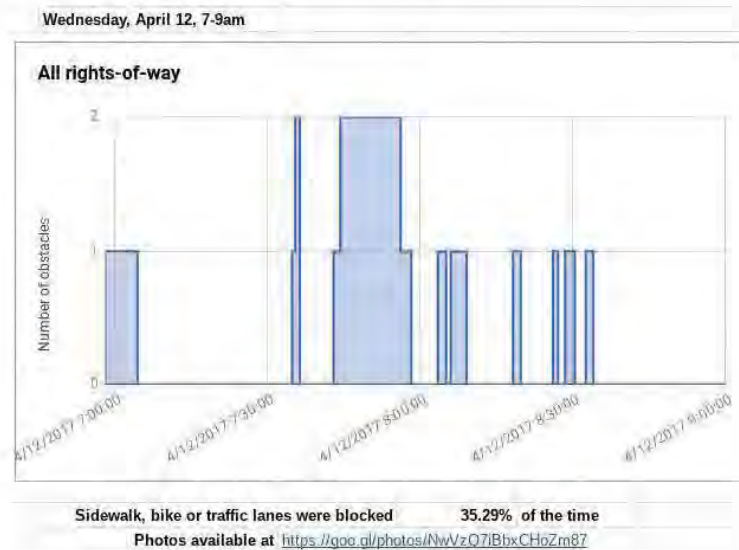
162

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Cont.

## Responses to Comments - Organizations

### EXHIBITS

The following graphic summaries depict the observed arrivals and departures of vehicles during each study period. The number of obstructions of the travel lanes, bicycle lanes and sidewalks is shown on the vertical axis. The graphics also provide a link to the online depository of photographs that are publicly accessible to permit replication study.



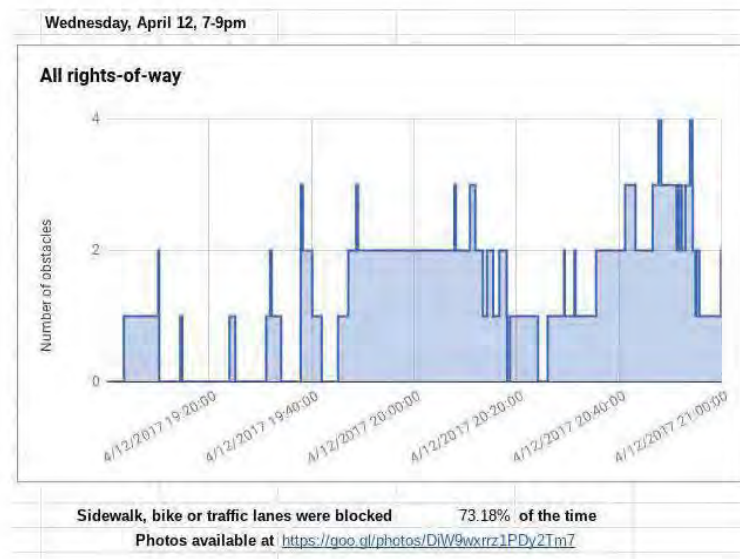
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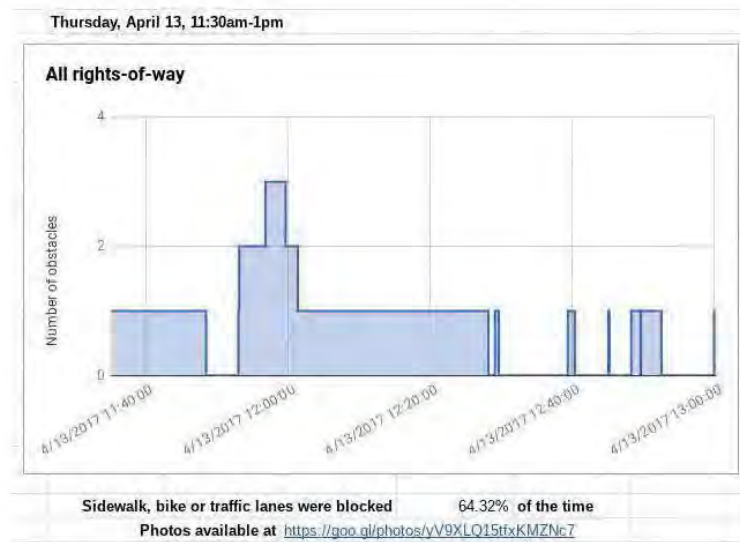
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Attachment 3

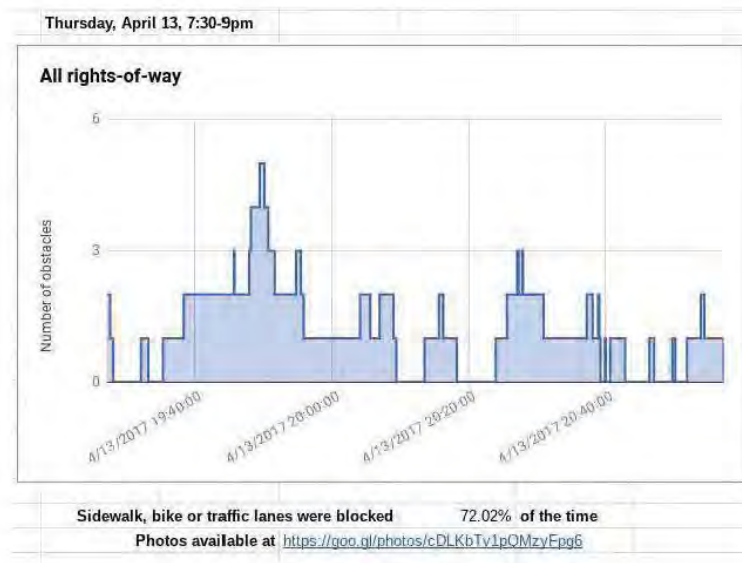
164

## Responses to Comments - Organizations



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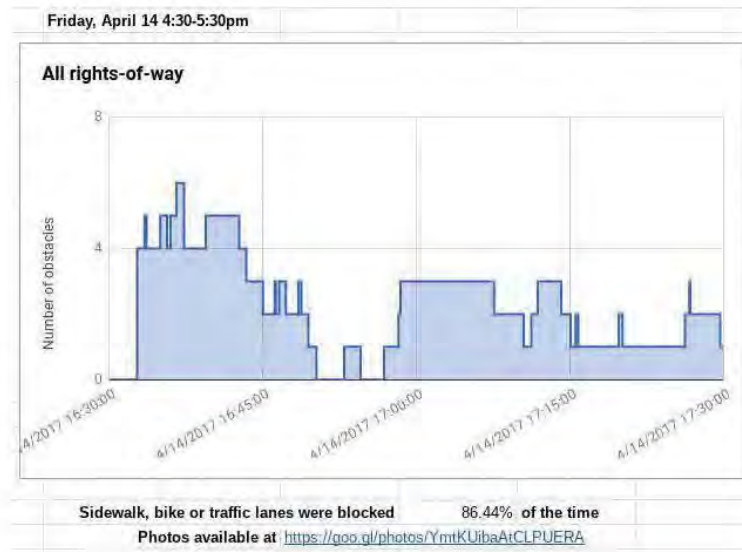
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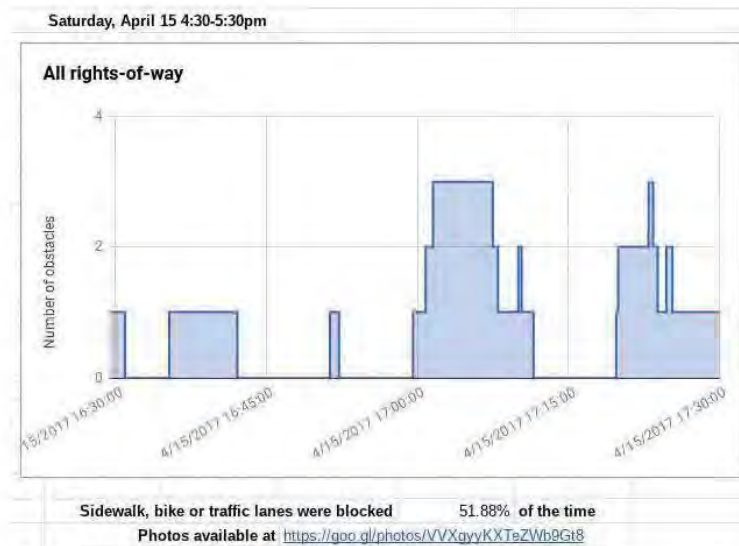
Research Report 9

Attachment 3

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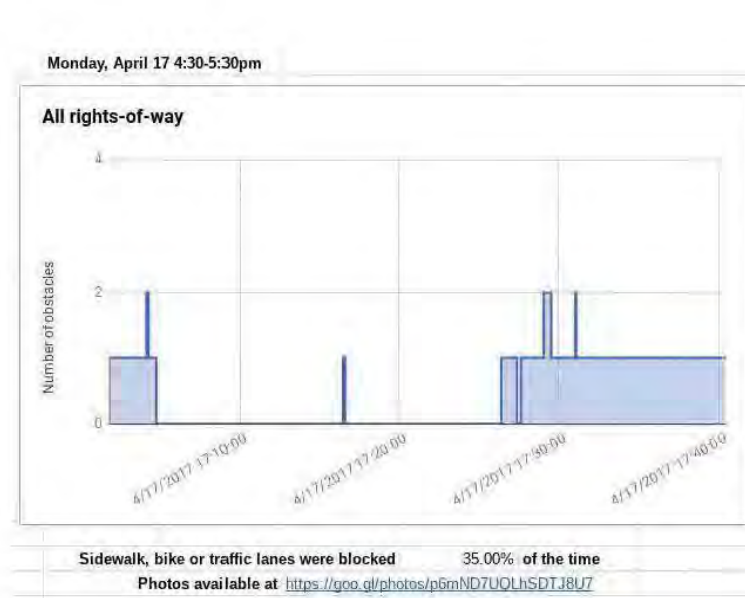
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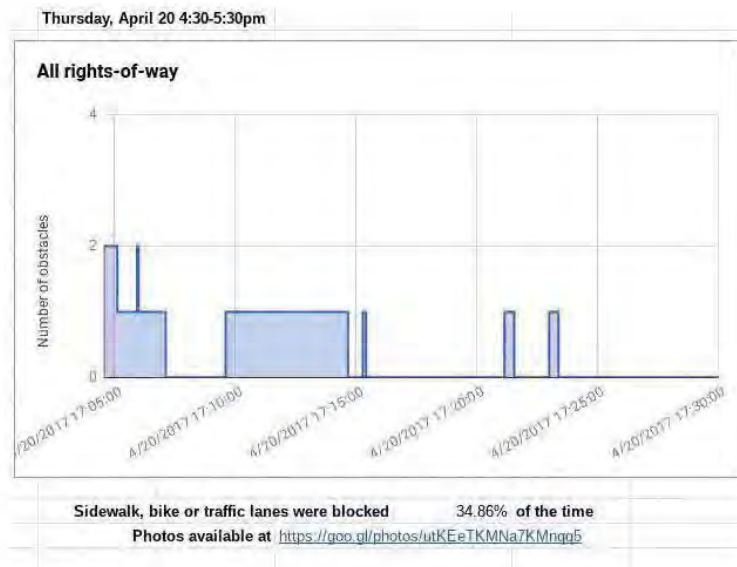
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## Responses to Comments - Organizations



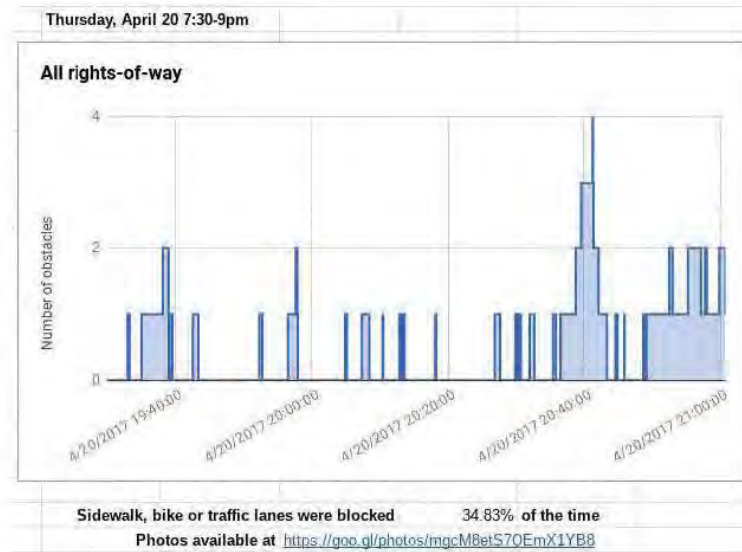
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Research Report 12

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## Responses to Comments - Organizations



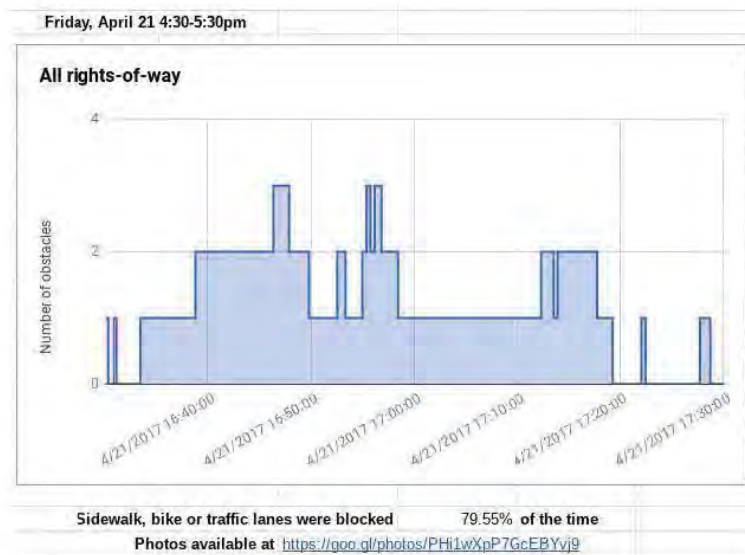
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Research Report 13

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## Responses to Comments - Organizations



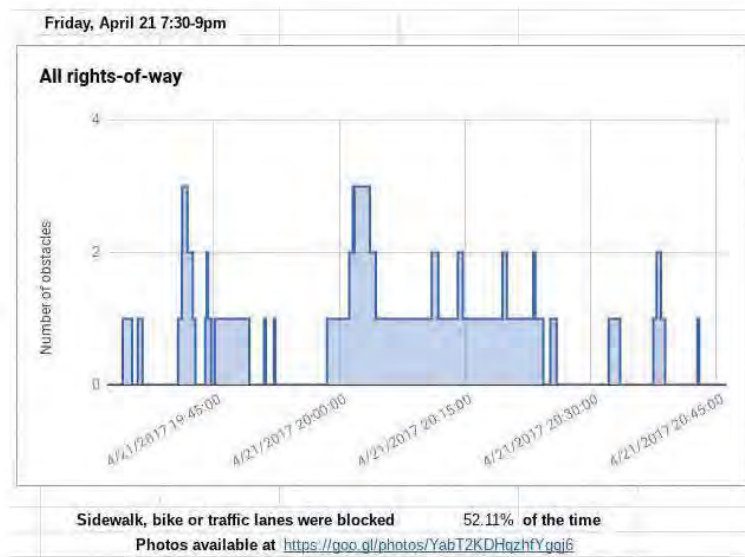
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## Responses to Comments - Organizations



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## EXHIBIT A

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## Responses to Comments - Organizations

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201 Cal.App.4th 1134  
Review Granted  
(Cal.Const. art. 6, §12; Cal. Rules  
of Court, Rules 8.1105 and 8.1110)  
Court of Appeal, Fourth District, Division 1, California.

CITY OF SAN DIEGO et al.,  
Plaintiffs and Appellants,  
v.  
BOARD OF TRUSTEES OF the CALIFORNIA  
STATE UNIVERSITY, Defendant and Respondent.

No. D057446.

Dec. 13, 2011.

Review Granted April 18, 2012.

### Synopsis

**Background:** City, local association of governments, and metropolitan transit system (MTS) filed petitions for writ of mandate challenging state university system's certification of final environmental impact report (EIR) and approval of campus expansion project. The Superior Court, San Diego County, Nos. GIC855643, GIC855701, 37-2007-00083692-CU-WM-CTL, 37-2007-00083773-CU-MC-CTL, 37-2007-00083768-CU-TT-CTL, Thomas P. Nugent, J., denied the petitions. City, association, and MTS appealed.

**Holdings:** The Court of Appeal, McDonald, J., held that:

- [1] EIR was required to investigate funding sources for mitigation other than legislative appropriation;
- [2] EIR did not adequately discuss on-campus mitigation; but
- [3] EIR's methodology for calculating average daily vehicle trips was reasonable; but
- [4] EIR's traffic mitigation measure of consulting with other agencies improperly deferred mitigation;
- [5] EIR did not adequately address impacts on public transit; and

[6] evidence did not support finding that project would not have significant effect on transit system.

Affirmed in part, reversed in part, and remanded with directions.

### Attorneys and Law Firms

\*502 Jan 1, Goldsmith, City Attorney, Donald R. Worley, Assistant City Attorney, and Christine M. Leone, Chief Deputy City Attorney, for Plaintiffs and Appellants the City of San Diego and Redevelopment Agency of the City of San Diego.

John F. Kirk, San Diego; the Sohagi Law Group, Margaret M. Sohagi, Philip A. Seymour, Los Angeles, and Nicole H. Gordon for Plaintiffs and Appellants San Diego Association of Governments and San Diego Metropolitan Transit System.

Ronald W. Beals, West Sacramento, Thomas C. Fellenz, Sacramento, David H. McCray, Brandon S. Walker and Elizabeth R. Strayer for State of California, Department of Transportation as Amicus Curiae on behalf of Plaintiffs and Appellants.

Remy, Thomas, Moose & Manley, Sacramento, Sabrina V. Teller and Laura M. Harris for League of California Cities and California State Association of Counties as Amicus Curiae on behalf of Plaintiffs and Appellants.

Gatzke, Dillon & Ballance, Carlsbad, Mark J. Dillon, Michael S. Haberkorn and Danielle K. Morone for Defendant and Respondent.

### Opinion

McDONALD, J.

In 2005, the Board of Trustees of the California State University (CSU) certified an environmental impact report (EIR) and approved a project for the expansion of San Diego State University (SDSU). The project included the construction of new buildings and an increase in SDSU's student enrollment from 25,000 full-time equivalent students (FTES) to 35,000 FTES by the 2024/2025 academic year. During the pendency of litigation challenging the 2005 EIR certification and project approval, the California Supreme Court issued its opinion in *City of Marina v. Board of Trustees of*

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Cont.

## Responses to Comments - Organizations

City of San Diego v. Board of Trustees of Cal. State University, 201 Cal.App.4th 1134, ...

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*California State University* (2006) 39 Cal.4th 341, 46 Cal.Rptr.3d 355, 138 P.3d 692 (*Marina*), which addressed certain issues involved in the 2005 SDSU EIR litigation. In response to *Marina*, the trial court in 2006 entered judgment against CSU and issued a writ of mandate directing it to set aside its certification of the 2005 EIR and approval of the SDSU expansion project. The court retained jurisdiction of the matter until it determined CSU had complied with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.)<sup>1</sup> (CEQA) and the views expressed in *Marina*.

In 2007, CSU revised its master plan for expansion of SDSU (the Project) and released a draft EIR (DEIR) for the Project. After receiving comments from the general public and governmental agencies, CSU prepared a final EIR (FEIR), responding to those comments and revising the DEIR. In November 2007, CSU certified the FEIR and approved the Project, finding that because it might not obtain "fair-share" off-site mitigation funding from the Legislature and Governor, there are no feasible mitigation measures to reduce the \*503 Project's significant off-site traffic impacts to a less than significant level. Based in part on its finding that those significant off-site traffic impacts were unavoidable, CSU adopted a statement of overriding considerations, concluding the Project's benefits outweighed its unavoidable significant environmental effects, and then approved the Project.

The City of San Diego and the Redevelopment Agency of the City of San Diego (together City), San Diego Association of Governments (SANDAG), and San Diego Metropolitan Transit System (MTS) filed petitions for writs of mandate challenging CSU's certification of the FEIR and approval of the Project. After consolidating the cases and hearing arguments of counsel, the trial court denied the petitions and discharged the 2006 writ, finding CSU had complied with *Marina*. It then entered judgment for CSU.

On appeal, City, SANDAG, and MTS contend the trial court erred by: (1) concluding CSU complied with CEQA and *Marina* by finding "fair-share" payments for mitigation of significant off-site environmental impacts were infeasible because it could not guarantee the Legislature and Governor would approve the funding, and that the FEIR was not required to address potential alternative means of paying CSU's "fair-share" of those off-site mitigation costs; (2) concluding they could not

raise those issues in the trial court because they did not raise them during the administrative proceedings (i.e., they failed to exhaust their administrative remedies); (3) denying their request for judicial notice of certain documents pertaining to the issue of whether CSU complied with CEQA and *Marina*; (4) concluding the FEIR did not err in calculating the increased vehicle traffic caused by the Project's increased student enrollment; (5) concluding CSU did not improperly defer adoption of mitigation measures to reduce vehicle traffic; and (6) concluding the FEIR adequately addressed the Project's potential impacts on transit and that there is substantial evidence to support CSU's finding the Project will not cause any significant effect on public transit (e.g., trolley and bus facilities and service). For the reasons discussed below, we conclude the trial court erred in denying the petitions and the request for judicial notice and in discharging the 2006 writ.

### FACTUAL AND PROCEDURAL BACKGROUND

The SDSU campus is located in The City of San Diego along the southern rim of Mission Valley. The campus consists of about 280 acres with the following general boundaries: Montezuma Road on the south, East Campus Drive on the east, 55th Street and Remington Road on the west, and Adobe Falls Road (north of Interstate 8) on the north. In 2005, CSU certified an EIR and approved a project for the expansion of SDSU. During the pendency of litigation challenging that 2005 EIR certification and project approval, the California Supreme Court issued its opinion in *Marina*. In response to *Marina*, in 2006 the trial court entered judgment against CSU, issued a writ of mandate directing it to set aside its certification of the 2005 EIR and approval of the project, and retained jurisdiction of the matter until it determined CSU had complied with CEQA and *Marina*.

In February 2007, toward its continuing goal of expanding SDSU's enrollment, CSU prepared a new notice of preparation and initial study (NOP) and circulated it for public comment. In June, after receiving public comments on the NOP, CSU prepared the DEIR. As described in the DEIR, the Project is CSU's master plan for expansion of SDSU through the \*504 2024/2025 academic year by increasing student enrollment from 25,000 FTES to 35,000 FTES (equal to an actual increase of 11,385 students) and developing six components: (1) additional

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136 Cal.Rptr.3d 495, 275 Ed. Law Rep. 299, 11 Cal. Daily Op. Serv. 14,941.

CSU circulated the DEIR for public comment from June 12, 2007, through July 27, 2007. CSU held multiple community meetings to present the DEIR and the Project, and receive comments. CSU received about 87 comment letters on the DEIR from residents who live in neighborhoods that would be affected by the Project; other members of the public; and federal, state, and local governmental agencies, including City and SANDAG. CSU then prepared the FEIR, which attached the comment letters, responded to them, and revised the DEIR.

On November 13 and 14, 2007, CSU held a public meeting on the FEIR. Representatives of City, SANDAG, MTS, and the State of California Department of Transportation (Caltrans) and members of the public expressed concerns regarding the FEIR and the Project. CSU then adopted findings of fact (Findings) and the mitigation measures set forth in the mitigation monitoring and reporting program (MMRP). In the Findings, CSU found the FEIR identified potentially significant effects that could result from implementation of the Project, and inclusion of mitigation measures as part of approval of the Project would reduce most, but not all, of those effects to less than significant levels. However, as to those significant impacts that are unavoidable even after incorporating all feasible mitigation measures, CSU found the benefits of the Project outweighed those unavoidable significant impacts. CSU expressly found the Project would have "[n]o

77. A portion of the mitigation measures necessary to reduce traffic impacts to less than significant are the responsibility of and under the authority of the City. The City and [CSU] have not come to agreement. [CSU] therefore cannot guarantee that certain mitigation measures that are the sole responsibility of the City will be timely implemented. [CSU] therefore finds that certain impacts upon traffic may remain significant and unavoidable if mitigation measures are not implemented, and adopts Findings of Fact that include specific Overriding Considerations that outweigh the remaining potential unavoidable significant impacts with respect to traffic and transit that are not under the authority and responsibility of [CSU].

"8. ...[CSU] hereby certifies the FEIR for the [Project] as complete and adequate in that the FEIR addresses all significant environmental impacts of the [Project] and fully complies with the requirements of CEQA and the CIOA Guidelines...."

9. It is necessary, consistent with [Article] for CSU to pursue mitigation funding from the [L]egislature to meet its CEQA fair-share mitigation obligations. The chancellor is therefore directed to request from the [G]overnor and the [L]egislature, through the annual state budget process, the future funds (\$6,484,000) necessary to support costs as determined by [CSU] necessary to fulfill the mitigation requirements of CEQA.

"10. In the event the request for mitigation funds is approved in full, the chancellor is directed to proceed with implementation of the [master plan for the Project]. Should the request for funds only be partially approved, the chancellor is directed to proceed with implementation of the [Project, funding identified mitigation measures to the extent of the available funds. In the event the request for funds is not approved, the chancellor is directed to proceed with implementation of the [Project consistent with resolution number 11 below

"11. Because [CSU] cannot guarantee that the request to the [L]egislature for the necessary mitigation funding will be approved, or that the local agencies will fund the measures that are their responsibility, [CSU] finds that the impacts whose [sic] funding is uncertain

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remain significant and unavoidable, and that they are necessarily outweighed by the Statement of Overriding Considerations adopted by [CSU].”

CSU certified the FEIR and approved the Project. It then issued a notice of determination regarding its findings and actions.

[1] In December 2007, City, SANDAG and MTS filed separate petitions for writs of mandate challenging CSU’s certification of the FEIR and approval of the Project. The trial court subsequently consolidated the cases. CSU filed a motion to discharge the 2006 writ. In February 2010, the trial court issued a statement of decision rejecting all of the claims asserted by City, SANDAG and MTS. In March 2010, the court entered judgment for CSU, denying the petitions for writs of mandate filed against it and (discharging the 2006 writ. The court found CSU had met the requirements of CEQA and *Marina*. City, SANDAG and MTS timely filed notices of appeal challenging the judgment.<sup>3</sup>

### DISCUSSION

#### I.

##### *Standard of Review*

[2] [3] [4] The abuse of discretion standard of review applies to our review of CSU’s “506 compliance with CEQA in the circumstances of this case. Section 21168.5 provides:

“In any action or proceeding, other than an action or proceeding under Section 21168, to attack, review, set aside, void or annul a determination, finding, or decision of a public agency on the grounds of noncompliance with this division, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the

determination or decision is not supported by substantial evidence.”

“An appellate court’s review of the administrative record for legal error and substantial evidence in a CEQA case, as in other mandamus cases, is the same as the trial court’s. The appellate court reviews the agency’s action, not the trial court’s decision; in that sense appellate judicial review under CEQA is *de novo*. [Citations.] We therefore resolve the substantive CEQA issues on which we granted review by independently determining whether the administrative record demonstrates any legal error by the [public agency] and whether it contains substantial evidence to support the [public agency’s] factual determinations.” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 427, 53 Cal.Rptr.3d 821, 150 P.3d 709 (*Vineyard*)). We review *de novo*, or independently, the question whether CSU committed any legal error under CEQA (i.e., did not “proceed[] in a manner required by law”) in preparing and certifying the FEIR and approving the Project. (§ 21168.5.) When a public agency does not comply with procedures required by law, its decision must be set aside as presumptively prejudicial. (*Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215, 1236, 32 Cal.Rptr.2d 19, 876 P.2d 505 (*Sierra Club*)). Noncompliance by a public agency with CEQA’s substantive requirements or noncompliance with its information disclosure provisions that preclude relevant information from being presented to the public agency “constitute[s] a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.” (§ 21005, subd. (a); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946, 91 Cal.Rptr.2d 66.) “In other words, when an agency fails to proceed as required by CEQA, harmless error analysis is inapplicable. The failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decisionmaking and informed public participation.” (*County of Amador*, at p. 946, 91 Cal.Rptr.2d 66.)

[5] We apply the substantial evidence standard of review to a public agency’s “conclusions, findings, and determinations, and to challenges to the scope of an EIR’s analysis of a topic, the methodology used for studying an impact, and the reliability or accuracy of the data upon which the EIR relied because these types of challenges involve factual questions.” (*City of Long*

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*Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 898, 98 Cal.Rptr.3d 137.) "Substantial evidence" is defined in the CEQA guidelines as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (Cal.Code Regs., tit. 14, § 15384, subd. (a).)<sup>4</sup> "The agency \*507 is the finder of fact and we must indulge all reasonable inferences from the evidence that would support the agency's determinations and resolve all conflicts in the evidence in favor of the agency's decision." (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 117, 104 Cal.Rptr.2d 326.) However, "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous ... is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." (§ 21082.2, subd. (c); Guidelines, § 15384.)

ii

### CEQA Generally

[6] CEQA generally requires preparation and certification of an EIR by a lead public agency on any proposed project that may have a significant effect on the environment. (§§ 21080, subd. (d), 21082.2, subd. (d), 21100, subd. (a), 21151.) The EIR must describe, in detail, all the significant effects on the environment of the project. (*Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council* (2010) 190 Cal.App.4th 1351, 1372, 119 Cal.Rptr.3d 481 (*Sunnyvale 1*)). "In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project." (Guidelines, § 15064, subd. (d).) "CEQA compels government first to identify the environmental effects of projects, and then to mitigate those adverse effects through the imposition of feasible mitigation measures or through the selection of feasible alternatives. It permits government agencies to approve projects that have an environmentally deleterious effect, but also requires them to justify those choices in light of specific social or economic conditions. (§ 21002.)" (*Sierra*

*Club, supra*, 7 Cal.4th at p. 1233, 32 Cal.Rptr.2d 19, 876 P.2d 505.)

"With narrow exceptions, CEQA requires an EIR whenever a public agency proposes to approve or to carry out a project that may have a significant effect on the environment. [Citations.] 'Project' means, among other things, '[a]ctivities directly undertaken by any public [agency]' [or an activity undertaken by a person that is supported, in whole or in part, through contracts or other forms of assistance from one or more public agencies]. [Citation.] ... The Legislature has made clear that an EIR is 'an informational document' and that '[t]he purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.'" (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390, 391, 253 Cal.Rptr. 426, 764 P.2d 278, fn. omitted (*Laurel Heights 1*)).

"Under CEQA, the public is notified that a draft EIR is being prepared [citations], and the draft EIR is evaluated in light of comments received. [Citations.] The lead agency then prepares a final EIR incorporating comments on the EIR and the agency's responses to significant environmental points raised in the review process. [Citations.] The lead agency must certify that the final EIR has been completed in compliance with CEQA, and that the information in the final EIR was considered by the agency before approving the project. [Citation.] Before approving \*508 the project, the agency must also find either that the project's significant environmental effects identified in the EIR have been avoided or mitigated, or that unmitigated effects are outweighed by the project's benefits." (*Laurel Heights, supra*, 47 Cal.3d at p. 391, 253 Cal.Rptr. 426, 764 P.2d 278, fn. omitted.) "If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citations.] The EIR process protects not only the environment but also informed self-government." (*Id.* at p. 392, 253 Cal.Rptr. 426, 764 P.2d 278.)

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[7] [8] "[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829, 173 Cal.Rptr. 602.) In *City of San Jose v. County of San Diego* (1989) 214 Cal.App.3d 1438, 263 Cal.Rptr. 340, we stated that "only through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives..." (*Id.* at p. 1454, 263 Cal.Rptr. 340.) If a final EIR does not "adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project," informed decisionmaking cannot occur under CEQA and the final EIR is inadequate as a matter of law. (*Id.* at pp. 1454, 1455, 263 Cal.Rptr. 340.)

Under CEQA, a public agency is required to mitigate or avoid the significant environmental effects of a project that it carries out or approves if it is feasible to do so. (§ 21002.1, subd. (b); *Marina*, *supra*, 39 Cal.4th at p. 359, 46 Cal.Rptr.3d 355, 138 P.3d 692.) Measures to mitigate significant environmental effects adopted by the agency must be fully enforceable. (§ 21081.6, subd. (b).) "A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures..." (*Id.*)

### III

#### *Marina and Mitigation of Significant Off-site Environmental Impacts*

City, SANDAG and MTS contend the trial court erred by concluding CSU complied with CEQA and *Marina* by finding "fair-share" payments by CSU for mitigation of the Project's significant off-site environmental impacts were infeasible because CSU could not guarantee the Legislature and Governor would approve mitigation funding and by concluding the FEIR was not required to address potential alternative means of paying CSU's "fair-share" of off-site mitigation costs.

### A

The DEIR identified and discussed the Project's potentially significant off-site traffic impacts to certain street intersections, street segments, freeway ramps, and freeway mainline segments. For each of those potentially significant traffic impacts, the DEIR recommended specific mitigation measures, which primarily consisted of contributions to City of CSU's fair share of costs of implementing those mitigation measures (e.g., improvements to City street intersections and segments). As to \*509 each of the 34 traffic mitigation measures, the DEIR calculated CSU's respective "fair-share" percentage (ranging from 1 percent to 39 percent) of the total cost of that mitigation measure. With implementation of the proposed mitigation measures, the DEIR concluded all of the specific traffic impacts would be reduced to a level below significant, except for four specific impacts that would remain significant and unavoidable. Regarding CSU's mitigation measures, the DEIR stated: "Fair-share mitigation is recommended that would reduce the identified impacts to a level below significant. However, [CSU's] fair-share funding commitment is necessarily conditioned [on] requesting and obtaining funds from the California Legislature. If the Legislature does not provide funding, or if funding is significantly delayed, all identified significant impacts would remain significant and unavoidable."

In a letter dated July 27, 2007, City commented on the DEIR, restating many of the concerns it raised in its prior letter commenting on the NOP. City stated the DEIR's traffic impact analysis was "fatally flawed because it does not guarantee the implementation of the traffic mitigation measures it proposes." City disagreed with CSU's interpretation of *Marina* reflected in a quoted statement from the DEIR that CSU's "fair-share funding commitment is necessarily conditioned up[on] requesting and obtaining funds from the California Legislature. If the Legislature does not provide funding, or if funding is significantly delayed, all identified significant impacts would remain significant and unavoidable." (Underscoring added by City.) City quoted language from *Marina* on which CSU apparently relied and argued that language was "pure dictum."<sup>5</sup> City asserted the DEIR "fails because [CSU] disingenuously attempt[s] to dodge true responsibility [for mitigation of

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the Project's significant impacts] by relying on data in [Murina]."

"The following are the requisite principles established by [Marina], relative to the [Project] and [FIR]: [¶] ... [¶]

"I[however, the power of [CSU] to mitigate the [P]roject's effects through voluntary mitigation payments is ultimately subject to legislative control: if the Legislature does not appropriate the money, the power does not exist. [Citation.]

Citing *Murphy*, CSU's response further stated: "[T]he [FEIR] proposes a series of mitigation measures that requires [CSU], subject to funding by the state Legislature, to contribute its 'fair share' of the costs required to improve existing infrastructure, as needed. [Citation.] ... Further, the [FEIR] determined that impacts related to traffic and circulation would be significant and unavoidable in light of the potential for the Legislature to deny "§510 CSU's or Caltrans[s] funding requests, or to grant less funding than requested, or to delay receipt of the funds." CSU further stated:

"If the Legislature approves the CSU funding request, or a portion of that request, it is anticipated the appropriated funds will be provided to [City] and the City of La Mesa in annual amounts corresponding to

"Because CSU cannot guarantee that its request to the Governor and the Legislature for the necessary mitigation funding will be approved, or that Caltrans[s] request for funding will be approved, or that funding will be granted in the amount requested, or that the public agencies will fund the mitigation improvements that are within their responsibility and jurisdiction, if the [P]roject is approved, CSU will find that the impacts whose [sic] funding is uncertain remain significant and unavoidable, and CSU will adopt a statement of overriding considerations pursuant to CEQA."

CSU adopted the Findings and the mitigation measures set forth in the MMRP. In the Findings, CSU found the FEIR identified potentially significant effects that could result from implementation of the Project, but inclusion of mitigation measures as part of approval of the Project would reduce most, but not all, of those effects to less than significant levels. However, the findings stated:



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*"Because CSU's request to the Governor and the Legislature, made pursuant to [Marina ], for the necessary mitigation funding may not be approved in whole or in part, or because any funding request submitted by Caltrans may not be approved, and, because the local public agencies may not fund the mitigation improvements that are within their responsibility. \*511 and jurisdiction, even if state funding is obtained, [CSU] finds there are no feasible mitigation measures that would reduce the identified significant impacts to a level below significant. Therefore, these impacts must be considered unavoidably significant even after implementation of all feasible transportation/circulation and parking mitigation measures."* (Italics added.)

Furthermore, as to those significant impacts that are unavoidable even after incorporating all feasible mitigation measures, CSU found the benefits of the Project outweighed those unavoidable impacts. CSU approved resolutions stating that:

"7. A portion of the mitigation measures necessary to reduce traffic impacts to less than significant are the responsibility of and under the authority of the City.... The City and [CSU] have not come to agreement. [CSU] therefore cannot guarantee that certain mitigation measures that are the sole responsibility of the City will be timely implemented. [CSU] therefore finds that certain impacts upon traffic may remain significant and unavoidable if mitigation measures are not implemented, and adopts Findings of Fact that include specific Overriding Considerations that outweigh the remaining potential, unavoidable significant impacts with respect to traffic and transit that are not under the authority and responsibility of [CSU].

"8. ... [CSU] hereby certifies the FEIR for the [Project] as complete and adequate in that the FEIR addresses all significant environmental impacts of the [Project] and fully complies with the requirements of CEQA and the CEQA Guidelines....

"9. It is necessary, consistent with [Marina ], for CSU to pursue mitigation funding from the [L]egislature to meet its CEQA fair-share mitigation obligations. The chancellor is therefore directed to request from the [G]overnor and the [L]egislature, through the annual state budget process, the future funds (\$6,484,000) necessary to support costs as determined by [CSU]

necessary to fulfill the mitigation requirements of CEQA.

"10. In the event the request for mitigation funds is approved in full, the chancellor is directed to proceed with implementation of the [master plan for the Project]. Should the request for funds only be partially approved, the chancellor is directed to proceed with implementation of the [Project], funding identified mitigation measures to the extent of the available funds. In the event the request for funds is not approved, the chancellor is directed to proceed with implementation of the [P]roject consistent with resolution number 11 below.

"11. Because [CSU] cannot guarantee that the request to the [L]egislature for the necessary mitigation funding will be approved, or that the local agencies will fund the measures that are their responsibility, [CSU] finds that the impacts whose [sic] funding is uncertain remain significant and unavoidable, and that they are necessarily outweighed by the Statement of Overriding Considerations adopted by [CSU]."

CSU certified the FEIR and approved the Project.

In denying City's subsequent petition for writ of mandate and discharging the 2006 writ, the trial court issued a statement of decision, stating in part:

"[Marina ] did not rule out the possibility that a voluntary payment negotiated ... for the purpose of mitigating specified environmental effects would not satisfy [CSU's] CEQA obligations as to \*512 such effects. In reliance on this opinion, CSU negotiated with the City and Caltrans to determine its fair share of the offsite improvements. CSU then requested the necessary funds from the Legislature and[,] in doing so, complied with the mandate of [Marina ]. [¶] ... [¶]

"Petitioners suggest that CSU must discuss other methods to fund mitigation measures, such as non-state funded revenue bonds or reducing the scope of the [P]roject. [Marina ] does not so hold. Further, such arguments were not raised in the underlying proceedings and cannot be raised now.... Here, Petitioners cited to several comment letters.... [¶] However, the alternative funding claims were not raised in these comment letters. [¶] ... [¶]

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"The Court finds that CSU has met the requirements of [Marina] and CEQA. The 2006 writ is discharged."

### B

In *Marina*, the California Supreme Court addressed CSU's obligations under CEQA to discuss in an EIR measures to mitigate the significant off-site environmental impacts of a project involving the expansion of its Monterey Bay campus (CSUMB) on Fort Ord, a former United States Army base, to accommodate an increase in enrollment from 3,800 students to 25,000 students by 2030. (*Marina*, *supra*, 39 Cal.4th at pp. 345-346, 348, 46 Cal.Rptr.3d 355, 138 P.3d 692.) The Fort Ord Reuse Authority (FORA) was created by the Legislature to manage the transition of the former Fort Ord base to civilian uses, including residential housing, business, light industry, research and development, recreation, and education. (*Id.* at p. 346, 46 Cal.Rptr.3d 355, 138 P.3d 692.) The Legislature gave FORA the power and duty to prepare the base's infrastructure for development for those civilian uses. (*Id.* at p. 347, 46 Cal.Rptr.3d 355, 138 P.3d 692.) FORA's capital improvement plans included construction of infrastructure for transportation (e.g., roadways), water supply, and wastewater management. (*Ibid.*) The Legislature directed FORA to arrange its own financing for those infrastructure improvements, rather than through legislative appropriations. (*Ibid.*)

In its EIR for the expansion of CSUMB, CSU identified many significant environmental effects of the project and adopted specific mitigation measures that would mitigate most of those effects to a level of less than significant. (*Marina*, *supra*, 39 Cal.4th at p. 349, 46 Cal.Rptr.3d 355, 138 P.3d 692.) However, because full mitigation of certain significant effects, including off-site traffic impacts, would require action by both CSU and FORA, the EIR did not provide for mitigation of those effects. (*Id.* at pp. 349-351, 46 Cal.Rptr.3d 355, 138 P.3d 692.) Nevertheless, FORA's own planning documents included plans for infrastructure improvements that would fully mitigate the remaining effects of CSU's expansion of CSUMB. (*Id.* at p. 351, 46 Cal.Rptr.3d 355, 138 P.3d 692.) In so doing, FORA assumed CSUMB would pay its share of the cost of the infrastructure improvements. (*Ibid.*) However, CSU refused to contribute any funds to FORA for road and fire protection improvements. (*Ibid.*)

CSU certified the EIR and approved the project despite the remaining unmitigated effects, finding (as *Marina* paraphrases) that "(1) improvements to roads and fire protection are the responsibility of FORA rather than of [CSU]; (2) mitigation is infeasible because [CSU] may not legally contribute funds toward these improvements; and (3) the planned expansion of CSUMB offers overriding benefits that outweigh any remaining unmitigated \*513 effects on the environment." (*Ibid.*, fn. omitted.)

FORA and the City of Marina filed separate petitions for writs of mandate challenging CSU's certification of the EIR, alleging that CSU "had (1) failed to identify and adopt existing, feasible measures to mitigate significant effects on the environment described in the EIR, (2) improperly certified the EIR and approved the [project] despite the availability of feasible mitigation measures, (3) improperly disclaimed responsibility for mitigating CSUMB's environmental effects, and (4) improperly relied on a statement of overriding considerations to justify certifying the EIR and approving the [project]." (*Marina*, *supra*, 39 Cal.4th at p. 351, 46 Cal.Rptr.3d 355, 138 P.3d 692.) The trial court granted the petitions and issued a writ of mandate directing CSU to vacate its actions and set aside the EIR's statement of overriding considerations. (*Id.* at pp. 354-355, 46 Cal.Rptr.3d 355, 138 P.3d 692.) On appeal, the court of appeal reversed the judgment. (*Id.* at p. 355, 46 Cal.Rptr.3d 355, 138 P.3d 692.) The California Supreme Court granted FORA's petition for review. (*Ibid.*)

In *Marina*, the court defined the question before it as "whether [CSU] ha[s] properly certified the EIR for CSUMB and, on that basis, approved the [project]." (*Marina*, *supra*, 39 Cal.4th at p. 355, 46 Cal.Rptr.3d 355, 138 P.3d 692.) FORA contended CSU's certification of the EIR must be vacated because three of its underlying findings were based on the erroneous legal assumption that the California Constitution precluded it from contributing funds to FORA for mitigation of the project's environmental effects. (*Ibid.*) The first two of CSU's findings were that (1) CSU cannot feasibly mitigate those significant effects, and (2) mitigation of those effects was not CSU's responsibility. (*Ibid.*) Those two findings required the third finding that overriding considerations outweighed the remaining unmitigated effects and justified certification of the EIR and approval of the project. (*Ibid.*) The Supreme Court in *Marina* agreed with FORA. (*Ibid.*) The court stated: "[A]n EIR

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that incorrectly disclaims the power and duty to mitigate identified environmental effects based on erroneous legal assumptions is not sufficient as an informative document." (*Id.* at p. 356, 46 Cal.Rptr.3d 355, 138 P.3d 692.)

Regarding the first issue, *Marina* rejected CSU's claim that mitigation of significant off-site effects was infeasible. (*Marina*, *supra*, 39 Cal.4th at pp. 356-366, 46 Cal.Rptr.3d 355, 138 P.3d 692.) The court held the California Constitution did not preclude voluntary mitigation payments by CSU because they do not constitute compulsory charges or assessments without legislative authority. (*Id.* at pp. 356-359, 46 Cal.Rptr.3d 355, 138 P.3d 692.) *Marina* stated:

"CEQA requires [CSU] to avoid or mitigate, if feasible, the significant environmental effects of their project (... § 21002.1, subd. (b)) and ... payments to FORA may represent a feasible form of mitigation. To illustrate the point, if campus expansion requires that roads or sewers be improved, [CSU] may do the work [itself] on campus, but [it has] no authority to build roads or sewers off campus on land that belongs to others. Yet [CSU] is not thereby excused from the duty to mitigate or avoid CSUMB's off-campus effects on traffic or wastewater management, because CEQA requires a public agency to mitigate or avoid its projects' significant effects not just on the agency's own property, but 'on the environment' (... § 21012.1, subd. (b), italics added), with 'environment' defined for these purposes as 'the "514 physical conditions which exist within the area which will be affected by a proposed project" (*id.*, § 21060.5, italics added). Thus, if [CSU] cannot adequately mitigate or avoid CSUMB's off-campus environmental effects by performing acts on campus (as by reducing sufficiently the use of automobiles or the volume of sewage), then to pay a third party such as FORA to perform the necessary acts off campus may well represent a feasible alternative. A payment made under these circumstances can properly be described neither as compulsory nor, for that reason, as an assessment.'" (*Marina*, *supra*, 39 Cal.4th at pp. 359-360, 46 Cal.Rptr.3d 355, 138 P.3d 692.)

*Marina* held: "[N]o rule precludes a public entity from sharing with another the cost of improvements benefiting both. Furthermore, while education may be CSU's core function, to avoid or mitigate the environmental effects of its projects is also one of CSU's functions. This is

the plain import of CEQA, in which the Legislature has commanded that "[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (*Marina*, *supra*, 39 Cal.4th at pp. 360-361, 46 Cal.Rptr.3d 355, 138 P.3d 692.)

*Marina* also held that a payment by CSU for mitigation of its project's environmental effects "would not constitute an unlawful gift of public funds" (*Marina*, *supra*, 39 Cal.4th at p. 363, 46 Cal.Rptr.3d 355, 138 P.3d 692, italics added) because those payments would be used for "the public purpose of discharging [its] duty as a public agency, under the express terms of CEQA, to 'mitigate or avoid the significant effects on the environment ... whenever it is feasible to do so.'" (*Id.* at p. 372, 46 Cal.Rptr.3d 355, 138 P.3d 692.)

*Marina* also rejected CSU's assertion that mitigation of its expansion of CSUMB was infeasible because it could not guarantee that FORA would actually implement the proposed infrastructure improvements. (*Marina*, *supra*, 39 Cal.4th at p. 363, 46 Cal.Rptr.3d 355, 138 P.3d 692.) CSU found in its EIR that the off-site mitigation measures were not feasible because implementation of those measures was disputed and therefore mitigation of the effects to less than significant levels could not be assured. (*Id.*) *Marina* concluded: "The presently identified, unavoidable uncertainties affecting the funding and implementation of the infrastructure improvements FORA has proposed in its Reuse Plan do not render voluntary contributions to FORA by [CSU] infeasible as a method of mitigating CSUMB's effects. Both the CEQA Guidelines and judicial decisions recognize that a project proponent may satisfy its duty to mitigate its own portion of a cumulative environmental impact by contributing to a regional mitigation fund.... [C]ourts have found fee-based mitigation programs for cumulative impacts, based on fair-share infrastructure contributions by individual projects, to constitute adequate mitigation measures under CEQA." (*Id.* at p. 364, 46 Cal.Rptr.3d 355, 138 P.3d 692, italics added.) Although the court cautioned that a commitment to pay fair-share fees without any evidence the mitigation would actually occur would be inadequate, it concluded "[t]here is ... no reason to doubt that FORA will meet its statutory obligation" to construct the public capital facilities necessary for civilian development. (*Id.* at p. 365, 46 Cal.Rptr.3d 355, 138 P.3d 692.) CEQA requires only a reasonable plan for mitigation and not a time-specific

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schedule for specific mitigation measures (e.g., specific road improvements), (*Ibid*)

\*515 Regarding the second issue, *Marino* rejected CSU's claim that mitigation was exclusively the responsibility of FORA. (*Marino*, *supra*, 39 Cal.4th at pp. 366-367, 46 Cal.Rptr.3d 355, 138 P.3d 692.) Under section 21081, subdivision (a)(2), a public agency does not have to undertake identified mitigation measures if it finds those measures "are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency." In the circumstances of *Marino*, although FORA has responsibility to implement its proposed infrastructure improvements, "the FORA Act contemplates that the costs of those improvements will be borne by those who benefit from them." (*Marino*, at p. 366, 46 Cal.Rptr.3d 355, 138 P.3d 692.) However, *Marino* held (the section 21081, subdivision (a)(2), finding may be made by a lead agency "only when the other agency said to have responsibility has exclusive responsibility." (*Marino*, at pp. 366-367, 46 Cal.Rptr.3d 355, 138 P.3d 692.) *Marino* stated:

"As the CEQA Guidelines explain, '[t]he finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.' (CEQA Guidelines, § 15091, subd. (c).) The Guidelines' logical interpretation of CEQA on this point 'avoids the problem of agencies deferring to each other, with the result that no agency deals with the problem....' " (*Marino*, *supra*, 39 Cal.4th at p. 366, 46 Cal.Rptr.3d 355, 138 P.3d 692.)

*Marino* rejected CSU's argument that it had no responsibility to mitigate off-site environmental effects of its project because it lacked the power to construct off-site infrastructure improvements. (*Id.* at pp. 366-367, 46 Cal.Rptr.3d 355, 138 P.3d 692.) *Marino* held:

"CEQA does not ... limit a public agency's obligation to mitigate or avoid significant environmental effects to effects occurring on the agency's own property. (See ... §§ 21002.1, subd. (b), 21060.5.) CEQA also provides that '[a]ll state agencies ... shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities.' (*Id.*, § 21106.) Thus, as we have also explained, if [CSU] cannot adequately mitigate or avoid CSUMB's off-

campus environmental effects by performing acts on the campus, then to pay a third party such as FORA to perform the necessary acts off campus may well represent a feasible alternative." (39 Cal.4th at p. 367, 46 Cal.Rptr.3d 355, 138 P.3d 692, *italics added*.)

*Marino* then stated:

"To be clear, we do not hold that the duty of a public agency to mitigate or avoid significant environmental effects (... § 21002.1, subd. (b)), combined with the duty to ask the Legislature for money to do so (*id.*, § 21106), will always give a public agency that is undertaking a project with environmental effects shared responsibility for mitigation measures another agency must implement. Some mitigation measures cannot be purchased, such as permits that another agency has the sole discretion to grant or refuse. Moreover, a state agency's power to mitigate its project's effects through voluntary mitigation payments is ultimately subject to legislative control; if the Legislature does not appropriate the money, the power does not exist. For the same reason, however, for [CSU] to disclaim responsibility for making such payments before they have complied with their statutory obligation to ask the Legislature for the necessary funds is premature, at the \*516 very least. The superior court found no evidence [CSU] had asked the Legislature for the funds. In [its] brief to this court, [CSU] acknowledges [it] did not budget for payments [it] assumed would constitute invalid assessments.... That assumption, as we have explained, is invalid." (*Marino*, *supra*, 39 Cal.4th at p. 367, 46 Cal.Rptr.3d 355, 138 P.3d 692, *italics added*, fn. omitted.)

Regarding the third issue (i.e., statement of overriding considerations), *Marino* stated: "A statement of overriding considerations is required, and offers a proper basis for approving a project despite the existence of unmitigated environmental effects, only when the measures necessary to mitigate or avoid those effects have properly been found to be infeasible. (... § 21081, subd. (b).) Given our conclusion [CSU] [has] abused [its] discretion in determining that CSUMB's remaining effects cannot feasibly be mitigated, that [CSU's] statement of overriding circumstances [sic] is invalid necessarily follows. CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, based simply on a weighing of those effects against the project's benefits, unless the measures necessary to mitigate those effects are truly infeasible.

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Such a rule, even were it not wholly inconsistent with the relevant statute (... § 21081, subd. (b)), would tend to displace the fundamental obligation of "[e]ach public agency [to] mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so" (... § 21002.1, subd. (b))." (*Marina, supra*, 39 Cal.4th at pp. 368-369, 46 Cal.Rptr.3d 355, 138 P.3d 692, italics added.)

*Marina* concluded CSU must be directed to vacate its certification of the EIR and approval of the project and set aside its statement of overriding considerations. (*Marina, supra*, 39 Cal.4th at p. 369, 46 Cal.Rptr.3d 355, 138 P.3d 692.)

### C

City, joined by SANDAG and MTS, contends the trial court erred in interpreting *Marina* to hold that CSU does not have to make "fair-share" payments for mitigation of the Project's significant off-site environmental impacts because CSU cannot guarantee the Legislature and Governor will approve the funding and therefore those mitigation measures are "infeasible" under CEQA.<sup>6</sup> City asserts CSU and the trial court wrongly relied on dictum in *Marina* that would allow CSU to avoid its duty to mitigate under CEQA. City further argues the FEIR fails as an informational document because it did not discuss potential alternative means of paying CSU's "fair-share" of off-site mitigation costs.

The language in *Marina* on which CSU and the trial court relied is contained in a paragraph *after* the court held mitigation was not the exclusive responsibility of FORA and CSU had an obligation under CEQA to mitigate or avoid the project's off-site environmental effects by paying a third party (e.g., FORA) to perform those acts if payments were feasible and on-campus actions could not adequately mitigate those effects. (*Marina, supra*, 39 Cal.4th at pp. 366-367, 46 Cal.Rptr.3d 355, 138 P.3d 692.) *Marina* then noted CSU had not made any request of the Legislature for off-site mitigation funding because CSU (erroneously) concluded it did not have any responsibility under CEQA to "§17 mitigate the off-site environmental effects of its project. (*Ibid.* at p. 367, 46 Cal.Rptr.3d 355, 138 P.3d 692.) The court stated: "[f]or [CSU] to disclaim responsibility for making such payments before [it has] complied with [its] statutory obligation to ask

the Legislature for the necessary funds is premature, at the very least." (*Ibid.*) The court also stated: "[A] state agency's power to mitigate its project's effects through voluntary mitigation payments is ultimately subject to legislative control; if the Legislature does not appropriate the money, the power does not exist." (*Ibid.*, italics added.) It is that latter language (on which CSU and the trial court relied) that City asserts is dictum and does not provide persuasive reasoning to limit CSU's duty under CEQA to make "fair-share" mitigation payments for the Project's significant off-site effects to merely making a request for such funding from the Governor and the Legislature.

[9] [10] [11] [12] The language in *Marina* at issue is dictum because it was not necessary for the holding or disposition. "Only statements necessary to the decision are binding precedents..." (*Western Landscape Construction v. Bank of America* (1997) 58 Cal.App.4th 57, 61, 67 Cal.Rptr.2d 868.) "The doctrine of precedent, or stare decisis, extends only to the ratio decidendi of a decision, not to supplementary or explanatory comments which might be included in an opinion. To determine the precedential value of a statement in an opinion, the language of that statement must be compared with the facts of the case and the issues raised." (*Ibid.*)<sup>7</sup> "A decision is authority only for the point actually passed on by the court and directly involved in the case." (*Gomez v. County of Mendocino* (1995) 37 Cal.App.4th 977, 985, 44 Cal.Rptr.2d 93.)

The ratio decidendi of *Marina* is defined by those issues directly raised by the parties and addressed by the California Supreme Court that were necessary to its decision. In *Marina*, the court defined the question before it as "whether [CSU] ha[s] properly certified the EIR for CSUMB and, on that basis, approved the [project]." (*Marina, supra*, 39 Cal.4th at p. 355, 46 Cal.Rptr.3d 355, 138 P.3d 692.) FORA contended CSU's EIR certification must be vacated because three of CSU's underlying findings were based on the erroneous legal assumption that the California Constitution precluded it from contributing funds to FORA for mitigation of the project's environmental effects. (*Ibid.*) The California Supreme Court agreed with FORA that CSU erred in making the first two findings, i.e., that (1) CSU cannot feasibly mitigate those significant effects, and (2) mitigation of those effects was not CSU's responsibility. (*Ibid.*) The court then agreed CSU erred in making its third finding (i.e., its statement of overriding considerations)

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because it was based on erroneous assumptions that it could not feasibly mitigate the significant off-site effects of its project and mitigation was not its responsibility. (*Ibid.*) *Marina* concluded: "An EIR that incorrectly disclaims the power and duty to mitigate identified environmental effects based on erroneous legal assumptions is not sufficient as an informative \*518 document." (*Id.* at p. 356, 46 Cal.Rptr.3d 355, 138 P.3d 692.)

The language in *Marina* on which CSU relies in the instant appeal was set forth in *Marina's* discussion of whether mitigation of off-site effects was exclusively the responsibility of FORA. (*Marina, supra*, 39 Cal.4th at pp. 366-367, 46 Cal.Rptr.3d 355, 138 P.3d 692.) The court concluded CSU had a responsibility under CEQA to mitigate the significant off-site effects of its project even though it had no legal power to actually construct the off-site improvements. (*Ibid.*) *Marina* suggested that if CSU could not adequately mitigate significant off-site effects by performing on-campus acts, it could feasibly mitigate those off-site effects by paying a third party (e.g., FORA) to perform off-site mitigation (e.g., construct infrastructure improvements). (*Id.* at p. 367, 46 Cal.Rptr.3d 355, 138 P.3d 692.) For purposes of stare decisis, that discussion constituted the court's reasoning necessary to its decision. Contrary to CSU's assertion, *Marina's* additional statements – that CSU had not requested funding from the Legislature for that off-site mitigation and that if the Legislature did not provide such funding, had it been requested, CSU would not have the power to mitigate those off-site effects – were supplementary or explanatory comments to its ratio decidendi and were dicta. (*Western Landscape Construction v. Bank of America, supra*, 58 Cal.App.4th at p. 61, 67 Cal.Rptr.2d 868; *Gogri v. Jack in the Box, Inc.* (2008) 166 Cal.App.4th 255, 272, 82 Cal.Rptr.3d 629.) We conclude *Marina's* statement that "if the Legislature does not appropriate the money [for voluntary payments for off-site mitigation], the power does not exist." (*Marina, at* p. 367, 46 Cal.Rptr.3d 355, 138 P.3d 692) was unnecessary to its disposition of the appeal and is dictum we are not required to follow. (*Western Landscape, at* p. 61, 67 Cal.Rptr.2d 868; *Gogri, at* p. 272, 82 Cal.Rptr.3d 629.)

[13] CSU argues that, even though that statement in *Marina* may be dictum, we nevertheless should follow it. However, although we generally consider California Supreme Court dicta to be persuasive (*Hubbard v. Superior Court* (1997) 66 Cal.App.4th 1163, 1169, 78

Cal.Rptr.2d 819), the court's statement in question did not involve extensive analysis. We agree with the reasoning of *Marina's* preliminary statements that CSU has an obligation under CEQA to mitigate or avoid the significant environmental effects of its projects (whether those effects are on-campus or off-site) and, toward fulfilling that obligation, it has a duty to ask the Legislature for funding to do so. (*Marina, supra*, 39 Cal.4th at p. 367, 46 Cal.Rptr.3d 355, 138 P.3d 692.) However, the statement in *Marina* that: "[A] state agency's power to mitigate its project's effects through voluntary mitigation payments is ultimately subject to legislative control; if the Legislature does not appropriate the money, the power does not exist" (*ibid.*) is not supported by any statute, regulation, case, or other authority. Rather, *Marina* merely proceeds from its conclusory statement to note that because CSU had not even requested such appropriation from the Legislature, CSU could not argue it had no obligation under CEQA to make voluntary mitigation payments to a third party for off-site mitigation. (*Ibid.*)

[14] We believe that had the parties in *Marina* specifically addressed the issue and had the California Supreme Court extensively addressed or analyzed the issue, *Marina* would have modified or qualified its dictum. As City asserts, neither CEQA nor any provision of the Education Code or other statute precludes CSU (or any other state agency) from using nonlegislatively appropriated funding for making \*519 voluntary payments to third parties for mitigation of the off-site significant environmental effects of its projects. For example, we presume a campus of CSU (e.g., SDSU) may receive revenues or other funds from a myriad of sources (e.g., tuition, student fees, revenue bonds, parking fees, and private donations). Furthermore, in the context of the instant case, SDSU presumably will receive additional revenues from Project-related sources (e.g., rent from Adobe Falls faculty and student housing, revenue from guests of the Alvarado hotel, fees charged to residents of the Project's new dormitories and/or other student housing, revenue from the new campus conference center, and revenue from the expanded and renovated student union). The availability of potential sources of funding other than the Legislature for off-site mitigation measures should have been addressed in the DEIR and FEIR and all of those potential sources should not be deemed "infeasible" sources for CSU's "fair-share" funding of off-site mitigation measures without a comprehensive discussion of those sources and compelling

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reasons showing those sources cannot, as a matter of law, be used to pay for mitigation of the significant off-site environmental effects of the Project.

CSU did not cite in the DEIR or FEIR, or in its trial or appellate briefs, any statute, regulation, or other provision that bars it from using some or all of those revenue or other funding sources to help pay its "fair-share" of the costs to mitigate the significant off-site environmental effects of the Project. CEQA expressly provides that a public agency may use its discretionary powers for the purpose of mitigating or avoiding a significant environmental effect of a project (except as otherwise provided by law). (§ 21001; Guidelines, § 15040(c); see also *County of San Diego v. Grossman-Cayman Community College Dist.* (2006) 141 Cal.App.4th 86, 103 104, 45 Cal.Rptr.3d 674.) Under CEQA, a public agency (e.g., CSU) is required to mitigate or avoid the significant environmental effects of a project that it carries out or approves if it is feasible to do so. (§ 21002.1, subd. (b); *Marina*, *supra*, 39 Cal.4th at p. 359, 46 Cal.Rptr.3d 355, 138 P.3d 692.) *Marina* stated: "CEQA requires [CSU] to avoid or mitigate, if feasible, the significant environmental effects of their project (... § 21002.1, subd. (b)) and ... payments to FORA may represent a feasible form of mitigation." (*Marina*, at p. 359, 46 Cal.Rptr.3d 355, 138 P.3d 692.) The court stated: "CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, based simply on a weighing of those effects against the project's benefits, unless the measures necessary to mitigate those effects are truly infeasible. Such a rule, even were it not wholly inconsistent with the relevant statute (... § 21002.1, subd. (b)), would tend to displace the fundamental obligation of [each public agency] to mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so' (... § 21002.1, subd. (b))." (*Id.* at pp. 368-369, 46 Cal.Rptr.3d 355, 138 P.3d 692, *italics added.*) Because of CSU's duty under CEQA to adopt *feasible* measures to mitigate or avoid the significant environmental effects of the Project (whether those effects occur on-campus or off-site), it would be illogical to interpret that duty to mitigate as requiring payment for off-site mitigation measures only if, and only to the extent, CSU obtains funding for that mitigation from one particular source of its myriad of revenue or other funding sources (i.e., a specific appropriation by the Legislature for that mitigation) to the exclusion of the many other funding \*520 sources CSU could use

to help pay its "fair-share" of the costs to mitigate the off-site effects of the Project. Were we to accept CSU's interpretation of *Marina*, it would, in effect, allow CSU to avoid its obligation under CEQA to take feasible measures to mitigate or avoid the significant off-site environmental effects of the Project and thereby obtain the benefits of the Project while leaving City and other public agencies with the entire burden of paying for mitigation of the off-site environmental effects of the Project (or causing neighboring residents and commuters to suffer the unmitigated adverse impacts of the Project). Also, to so limit CSU's duty to mitigate under CEQA would not further the Legislature's intent that CEQA "be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259, 104 Cal.Rptr. 761, 502 P.2d 1049, disapproved on another ground in *Kovacs v. Hayward* (1992) 3 Cal.4th 888, 896 897, 12 Cal.Rptr.2d 728, 838 P.2d 250.)

### D

[15] [16] Because CSU erred in relying on the above dictum from *Marina* in preparing the DEIR, responses to comments, the FEIR, and the Findings, and concluding its payment to City and other public agencies of its "fair-share" of the costs of off-site mitigation measures was "not feasible" (i.e., infeasible), we, like the court in *Marina*, conclude CSU's erroneous legal assumption invalidates both its finding that measures to mitigate the off-site effects of the Project were infeasible and its statement of overriding considerations that can only be adopted when "the measures necessary to mitigate those effects are truly infeasible."<sup>8</sup> (*Marina*, *supra*, 39 Cal.4th at pp. 368-369, 46 Cal.Rptr.3d 355, 138 P.3d 692, *italics added.*) "[P]ublic agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects..." (§ 21002.) Furthermore, an agency can adopt a statement of overriding considerations only after it has first properly found that mitigation measures are truly infeasible. (*Marina*, at pp. 368-369, 46 Cal.Rptr.3d 355, 138 P.3d 692.) *Marina* stated: "A statement of overriding considerations is required, and offers a proper basis for approving a project despite the existence of unmitigated environmental effects, only when

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the measures necessary to mitigate or avoid those effects have properly been found to be infeasible. (... § 21081, subd. (b).) Given our conclusion [CSU] has abused [its] discretion in determining that CSUMB's remaining effects cannot feasibly be mitigated, \*521 that [CSU's] statement of overriding circumstances [sic] is invalid necessarily follows." (*Marina*, at p. 368, 46 Cal. Rptr. 3d 355, 138 P.3d 692, italics added.) The court explained: "CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, based simply on a weighing of those effects against the project's benefits, unless the measures necessary to mitigate those effects are truly infeasible. Such a rule, even were it not wholly inconsistent with the relevant statute (... § 21081, subd. (b)), would tend to displace the fundamental obligation of '[e]ach public agency [to] mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so' (... § 21002.1, subd. (b))." (*Id.* at pp. 368-369, 46 Cal. Rptr. 3d 355, 138 P.3d 692, italics added.)

Because the DEIR, the FEIR, and the Findings were based on the erroneous legal assumption that CSU could pay its "fair-share" of off-site mitigation costs *only if* the Legislature specifically appropriated such funding, CSU improperly found those mitigation measures were infeasible and improperly adopted a statement of overriding considerations for those "unavoidable" effects of the Project (i.e., effects for which mitigation was wrongly deemed infeasible). Alternatively stated, CSU did not proceed in a manner required by law and thereby abused its discretion by certifying the FEIR and approving the Project. (§ 21168.5; *Vineyard*, *supra*, 40 Cal.4th at p. 427, 53 Cal. Rptr. 3d 821, 150 P.3d 709.) When a public agency does not comply with procedures required by law, its decision must be set aside as presumptively prejudicial. (*Sierra Club*, *supra*, 7 Cal.4th at p. 1236, 32 Cal. Rptr. 2d 19, 876 P.2d 505.)

[17] To the extent CSU continues to assert, as it did in its Findings and resolutions, that mitigation of the significant off-site effects of the Project is infeasible because CSU cannot guarantee City or other public agencies (e.g., Caltrans) will fund and implement measures to mitigate those significant effects, *Marina* noted "unavoidable uncertainties affecting the funding and implementation of" off-site mitigation measures do *not* make CSU's voluntary "fair-share" contributions toward mitigation of those off-site effects "infeasible." (*Marina*, *supra*, 39

Cal.4th at p. 364, 46 Cal. Rptr. 3d 355, 138 P.3d 692.) Furthermore, the DEIR, the FEIR, and the Findings do not contain any detailed discussion showing City or other public agencies will not take measures to fund and implement mitigation measures within their respective jurisdictions and control. Our review of the record shows CSU has identified specific mitigation measures for each significant off-site environmental effect of the Project (e.g., street intersections and segments and freeway onramps and segments) and CSU has not shown the public agencies with jurisdiction over those mitigation measures had rejected those mitigation measures assuming CSU pays its "fair-share" of those mitigation costs.<sup>3</sup>

\*522 [18] City also asserts the DEIR and FEIR did not discuss alternatives to the Project's on-campus components or other on-campus acts that could mitigate the significant off-site environmental effects of the Project and thereby reduce or eliminate CSU's obligation to pay its "fair-share" for off-site mitigation. *Marina* implicitly recognized that CEQA requires CSU to consider on-campus acts that can mitigate off-site effects, stating: "[I]f [CSU] cannot adequately mitigate or avoid [a project's] off-campus environmental effects by performing acts on the campus [e.g., by sufficiently reducing the use of vehicles], then to pay a third-party [e.g., City or Caltrans] to perform the necessary acts off campus may well represent a feasible alternative." (*Marina*, *supra*, 39 Cal.4th at p. 367, 46 Cal. Rptr. 3d 355, 138 P.3d 692; see also Guidelines, § 15126.4; *Polecatton of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261, fn. 4, 100 Cal. Rptr. 2d 301.) Based on our review of the DEIR and FEIR, we do not believe those documents adequately addressed the possibility of reducing or avoiding the need for certain off-site mitigation measures (and CSU's "fair-share" funding thereof) by taking feasible measures to alter certain on-campus components of the Project or taking other acts on SDSU's campus. Although the DEIR and FEIR extensively discussed specific alternatives to the Project, they did not expressly discuss possible *feasible* modifications to the Project or other *on-campus* acts that could reduce or eliminate the need for CSU's "fair-share" funding of off-site mitigation costs. (Cf. *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 882-883, 111 Cal. Rptr. 3d 374; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1457, 70 Cal. Rptr. 3d 59 ["If an

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alternative is identified as at least potentially feasible, an in-depth discussion is required.”); *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400, 153 Cal.Rptr.2d 718 [“An EIR must ‘describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.’”].) Because the DEIR and FEIR did not contain an adequate discussion of the possible feasible on-campus measures that could reduce or avoid the need for off-site mitigation, they were inadequate informational documents under CEQA. Accordingly, CSU did not proceed in a manner required by law and thereby abused its discretion by certifying the FEIR and approving the Project. (§ 21168.5; *Vineyard, supra*, 40 Cal.4th at p. 427, 53 Cal.Rptr.3d 821, 150 P.3d 709; *Sierra Club, supra*, 7 Cal.4th at p. 1236, 32 Cal.Rptr.2d 19, 876 P.2d 505.)

Because of the above deficiencies, the DEIR and FEIR are inadequate informational documents under CEQA. (*Laurel Heights, supra*, 47 Cal.3d at p. 392, 253 Cal.Rptr. 426, 76 P.2d 278; *City of Santee v. County of San Diego, supra*, 214 Cal.App.3d at pp. 1454-1455, 263 Cal.Rptr. 340.) CSU’s decision makers and the public did not have proper and adequate information regarding the Project and feasible sources for “fair-share” funding of significant off-site mitigation measures and feasible on-campus acts that could reduce or eliminate the need for off-site mitigation and funding. CSU abused its discretion by certifying the FEIR and approving the Project.<sup>10</sup> The trial court erred in concluding otherwise.

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### Exhaustion of Administrative Remedies

CSU asserts, as it did in the trial court, that City, SANDAG, and MTS are barred by the doctrine of exhaustion of administrative remedies from raising the contentions that CSU erred in interpreting *Marina* and improperly found off-site mitigation was infeasible because CSU could not guarantee the Legislature would appropriate funding for mitigation of the Project’s significant off-site effects.

A

[19] [20] [21] [22] “Exhaustion of administrative remedies is a jurisdictional prerequisite to maintenance of a CEQA action. Only a proper party may petition for a writ of mandate to challenge the sufficiency of an EIR or the validity of an act or omission under CEQA. The petitioner is required to have ‘objected to the approval of the project orally or in writing during the public comment period provided by this division or prior to the close of the public hearing on the project before the issuance of the notice of determination.’” ([Former] § 21177, subd. (b).) The petitioner may allege as a ground of noncompliance any objection that was presented by any person or entity during the administrative proceedings. [Citation.] Failure to participate in the public comment period for a draft EIR does not cause the petitioner to waive any claims relating to the sufficiency of the environmental documentation.” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1199, 22 Cal.Rptr.3d 203 (*Bakersfield*)).) Furthermore, “a party can litigate issues that were timely raised by others, but only if that party objected to the project approval on any ground during the public comment period or prior to the close of the public hearing on the project.” (*Federation of Hillside & Canyon Associations v. City of Los Angeles, supra*, 83 Cal.App.4th at p. 1263, 100 Cal.Rptr.2d 301.)

[23] [24] [25] “The purpose of the rule of exhaustion of administrative remedies is to provide an administrative agency with the opportunity to decide matters in its area of expertise prior to judicial review. [Citation.] The decisionmaking body ‘is entitled to learn the contentions of interested parties before litigation is instituted.’” (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 384, 110 Cal.Rptr.2d 579.) To exhaust administrative remedies, “[m]ore is obviously required” than “generalized environmental comments at public hearings.” (*Coalition for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d 1194, 1197, 200 Cal.Rptr. 855.) The objection must be sufficiently specific to give the agency an opportunity to evaluate and respond to it. (*Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885, 909, 69 Cal.Rptr.3d 105; cf. *Resource Defense Fund v. Local Agency Formation Com.* (1987) 191 Cal.App.3d 886, 894, 236 Cal.Rptr. 794 [requiring the exact issue to have

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been raised], disapproved on another ground in *Voices of Wetlands v. State Water Resources Control Bd.* (2011) 52 Cal.4th 499, 529, 128 Cal.Rptr.3d 658, 257 P.3d 81.)

"On the other hand, less specificity is required to preserve an issue for appeal in an administrative proceeding than in a judicial proceeding." (*Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 163, 217 Cal.Rptr. 893.) Application of the exhaustion doctrine is a "524 question of law we determine de novo." (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 536, 78 Cal.Rptr.3d 1; *Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 251, 103 Cal.Rptr.3d 124.)

### B

[26] We conclude the doctrine of exhaustion of administrative remedies does not bar City, SANDAG, and MTS from raising the contentions that CSU wrongly interpreted *Marina* and improperly found "fair-share" payments for off-site mitigation of significant effects were infeasible because CSU could not guarantee the Legislature would appropriate funding for that off-site mitigation. Based on our independent review of the administrative record, there are at least three documents or comments that show those issues were raised in a sufficiently specific manner to allow CSU an opportunity to evaluate and address them. First, in a letter to CSU from City's attorney dated July 27, 2007, City restated its concerns that it raised in its February 21 letter responding to the NOP. Furthermore, City asserted the DEIR was "fatally flawed because it does not guarantee the implementation of the traffic mitigation measures it proposes." Quoting language from the DEIR stating that CSU's "fair-share" funding commitment is necessarily conditioned on requesting and obtaining funds from the Legislature, City asserted: "This approach relies on a faulty interpretation of [*Marina*]." City extensively discussed *Marina* and asserted that it included "pure dictum" in stating CSU did not have the power to mitigate if the Legislature does not appropriate funding for mitigation. City argued: "The [DEIR] improperly relies on this dictum to build towards an untenable either-or-finding, that either they will or they will not mitigate significant traffic impacts." City concluded: "The [DEIR] fails because [CSU] disingenuously attempt[s] to dodge true responsibility by relying on dicta in the same California Supreme Court case [i.e., *Marina*] that caused

the collapse of the first [DEIR] on the [Project]." We conclude City's letter was sufficiently specific to apprise CSU of the contentions that City asserted in objecting to the DEIR (i.e., that CSU wrongly interpreted *Marina* and improperly relied on *Marina*'s dictum to conclude that "fair-share" payments for off-site mitigation of the Project's significant effects were infeasible because CSU could not guarantee the Legislature would appropriate funding for that off-site mitigation).

Second, on February 21, 2007 (after the NOP was issued), CSU held a scoping meeting at which it heard comments from the public. At that meeting, Anne Brunkow, president of the Del Cerro Action Council, made the following oral comments (transcribed by a reporter and included in the administrative record):

"I want to remind [CSU] that [*Marina*] indicated that public agencies have a requirement to either avoid or mitigate the significant impacts of their projects. So while it is comforting to know that [CSU] is going to request funding for the mitigation requirement, I want to remind [CSU] that *not only do you need to request that funding from the [L]egislature, but you simply need to mitigate. So assuming that the [L]egislature denies your request for funding, that does not eliminate your responsibility to mitigate the [P]roject [s] [significant environmental effects].*" (Italics added.)

Brunkow's comment clearly presented her position that under CEQA and *Marina* CSU had a duty to mitigate the significant environmental effects of the Project *even if* the Legislature denied CSU's request for "525 mitigation funding. City, SANDAG and MTS can rely on Brunkow's comment to refute CSU's claim that they did not exhaust their administrative remedies. As plaintiffs challenging CSU's certification of the DEIR and approval of the Project, they may raise in court "as a ground of noncompliance any objection that was presented by any person or entity during the administrative proceedings." (*Bakersfield, supra*, 124 Cal.App.4th at p. 1199, 22 Cal.Rptr.3d 203.)

Third, the administrative record shows that even CSU's own staff was aware of and considered *Marina* and other options for funding mitigation of the Project's effects. The written agenda for a January 16, 2007, meeting of CSU's campus planning staff and its CEQA traffic consultants included a section describing the topics of prior discussion, including: "2. Other less technical issues

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of mitigation concern[.] [¶] a. *Sources of funding* (lack thereof); *Legislature, local agencies, CSU capital funds (G.O. [general obligation] bonds)....*" (Italics added.) The agenda then listed topics for discussion at that meeting, including: "8. Are there *other avenues*, particularly with the state Legislature[.] that should be explored as a way of addressing [*Marina*] implementation?" (Italics added.) Based on that agenda, it is clear CSU staff had discussed at a past meeting *alternative sources of funding* CSU's mitigation obligation, including CSU's capital funds or general obligation bonds. It can also be reasonably inferred from the agenda that CSU staff discussed "other avenues" (i.e., alternative sources) for funding the implementation of its mitigation obligation under *Marina* and CEQA. Because CSU is charged with the actions and knowledge of its staff in preparing the DEIR, particularly when that information is contained in the administrative record it is considering, we conclude City, SANDAG and MTS may rely on the above agenda of CSU's staff to show they exhausted their administrative remedies and CSU had an opportunity to consider and address the issue whether there were alternative sources for funding its obligation under CEQA to pay its "fair-share" of off-site mitigation measures. (*Bakersfield, supra*, 124 Cal.App.4th at p. 1199, 22 Cal.Rptr.3d 203 [petitioner may raise "any objection that was presented by any person or entity during the administrative proceedings"])

We conclude City, SANDAG and MTS are not barred by the doctrine of exhaustion of administrative remedies from raising the issues that CSU wrongly interpreted *Marina* and improperly found "fair-share" payments for off-site mitigation of significant effects were infeasible because CSU could not guarantee the Legislature would appropriate funding for that off-site mitigation. Those issues were adequately raised during the administrative proceedings by sufficiently specific comments to give CSU an opportunity to evaluate and respond to them. (*Porterville Citizens for Responsible Hillside Development v. City of Porterville, supra*, 157 Cal.App.4th at p. 909, 69 Cal.Rptr.3d 105.) Furthermore, the specific issue of alternative (i.e., nonlegislative) sources of funding for off-site mitigation was raised at least implicitly, if not expressly, in the portions of the administrative record discussed above. *City of Walnut Creek v. County of Contra Costa* (1980) 101 Cal.App.3d 1012, 162 Cal.Rptr. 224, cited by CSU and relied on by the trial court, is inapposite and does not persuade us to reach a contrary conclusion. Therefore, the trial court erred by concluding

City, SANDAG and MTS were barred by the doctrine of exhaustion of administrative remedies from raising the contentions regarding funding for off-site \*526 mitigation measures.<sup>11</sup>

Y

### Request for Judicial Notice

City contends the trial court erred by denying its request for judicial notice of certain documents pertaining to the issue of whether CSU complied with CEQA and *Marina*.

A

CSU moved to discharge the 2006 writ, arguing it had complied with *Marina*. In opposition to CSU's motion to discharge, City filed a request for judicial notice (RJN) of 22 exhibits (Exhs. A through W), consisting of about 1,418 pages. City argued the trial court should take judicial notice of: (1) documents contained in certain exhibits (Exhs. A through L) pursuant to Evidence Code section 452, subdivision (c), because they represented official acts of the executive and legislative offices of the State of California and were not reasonably subject to dispute; and (2) documents contained in certain exhibits (Exhs. M through W) pursuant to Evidence Code section 452, subdivision (h), because they are writings of CSU's executive offices, evidence of official acts taken by CSU, and not reasonably subject to dispute. CSU then filed a motion to strike the documents for which City's RJN sought judicial notice. CSU argued those documents were irrelevant to the issue of whether it had complied with CEQA and had not been considered by CSU when it certified the FEIR and approved the Project. City argued the RJN documents should be judicially noticed to show CSU had not complied with *Marina* (and CEQA) by simply requesting mitigation funding from the Governor and the Legislature. The trial court granted CSU's motion to strike the RJN documents, stating: "The court does not concur with ... City's interpretation of [*Marina*].... These documents were not part of the administrative record and were never considered by CSU when certifying the [FEIR] and approving the 2007 Project."<sup>12</sup>

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On October 7, 2010, City filed a motion to augment the record on appeal with the documents lodged with its RJN (i.e., Exhs. A through W). On October 27, we issued an order granting City's motion to augment the record on appeal.

## B

Evidence Code section 452 provides:

"Judicial notice may be taken of the following matters to the extent that they are not embraced within [Evidence Code] Section 451; [ ] ... [ ]"

“(c) Official acts of the legislative, executive, and judicial departments of the United States and of any state of the United States. [¶] ... [¶]

"(h) Facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination "§27 by resort to sources of reasonably indisputable accuracy."

[27] [28] "Although a court may judicially notice a variety of matters [citation], only relevant material may be noticed. 'But judicial notice, since it is a substitute for proof [citation], is always confined to those matters which are relevant to the issue at hand.' " (*Mongini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063, 3 Cal.Rptr.2d 358, 875 P.2d 73, overruled on another ground in *In re Tobacco Cases II* (2007) 41 Cal.4th 1257, 1276, 63 Cal.Rptr.3d 418, 163 P.3d 106.) A trial court's decision whether to take judicial notice of documents is subject to review for abuse of discretion. (*In re Social Services Payment Cases* (2008) 166 Cal.App.3d 1249, 1271, 85 Cal.Rptr.3d 434; *Saharav v. Upland Police Dept.* (2004) 116 Cal.App.4th 930, 946, 11 Cal.Rptr.3d 22.)

## c

Because we reverse the judgment on other grounds, we do not address the merits of City's contention that the trial court erred by granting CSU's motion to strike City's RJN documents and thereby implicitly denying the RJN. Nevertheless, to provide the parties and the trial court with guidance in future proceedings on this matter, we briefly comment on the trial court's rationale for not taking judicial notice of, and striking,

the RJN documents. The court's primary reason for striking the RJN documents was that, given its rejection of City's interpretation of *Marina*, those documents were irrelevant to its determination that CSU had complied with *Marina* by requesting off-site mitigation funding from the Legislature. However, as we concluded above, a mere request by CSU that the Legislature appropriate funding for off-site mitigation of the Project's significant effects does not comply with CEQA (and, at a minimum, an extensive discussion considering other possible feasible sources for funding off-site mitigation is required). CEQA and *Marina* require that CSU adopt feasible measures to mitigate the significant off-site environmental effects of the Project. CSU must consider and adopt feasible sources of off-site mitigation funding in addition to requesting funding from the Governor and the Legislature. Therefore, to the extent the RJN documents are relevant to CSU's obligation to take feasible measures to mitigate the significant effects of the Project, including considering possible feasible sources for off-site mitigation funding, CSU should consider those documents and the trial court in any future proceeding may, in the reasonable exercise of its discretion, grant any future request to take judicial notice of documents relevant to the question of whether CSU has proceeded in a manner required by law.<sup>13</sup>

## VI

#### Increased Vehicle Traffic Calculations

SANDAG and MTS contend the trial court erred by concluding CSU did not improperly calculate the increased vehicle traffic that will be caused by the Project's increased student enrollment. They assert CSU erred in calculating the average daily vehicle trip (ADT) rates for both the Project's anticipated new resident students and new nonresident (or commuter) students. #528 [3]

## A

**Resident Student ADT Rate.** For purposes of analyzing the impact of the Project on traffic, the DEIR considered a new student to be a "resident" if that student either lived on the SDSU campus or within one-half mile of the campus. The DEIR assumed the Project would result

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in enrollment of an additional 11,385 students by the 2024/2025 academic year and that 35 percent of those new students (3,984) would be resident students and the remaining 65 percent of new students (7,401) would be commuter students.

In estimating the ADT rate for the 3,984 new resident students, the DEIR relied on prior ADT rate calculations for resident students made by City and the University of California San Diego (UCSD). In a College Community Redevelopment Project EIR drafted by City in 1993 (Redevelopment EIR), City calculated the ADT rate for a resident SDSU student would range from 0.12 to 0.64. In a separate EIR, UCSD calculated the ADT rate for a resident UCSD student to be 0.41. For purposes of analyzing the impact of the Project on traffic, the DEIR assumed the higher 0.64 ADT rate from the Redevelopment EIR would apply to the Project's new resident students.

[29] SANDAG and MTS argue the DEIR erred by using the Redevelopment EIR's ADT rate for resident SDSU students because, in so doing, it treated the Project's new resident students as existing commuter students who relocated to campus housing. They argue the analysis used in the Redevelopment EIR is inapposite because that EIR considered the effect of constructing new student housing near the SDSU campus and the reduction in traffic as the result of the relocation of existing commuter students to housing near the campus and did not consider any increase in SDSU enrollment. However, we are not persuaded by that argument because the relevant issue is whether SANDAG and MTS have shown the Redevelopment EIR's penultimate ADT calculation for resident students is not supported by substantial evidence and cannot reasonably be relied on by CSU in calculating the ADT rate for the Project's new resident students. We conclude they have not carried their burden on appeal to make that showing.

SANDAG and MTS extensively discuss the Redevelopment EIR's methodology in calculating the ADT rate for existing commuter students who relocate to housing near the SDSU campus. However, we need only briefly set forth that methodology and its calculations. Table 5-14 of the Redevelopment EIR (specifically cited in the DEIR) began with a vehicle ADT rate for commuters of between 3.1 and 4.4 per dwelling unit, depending on the type of housing.<sup>14</sup> The 4.4 ADT rate

was then reduced by 2.8 ADTs per dwelling unit to reflect the fact that SDSU commuter students who relocated to the new redevelopment housing near SDSU would no longer need to commute to SDSU by vehicle. The Redevelopment EIR concluded the relocated, and then resident, SDSU students (and faculty and staff) would have an ADT rate of 1.6 per dwelling unit. Dividing the "529" Redevelopment EIR's 1.6 ADT resident rate by the number of students (2.5) per dwelling unit, the DEIR calculated an ADT rate of 0.64 per new resident student should apply in analyzing the traffic impacts of the Project. That 0.64 ADT rate per student was then multiplied by the number of the Project's new resident students (3,984), for a total increase of 2,550 ADTs, or daily vehicle trips, by the new resident students.

We conclude CSU's methodology in relying on the Redevelopment EIR's ADT calculations for resident students was reasonable. Furthermore, the Redevelopment EIR provided substantial evidence to support the DEIR's 0.64 ADT rate for new resident students. SANDAG and MTS do not carry their burden on appeal to show otherwise. We are not persuaded by their assertion that CSU improperly considered the Project's new resident students to be relocated commuter students by taking a "relocation deduction." CSU did *not* consider the Project's new resident students to be relocated commuter students, but rather relied on, and adopted, the Redevelopment EIR's ADT calculation for relocated, and then resident, students. It was the end result of the ADT rate calculated for a resident student that the DEIR adopted from the Redevelopment EIR and *not* the Redevelopment EIR's assumption that existing commuters would relocate to housing on or near SDSU's campus.<sup>15</sup> Finally, because the DEIR assumed the higher 0.64 ADT rate for new resident students applied to the Project (based on the Redevelopment EIR's calculations), we need not address SANDAG and MTS's additional assertion that there was no substantial evidence to support CSU's reliance on UCSD's 0.41 ADT rate for its resident students. CSU did not rely on that lower ADT rate in analyzing the traffic impacts of the Project.

B

*Commuter Student ADT Rate.* SANDAG and MTS assert CSU improperly calculated the increase in ADTs caused by the Project's new commuter students because

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it assumed new (and existing) commuter students would increasingly use transit (i.e., trolley and buses) rather than individual vehicles for their trips. They argue CSU wrongly assumed that increased transit use would result in a 47 percent "shift-to-trolley" reduction in vehicle trips by the 2024/2025 academic year:

Based on an actual vehicle count conducted during a five-day period in November 2006 at SDSU's parking lots, CSU determined SDSU's total ADT's were 66,807 and, when divided by the then-current number of commuter students (27,047), obtained an ADT rate of 2.47 per commuter student. Multiplying that 2.47 ADT rate "530 by the number of new commuter students (7,401) to be added by the Project, a total of 18,280 new vehicle trips per day would be expected for new commuter students. When that total of 18,280 ADT's for new commuter students was added to the 2,550 ADT's for new resident students (as discussed above), the 1,376 ADT's for Adobe Falls housing residents, and the 1,200 ADT's for Alvarado hotel guests, a total of 23,406 ADT's would be added by the Project by 2024/2025 based on 2006 figures. However, because the 2.47 ADT rate for commuter students was based on 2006 vehicle and trolley usage, it did not reflect any anticipated future increase in the rate of trolley usage and resultant decrease in the rate of vehicle usage.<sup>16</sup> Based on SANDAG and MTS's projections that daily boardings at the SDSU trolley station would increase from 5,982 to 14,714 by 2024/2025, CSU calculated there would be an increase of 8,732 passengers boarding at the SDSU station over the current number of boardings. After adjusting for non-SDSU-related boardings (e.g., transfers), carpools, and use of other forms of transit (e.g., bus), CSU determined 5,460 of the 8,732 increase in daily boardings at the SDSU station would be SDSU-related trolley boardings. Because daily boardings represent only outbound trips, CSU multiplied 5,460 by 2 to obtain the increased number (10,920) of SDSU-related trolley trips (both inbound and outbound) by 2024/2025 based on SANDAG and MTS's projections. Because CSU assumed that projected increased trolley usage reflected a shift from vehicle usage to trolley usage, CSU subtracted that increased trolley usage (10,920) from the gross total increased number of ADT's resulting from the Project based on 2006/2007 figures (23,406) and obtained a net increase of 12,486 ADT's resulting from the Project. Therefore, CSU reduced the initial calculation for the gross increase (23,406) in the Project's ADT's, or average daily vehicle trips, based on its assumption that SDSU

students, faculty and staff would increasingly use the trolley by 2024/2025 instead of vehicles, resulting in a net increase in ADT's caused by the Project of only 12,486 by 2024/2025.<sup>17</sup>

SANDAG and MTS argue CSU improperly reduced the gross increase in ADT's by 47 percent to reflect the projected increased usage of the trolley by 2024/2025.<sup>18</sup> They argue that 47 percent "shift-to-trolley" reduction was improper because it reduced an already reduced ADT rate based on trolley use. However, as CSU notes, its gross 2.47 ADT commuter rate was based on the then-existing rate of trolley usage and did not account for future increases in the rate of trolley usage. Accordingly, CSU reduced the Project's total increase in ADT's caused by new commuter students, new resident students, Adobe Falls housing residents, and Alvarado hotel guests, by 47 percent to reflect the projected increase in the rate of trolley usage and resultant decrease in the rate of vehicle usage. In so doing, we cannot conclude that CSU acted unreasonably or without substantial evidence for using that methodology. (*City of Long Beach v. Los Angeles Unified School Dist.*, *supra*, 176 Cal.App.4th at p. 898, 98 Cal.Rptr.3d 137 "531 [substantial evidence standard of review applies to agency's methodology used for studying an impact and the reliability or accuracy of data on which agency relied].)

[30] Furthermore, we reject SANDAG and MTS's assertion that CSU "essentially [assumed] all new non-residents, faculty, staff and visitors would be vehicle drivers who were somehow magically persuaded to switch to trolley transportation."<sup>19</sup> Rather, CSU initially calculated the gross increase in ADT's resulting from the Project's new students (commuters and residents), faculty, staff, and guests, based on 2006/2007 rates of trolley usage and then reduced that number to reflect a 47 percent "shift-to-trolley" use by 2024/2025. We conclude there is substantial evidence to support CSU's methodology and calculations in finding the Project's net increase in ADT's will be 12,486. To the extent SANDAG and MTS argue CSU should have used a different methodology, they do not show there is insufficient evidence to support the methodology CSU used in calculating the Project's traffic impact in increasing ADT's. Accordingly, SANDAG and MTS have not carried their burden on appeal to show CSU improperly calculated the increase in ADT's by the Project's new commuter students based on CSU's assumption that new (and existing) commuter students (as

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well as resident students, Adobe Falls housing residents, and Alvarado hotel guests) would increasingly use the trolley rather than vehicles.

C

Based on the above arguments challenging CSU's methodology and calculations regarding the increased number of ADT's caused by the Project, SANDAG and MTS assert CSU's calculation of its "fair share" of costs to mitigate the Project's traffic impacts (i.e., \$6,484,000) is not supported by substantial evidence. However, because we rejected those methodology and calculation arguments above, we conclude SANDAG and MTS have not carried their burden on appeal to show there is insufficient evidence to support CSU's calculation of its "fair share" of traffic mitigation costs.

VII

### *Deferral of Mitigation of Traffic Impacts*

SANDAG and MTS contend the trial court erred by concluding CSU properly deferred adoption of mitigation measures to reduce vehicle traffic. They assert CSU's adoption of mitigation measure "TCP 27," requiring CSU to consult with them in developing a transportation demand management (TDM) program with the goal of reducing vehicle trips to SDSU's campus in favor of alternate modes of travel, constitutes improper deferral of measures to mitigate the Project's traffic impacts.

A

[31] Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency's decision makers and the public before certification of the EIR and approval of a project. The formulation of mitigation measures generally cannot be deferred until after certification of the EIR and approval of a project. Guidelines, section 15126.4(a)(1)(B) states: "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate

the significant effect of the project and which may be accomplished in more than one specified way."

"A study conducted after approval of a project will inevitably have a diminished "532 influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA." (*Sunstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307, 248 Cal.Rptr. 352.) "[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and [...] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92, 108 Cal.Rptr.3d 478 (*Communities*)).

[32] [33] "Deferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan. [Citation.] On the other hand, an agency goes too far when it simply requires a project applicant to obtain a biological [or other] report and then comply with any recommendations that may be made in the report." (*Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275, 15 Cal.Rptr.3d 176.) "If mitigation is feasible but impractical at the time of a general plan or zoning amendment, it is sufficient to articulate specific performance criteria and make further approvals contingent on finding a way to meet them." (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 793, 32 Cal.Rptr.3d 177.)

[34] However, a lead agency's adoption of an EIR's proposed mitigation measure for a significant environmental effect that merely states a "generalized goal" to mitigate a significant effect without committing to any specific criteria or standard of performance violates CEQA by improperly deferring the formulation and adoption of enforceable mitigation measures. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670, 57 Cal.Rptr.3d 663; *Communities, supra*, 184 Cal.App.4th at p. 93, 108 Cal.Rptr.3d 478 ["EIR merely proposes a generalized goal of no net increase in greenhouse gas emissions and

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then sets out a handful of cursorily described mitigation measures for future consideration that might serve to mitigate the [project's significant environmental effects.]" (cf. *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029, 280 Cal.Rptr. 478 [upheld EIR that set forth a range of mitigation measures to offset significant traffic impacts where performance criteria would have to be met, even though further study was needed and EIR did not specify which measures had to be adopted by city].)

B

The DEIR concluded the Project would cause significant traffic impacts. In response to comments from SANDAG and others that CSU should take a more balanced approach to mobility and provide mitigation measures supporting alternative modes of travel, CSU revised the DEIR to include mitigation measure TCP 27 in the FEIR. TCP 27 stated:

"SDSU shall develop a campus Transportation Demand Management ('TDM') program to be implemented not later than the commencement of the 2012/2013 academic year. *The TDM program shall be developed in consultation with [SANDAG] and [MTS] and shall facilitate a balanced approach to mobility, with the ultimate goal of reducing vehicle trips to campus in favor of alternate modes of travel.*" (Italics added.)

\*533. In the Findings, CSU adopted TCP 27, along with other traffic mitigation measures. CSU also adopted the mitigation measures set forth in the MMRP, which included TCP 27. CSU then certified the FEIR and approved the Project.

C

[35] SANDAG and MTS assert the traffic mitigation measure set forth in TCP 27 constitutes improper deferral of mitigation by CSU in violation of CEQA. They argue TCP 27 did not identify any specific future mitigation actions or set any specific goals or performance standards. They argue TCP 27 merely stated a generalized goal and did not commit CSU to take any actual or specific mitigation actions, thereby constituting improper deferral of mitigation of the Project's significant traffic effects.

[36] We agree with SANDAG and MTS's assertion that CSU's adoption of TCP 27 constitutes improper deferral of mitigation of the Project's significant traffic effects. TCP 27 commits CSU only to consult with SANDAG and MTS and then develop a TDM to be implemented by 2012/2013. The TDM "shall facilitate a balanced approach to mobility, with the ultimate goal of reducing vehicle trips to campus in favor of alternate modes of travel," but there are no specific mitigation measures to be considered or any specific criteria or performance standards set forth in the TDM. TCP 27 sets only a "generalized goal" of reducing vehicle trips by, presumably, encouraging alternate modes of travel. "This is inadequate. No criteria or alternatives to be considered are set out. Rather, the mitigation measure does no more than require a report be prepared and followed, or allow approval by [CSU] without setting any standards." (*Endangered Habitats League, Inc. v. County of Orange*, *supra*, 131 Cal.App.4th at p. 798, 32 Cal.Rptr.3d 177.) Therefore, the TDM required to be developed by TCP 27 appears to be, at best, an amorphous measure that does not commit CSU to take any specific mitigation measures to reduce vehicle trips and does not provide for any objective performance standards by which the success of CSU's mitigation actions can be measured. Accordingly, as in another case, "[t]he only criteria for 'success' of the ultimate mitigation plan adopted is the subjective judgment of [CSU], which presumably will make its decision outside of any public process ... after the Project has been approved." (*Communities*, *supra*, 184 Cal.App.4th at p. 93, 108 Cal.Rptr.3d 478.) Furthermore, because TCP 27 and the TDM are lacking in specifics, neither CSU's decision makers nor the public had an opportunity to consider possible specific, concrete mitigation measures to reduce vehicle trips to SDSU. Because CSU only adopted TCP 27 in response to comments to the DEIR and thereby apparently deferred studying actual measures that could be taken to reduce vehicle trips, "[t]he solution was not to defer the specification and adoption of mitigation measures until ... after Project approval, but, rather, to defer approval of the Project until proposed mitigation measures were fully developed, clearly defined, and made available to the public and interested agencies for review and comment." (*Id.* at p. 95, 108 Cal.Rptr.3d 478.) *Sacramento Old City Assn. v. City Council*, *supra*, 229 Cal.App.3d 1011, 280 Cal.Rptr. 478, cited by CSU, is inapposite and does not persuade us to reach a contrary

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conclusion.<sup>19</sup> The trial court erred by concluding \*534 CSU did not improperly defer adoption of mitigation measures to reduce vehicle traffic by adopting TCP 27.

### VIII

#### The Project's Effect on Transit

SANDAG and MTS contend the trial court erred by concluding the EIR adequately addressed the Project's potential impacts on transit and there is substantial evidence to support CSU's finding that the Project will not cause any significant effect on public transit (e.g., trolley and bus facilities and service).

### A

An EIR must describe, in detail, all the significant effects on the environment of the project. (*Sammyvale, supra*, 190 Cal.App.4th at p. 1372, 119 Cal.Rptr.3d 481.) An EIR must include a detailed discussion of "[a]ll significant effects on the environment of the proposed project." (§ 21100, subd. (b)(1).) Section 21068 states: "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in the environment." (Italics added.) Section 21060.5 states: "Environment" means the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance." (Italics added.) "In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project." (Guidelines, § 15064, subd. (d).)

[37] [38] "[U]nder CEQA, the lead agency bears a burden to investigate potential environmental impacts." (*County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1597, 27 Cal.Rptr.3d 28.) In so doing, the lead agency must consult with any public agency that has jurisdiction over natural resources or other potential environmental impacts of a project. (*Berkeley Keep Jets Over the Bay Com. v. Board of Port Com.*

(2001) 91 Cal.App.4th 1344, 1370, 111 Cal.Rptr.2d 598 (*Berkeley*).) If an agency's investigation shows particular environmental effects of the project will not be potentially substantial, the EIR must "contain a statement briefly indicating the reasons for determining that various effects on the environment of a project are not significant and consequently have not been discussed in detail in the [EIR]." (§ 21100, subd. (c); see also Guidelines, § 15064(b).) Alternatively stated, the EIR must include a statement of the agency's reasons, albeit brief, for its conclusion that a particular environmental impact is not potentially substantial (i.e., significant). (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111, 11 Cal.Rptr.3d 104 (*Amador*).) A mere conclusion of insignificance is not adequate to allow meaningful judicial review and constitutes a failure to proceed in the manner required by law. (*Id.* at pp. 1111-1112, 11 Cal.Rptr.3d 104.)

[39] [40] [41] [42] Even if an agency provides an adequate statement of reasons regarding its conclusion that a particular effect of a project will not be significant, that conclusion can be challenged as an abuse of discretion if not supported by substantial evidence in the administrative record. (*Amador, supra*, 116 Cal.App.4th at p. 1115, 11 Cal.Rptr.3d 104.) If a lead agency does not conduct an adequate initial \*535 study regarding a particular environmental effect of a project, it cannot rely on an absence of evidence resulting from that inadequate study as proof there is substantial evidence showing that particular effect is not significant under CEQA. (*Sundstrom v. County of Mendocino, supra*, 202 Cal.App.3d at p. 311, 248 Cal.Rptr. 352.) Likewise, an agency cannot conclude a particular environmental effect is not significant based on a purported absence of precise methodology or quantification for determining the level of significance for that effect. (*Berkeley, supra*, 91 Cal.App.4th at p. 1370, 111 Cal.Rptr.2d 598.) An agency must use its best efforts to evaluate whether a particular impact is significant. (*Id.* at pp. 1370-1371, 111 Cal.Rptr.2d 598.)

"The Legislature has made clear that an EIR is 'an informational document' and that '[t]he purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate

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alternatives to such a project.” (*Laurel Heights*, *supra*, 47 Cal.3d at pp. 390-391, 253 Cal.Rptr. 426, 764 P.2d 278.)  
“Before approving the project, the agency must also find either that the project’s significant environmental effects identified in the EIR have been avoided or mitigated, or that unmitigated effects are outweighed by the project’s benefits.” (*Id.* at p. 391, 253 Cal.Rptr. 426, 764 P.2d 278.)  
Under CEQA, a public agency is required to mitigate or avoid the significant environmental effects of a project that it carries out or approves if it is feasible to do so. (§ 21002.1, subd. (b); *Marina*, *supra*, 39 Cal.4th at p. 359, 46 Cal.Rptr.3d 355, 138 P.3d 692.)

### B

The DEIR circulated by CSU discussed the potentially significant impacts of the Project on the environment. Although the DEIR’s traffic analysis included a substantial reduction of the Project’s impact on traffic as a result of the projected “shift-to-trolley” use as discussed above, the DEIR did *not* substantively address whether that increased rate of trolley use, together with the additional trolley trips taken by the new 11,385 students to be added by the Project, would cause a significant effect, whether direct or indirect, on the environment. Appendix N (Traffic Technical Report) to the DEIR relied on SANDAG’s forecast that boardings at the SDSU trolley station would increase from 5,982 daily boardings in 2007 to 17,450 daily boardings in 2030 to conclude, through interpolation, that there would be 14,714 daily boardings in the 2024/2025 academic year. Appendix III reflected that interpolation of SANDAG’s forecasted increase in boardings at the SDSU station.

In response to the DEIR, SANDAG sent a letter, dated August 8, 2007, to SDSU stating that “the traffic study assumes a high level of transit mode share while failing to address capacity limitations of the [transit] system to absorb the projected transit trips. Consequently, the traffic study understates traffic impacts and does not adequately mitigate for those impacts in the short or long term.” It further stated: “Project-specific impacts should be mitigated with specific transit, highway, and roadway improvements that are implemented by [CSU]. Long-term impacts should be mitigated through a combination of project-specific improvements and by participating in the construction and/or funding of regional transportation facilities and services at a fair-share level.” SANDAG

expressed the specific concern that the DEIR’s traffic analysis “assume[d] \*536 a high proportion of trips accommodated by transit without addressing the needed capital and operating support necessary to attain that mode split.” SANDAG stated:

“The analysis includes an unsupported assumption that one-half of the growth in vehicular trips generated by the campus growth will be handled by transit. This assumption is based on the SANDAG model’s estimate of future boarding growth at the SDSU trolley station. The SANDAG model projects demand for transit travel unconstrained by the limitations of the system’s capacity. *We are skeptical that the projected 10,000 additional transit trips can be absorbed by the system without infrastructure and operational improvements to the trolley and bus system.* While we support any effort to meet [SDSU’s] future travel needs with transit, *the DEIR must address the impacts of the demand growth on transit and assess SDSU’s responsibility to provide improvements to mitigate those impacts.*”

“... The Master Plan and EIR should identify mode split targets for 2030 and intermediate years, and include specific measures geared toward achieving those targets. *The DEIR should include a plan for capital and operating improvements that mitigate for additional demand and any negative impacts to current transit operations as a result of SDSU’s plans.* For example, *the capacity of the trolley infrastructure and services should be evaluated, and mitigation measures should be proposed, such as improvements to track, rolling stock, and station infrastructure, or additional service to address capacity issues.* These measures should be identified in consultation with [MTS].” (*Italics added.*)

The FEIR included CSU’s responses to various comments by other agencies and the public to the DEIR, including a specific response to SANDAG’s comments. The FEIR stated:

“Between March 2007 and August 2007, representatives of SDSU and SANDAG met on numerous occasions to discuss the [Project]. *Because the [DEIR] did not find that the [Project] would result in significant impacts to transit (i.e., trolley or bus systems), it is SDSU/CSU’s position that no mitigation is required.*”

“SANDAG, however, contends that SDSU is responsible for transportation improvements, including primarily

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improvements to transit.... According to SANDAG, this per capita cost figure [\$19,300] could be used as an initial basis for determining SDSU's fair share contribution toward the regional impacts resulting from the [P]roject. [Citation.]

"SANDAG has provided no evidence that the [Project] would result in significant impacts to transit within the meaning of CEQA, nor has it provided SDSU with a sufficient nexus study relative to the [Project's] impacts and the \$19,000/student mitigation payment it proposes..." (Italics added.)

In regard to SANDAG's specific concern that the DEIR assumed a high level of transit use but did not address the capacity limitations of the transit system to absorb those increased transit trips, CSU responded:

"The premise of the comment is incorrect. CEQA does not require that the traffic impacts analysis address whether the transit system has capacity limitations or is able to absorb the projected transit trips. (See, e.g., CEQA Guidelines Appendix G, Subparagraph XV, Transportation/Traffic...) ...

\*537 "Additionally, CEQA does not define increased transit ridership as an 'impact,' nor does it provide applicable thresholds of significance to determine when such increased ridership would be 'significant' within the meaning of CEQA, thereby requiring mitigation. Absent identification of a significant impact within the meaning of CEQA, no mitigation is required.

"In addition to the absence of significance criteria in Appendix G of the CEQA Guidelines, neither SANDAG nor the City of San Diego has developed criteria that may be utilized to assess whether the [Project] would significantly impact transit services..."

"Moreover, to require a project proponent to 'mitigate' increased transit ridership by paying for capital improvements to the transit system, as the comment letter requests, would be directly contrary to statewide land use and planning principles, which uniformly encourage the increased use of transit to reduce traffic impacts and related air quality impacts... [T]he comments ask SDSU to take steps to further increase transit ridership, while at the same time contending that such increased ridership is an 'impact' requiring mitigation. The inherent disincentive in this approach is counter

to the fundamental principles of CEQA to reduce, not increase, environmental impacts.

"In sum, any transit 'impacts' that may result from the [Project] relating to increased transit ridership are not subject to CEQA analysis as they are not environmental impacts recognized under CEQA. Accordingly, if a transit impact analysis were to be undertaken, as the comment letter suggests, it would necessarily be conducted under a non-CEQA regime.

"The comment implies that the focus of any such analysis would be on whether the [Project] contributes to transit ridership rates in such a manner that implementation of the [Project] would result in over-capacity. Accordingly, any analysis to be undertaken would entail assessing the transit service's ability to accommodate the additional riders. [¶] ... [¶]

"Notably, at no time during the traffic consultant's discussions with SANDAG was any concern expressed regarding future capacity associated with the Green Line. Furthermore, at present time, there is no evidence that the Green Line is operating at or near capacity due to SDSU ridership. SANDAG's comment letter provided no data or other documentation that the Green Line is operating over capacity, thereby resulting in physical deficiencies in the system....

"... [T]he projections of future ridership utilized in the EIR are based on SANDAG's own generated estimates. Therefore, it is reasonable to expect that because the source of the numbers is SANDAG, SANDAG is planning for the increased ridership [and] this increased ridership has already been factored [into] SANDAG's long-range plans for the system. Finally, there is no evidence that SANDAG will not be able to secure funding for any necessary transportation infrastructure programs through traditional funding sources at the local, state, and federal levels..." (Italics added.)

Based on CSU's responses to SANDAG's comments, the FEIR revised the DEIR's transportation analysis section to include the following statement:

"With respect to transit, neither SANDAG nor the City of San Diego has established criteria that could be \*538 utilized to assess the project's impact on transit service. Additionally, the Congestion

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*Management Program (CMP) provides no methodology to analyze potential impacts to transit and there is no criteria to determine whether an increase in transit ridership would be a significant impact within the meaning of CEQA."*

The FEIR also included revisions to its Appendix N 1 (Traffic Technical Report), adding the following statements: *"The [P]roject will result in an increase in ridership on both local bus service and the San Diego Trolley. The SANDAG forecasted increase in trolley ridership is discussed in Section 8.1.4 of this report. Neither SANDAG nor the City of San Diego has criteria that could be utilized to assess the [P]roject's impact on transit service. In addition, the Congestion Management Program (CMP) provides no methodology to analyze potential impacts to transit and there is no criteria to determine whether the increase in ridership would be significant. [¶] The San Diego Trolley line was recently extended to [SDSU] in 2005 and was constructed to accommodate large ridership amounts."*

On November 13, 2007 (after the period for public comment on the DEIR had ended), MTS sent a letter to CSU, expressing some of the same concerns SANDAG had expressed. MTS stated:

*"The [DEIR] for the [Project] recognizes the importance of transit and indicates that a large part of the anticipated growth in the campus population will rely on transit to gain access to campus facilities. Unfortunately, the existing trolley and bus services cannot possibly meet this demand. Based on preliminary review, transit would need to provide an additional \$27 million investment in capital and an additional \$1 million per year to operate the service. The current state of funding for transit makes this investment impossible. Among other factors contributing to this lack of funding is the State of California's diversion of \$17 million from MTS in this fiscal year and the promise to continue this diversion next year.*

*"Currently, MTS's trolley and buses make over 10,000 trips per day to and from SDSU, which represents over 20 percent of the student population. Based on the EIR, the number of transit trips serving SDSU is expected to increase by 64 percent. Not only is this substantial increase a reflection of the growth in student population, it also assumes an increase in transit's share*

*of trips to the university. To achieve this increase and adequately serve the demand, transit operations need to be expanded...."* (Italics added.)

On November 13 and 14, 2007, CSU held a public meeting on the FEIR. Representatives of SANDAG and MTS, among others, expressed their concerns regarding the FEIR and the Project. CSU then adopted the Findings and the MMRP. In the Findings, CSU generally found the FEIR identified potentially significant effects that could result from implementation of the Project, but inclusion of mitigation measures as part of approval of the Project would reduce most, but not all, of those effects to less than significant levels. CSU expressly found the Project would have *"[n]o significant impacts on transit systems."* (Italics added.) CSU then certified the FEIR and approved the Project.

C

[43] We first address SANDAG and MTS's assertion that CSU did not adequately investigate or address the Project's potential impacts on transit. Based on our independent review of the administrative record, we conclude CSU did not *"adequately investigate and address the Project's significant (i.e., substantial or potentially substantial) adverse impacts on the San Diego public transit system (i.e., trolley and bus systems)."* Although CSU calculated (per SANDAG projections) that the number of daily boardings at the SDSU trolley station would increase from 5,982 boardings in 2006/2007 to 14,714 boardings in the 2024/2025 academic year (apparently due primarily to the Project's additional 11,385 students and shift from vehicle to trolley usage as discussed above), CSU did *not* conduct any *substantive* investigation or other study of the potential environmental impacts of that increased trolley usage and whether those impacts were significant environmental effects under CEQA. SANDAG and MTS's comments expressed their concerns that the increased trolley trips resulting from the Project could not be absorbed by the trolley system without infrastructure and operational improvements. They expressed their belief that CSU should study the capacity limitations of the trolley system and propose mitigation measures to reduce the Project's significant effects on the trolley system. However, rather than accepting their suggestions, CSU rejected them. In its responses to SANDAG's comments and in the FEIR,

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CSU took the position that it had no duty under CEQA to investigate the potential effects of the Project on the transit system because: (1) any impact of the Project on the transit system is not an "environmental" effect under CEQA; (2) SANDAG and other agencies did not, and the Guidelines do not, provide CSU with any criteria for determining the capacity of the SDSU trolley station or whether the increased trolley usage is a "significant" environmental effect under CEQA; and (3) public policy favors increased transit use so impacts on the trolley system should not be considered significant environmental impacts subject to mitigation obligations under CEQA.

[44] [45] On appeal, CSU appears to rely only on the second ground to justify its failure to investigate and address the potential significant effects of the Project on the trolley system.<sup>21</sup> CSU argues, in \*540 conclusory fashion, that because SANDAG and other agencies (e.g., City and MTS) did not provide it with either the exact capacity limitations of the SDSU trolley station or specific criteria for determining whether the Project's effects on the trolley system would be "significant" effects, there was no evidence in the administrative record that would allow it to investigate and determine whether the Project's increased trolley usage would exceed the SDSU trolley station's capacity. CSU further argues that absent specific criteria for determining whether the Project's effects on the trolley system would be "significant," it had no duty to investigate those effects and determine, on its own, whether those effects would be "significant" under CEQA. However, in so arguing, CSU improperly attempts to avoid, or at least unduly minimize, its duties as a lead agency under CEQA to investigate and address a project's potentially significant environmental effects in an EIR and to discuss and adopt feasible mitigation measures to avoid or reduce those effects. (See generally §§ 21002, 21080, subd. (d), 21082.2, subd. (d), 21100, subd. (a), 21151; *Sunnyvale*, *supra*, 190 Cal.App.4th at p. 1372, 119 Cal.Rptr.3d 481; *Sierra Club*, *supra*, 7 Cal.4th at p. 1233, 32 Cal.Rptr.2d 19, 876 P.2d 505; *Laurel Heights*, *supra*, 47 Cal.3d at p. 391, 253 Cal.Rptr. 426, 764 P.2d 278 [lead agency must prepare an EIR which "is 'an informational document' and ... [t]he purpose of an [EIR] is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."].) "[U]nder CEQA, the lead agency bears a burden

to investigate potential environmental impacts." (*County Sanitation Dist. No. 2 v. County of Kern*, *supra*, 127 Cal.App.4th at p. 1597, 27 Cal.Rptr.3d 28.) In so doing, the lead agency must consult with any public agency that has jurisdiction over natural resources or other potential environmental impacts of a project. (*Berkeley*, *supra*, 91 Cal.App.4th at p. 1370, 111 Cal.Rptr.2d 598.)

CSU has a duty to investigate potential environmental impacts of the Project, including whether the Project's impacts on the transit system may be significant environmental effects. Although the record supports a finding that CSU consulted with SANDAG and other public agencies on certain matters, CSU does not cite, and we are not aware of, any document in the administrative record showing CSU expressly requested data or other specific information regarding the capacity limitations of the SDSU trolley station or trolley line or system generally. CSU cannot fulfill its duties as a lead agency under CEQA by acknowledging the Project will cause a substantial increase in trolley ridership and then not proactively investigate whether that increase will exceed the trolley system's capacity or otherwise cause potentially substantial adverse changes to the trolley system's infrastructure and operations. (Guidelines, § 15144.5["[A]n agency must use its best efforts to find out and disclose all that it reasonably can."]; *Berkeley*, *supra*, 91 Cal.App.4th at p. 1370, 111 Cal.Rptr.2d 598 [no evidence lead agency made "reasonably conscientious effort" to collect data or make further inquiries of other agencies].) Alternatively stated, CSU cannot both conclude the Project will cause substantially increased trolley ridership (i.e., an additional 6,898 SDSU-related riders) and then passively wait for other agencies to provide it with data or other information that would allow \*541 it to determine whether that effect is a significant environmental effect under CEQA.<sup>22</sup> Therefore, although we presume SANDAG and MTS did not provide CSU with specific data regarding the capacity limitations of the SDSU trolley station or the trolley line or system generally, their failure to provide CSU with that data or information did not excuse CSU from carrying out its duty, on its own, to investigate and discuss in the DEIR and FEIR the Project's potentially substantial adverse effects on the transit system, including whether the capacity of the trolley station and system may be exceeded and thereby cause rider congestion at the station, denigration of trolley service, infrastructure, and rolling stock, and additional infrastructure and operating costs.<sup>23</sup> (Cf. *Woodward Park Homeowners Assn., Inc. v.*

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*City of Fresno* (2007) 150 Cal.App.4th 683, 728, 729, 58 Cal.Rptr.3d 102 ["There is no foundation for the idea that [a lead agency] can refuse to require mitigation of an impact solely because another agency did not provide information."].)

[46] [47] Furthermore, although Appendix G of the Guidelines does not specifically list transit as an environmental factor under CEQA or set forth criteria for determining when transit impacts are significant, those omissions do not support CSU's assertion that it need not address the Project's effects on the trolley system. That appendix is only an illustrative checklist and does not set forth an exhaustive list of potentially significant environmental impacts under CEQA or standards of significance for those impacts. (See, e.g., *Amador, supra*, 116 Cal.App.4th at pp. 1108-1111, 11 Cal.Rptr.3d 104.) Also, the lack of precise quantification or criteria for determining whether an environmental effect is "significant" under CEQA does not excuse a lead agency from using its best efforts to evaluate whether an effect is significant. (*Berkeley, supra*, 91 Cal.App.4th at p. 1370, 111 Cal.Rptr.2d 598.)

[48] [49] By not substantively investigating and addressing the Project's impacts on the transit system and whether those impacts may be significant environmental impacts under CEQA, CSU did not proceed in a manner required by law and therefore abused its discretion under CEQA. (§ 21168.5.) Because CSU did not comply with procedures required by law, its decision must be set aside as presumptively prejudicial. (*Sierra Club, supra*, 7 Cal.4th at p. 1236, 32 Cal.Rptr.2d 19, 876 P.2d 505.) CSU's noncompliance with CEQA's substantive requirements and its information disclosure provisions precluded relevant information from being presented to CSU and the general public and "constitut[ed] a prejudicial abuse of discretion within the meaning of Sections 21168 \*542 and 21168.5, regardless of whether a different outcome would have resulted if [CSU] had complied with those provisions." (§ 21005, subd. (a); *County of Amador v. El Dorado County Water Agency, supra*, 76 Cal.App.4th at p. 946, 91 Cal.Rptr.2d 66.) "In other words, when [CSU] fail[ed] to proceed as required by CEQA, harmless error analysis is inapplicable. The failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decisionmaking and informed public participation." (*County of Amador*, at p. 946, 91 Cal.Rptr.2d 66.) The trial court erred by

concluding CSU adequately investigated and addressed the Project's potential impacts on public transit.<sup>24</sup>

D

[50] SANDAG and MTS also assert there is insufficient evidence to support CSU's finding that the Project will not cause any significant effect on public transit (e.g., trolley facilities and service). SANDAG and MTS also argue CSU's finding that the Project will have no significant effect on the transit system is legally deficient. After CSU did not substantively address in the DEIR whether the Project's increased trolley use would cause a significant effect, whether direct or indirect, on the trolley system or other physical conditions within the area (§§ 21060.5, 2100, subd. (b)(1)), SANDAG commented on the DEIR and raised that issue. In response, CSU made a conclusory, and unsupported, statement in the FEIR that "any transit 'impacts' that may result from the [Project] relating to increased transit ridership are not subject to CEQA analysis as they are not environmental impacts recognized under CEQA." In the Findings, CSU then made the conclusory finding that the Project would have "[n]o significant impacts on transit systems." (Italics added.) In so finding, CSU did not support its finding of no significant effect on the transit system with a brief statement of its reasons for that finding. If an agency's investigation shows particular environmental effects of the project will not be potentially significant, the EIR must "contain a statement briefly indicating the reasons for determining that various effects on the environment of a project are not significant and consequently have not been discussed in detail in the [EIR]." (§ 21100, subd. (c); see also Guidelines, § 15064(b)). Furthermore, the EIR must include a statement of the agency's reasons, albeit brief, for its conclusion that a particular environmental impact is not potentially significant. (*Amador, supra*, 116 Cal.App.4th at p. 1111, 11 Cal.Rptr.3d 1004.) A mere conclusion of insignificance is not adequate to allow meaningful judicial review and constitutes a failure to proceed in the manner required by law. (*Id.* at pp. 1111-1112, 11 Cal.Rptr.3d 1004.) Accordingly, CSU's conclusory finding that the Project will not have a significant effect on the transit system is legally deficient under CEQA.

[51] More importantly, there is insufficient evidence in the administrative record to support CSU's finding the Project will not have a significant effect on the transit system.



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On appeal, CSU does not cite or rely on any substantial evidence showing <sup>543</sup> the projected increase in trolley usage resulting from the Project's additional enrollment will not cause a "potentially substantial, adverse change" in or to the transit system. (§ 21068 ["Significant effect on the environment" means a substantial, or potentially substantial, adverse change in the environment."]) CSU calculated, based on SANDAG's projections, that there will be an increase from 5,982 daily boardings to 14,714 daily boardings at the SDSU station by the 2024/2025 academic year. Of those 14,714 daily boardings, CSU calculated that 11,624 will be SDSU-related boardings, an increase of 6,898 boardings over the 4,726 SDSU-related boardings in 2006/2007. Therefore, there will be an increase of almost 150 percent in the number of SDSU-related riders from 2006/2007 to 2024/2025. However, CSU did not conduct any substantive investigation or analysis regarding whether that substantial increase in SDSU-related trolley usage may affect the trolley system. Furthermore, CSU does not cite, and we are not aware of, any evidence in the administrative record showing the Project's increased trolley usage will not have a significant effect on the transit system.

Although CSU argues an SDSU economic benefit analysis contained in the administrative record provides support for its finding that the Project will not have a significant effect on the transit system, we conclude that analysis does not constitute substantial evidence in support of CSU's finding. CSU cites Appendix Q to the FEIR, titled "SDSU Economic Impact Report." That report, dated July 19, 2007, was prepared by ICF International for SDSU and describes the report as "Measuring the Economic Impact on the Region." By the nature of the issues it addresses, the economic benefit report does not directly investigate or address whether the Project's increased trolley usage will have a significant environmental effect on the transit system. Nevertheless, in summarizing the Project's impacts on transportation, the report stated: "An estimated 12,000 students, faculty and staff can be accommodated by the SDSU trolley station." The report stated: "The trolley can accommodate 12,000 students, faculty and staff." That statement is supported by a citation to footnote 21, which is a reference to the website "http://www.scup.org/about/Awards/2006/San\_Diego\_State.html." None of the parties discuss, much less provide us with information regarding, that supporting website. Furthermore, the website's information is not contained in the administrative record.

Without further information regarding the supporting citation, we conclude the evidence is insufficient to support the economic benefit report's statement that the SDSU trolley station can accommodate 12,000 students, faculty and staff. Accordingly, that unsubstantiated conclusory statement in the economic benefit report cannot provide substantial evidence for a finding that SDSU's trolley station capacity is 12,000 or that the Project will not have a significant effect on the transit system. <sup>544</sup> "[U]nsubstantiated 'opinion or narrative, evidence which is clearly inaccurate or erroneous ... is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.'" (§ 21082.2, subd. (c); Guidelines, § 15384.)

In arguing there is substantial evidence to support its finding, CSU primarily argues SANDAG and MTS failed to provide it with data or other information that would allow it to determine whether the Project would have a significant effect on the transit system. CSU apparently argues that because those agencies did not provide it with evidence of the capacity limitations of the SDSU station or otherwise show the Project would have a significant effect on the transit system, there is substantial evidence to support its finding that the Project will not have a significant effect on the transit system. In so arguing, CSU either misconstrues and/or misapplies the substantial evidence standard of review under CEQA. "Substantial evidence" under CEQA is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion; even though other conclusions might also be reached." (Guidelines, § 15384, subd. (ii).) Although we make all reasonable inferences from the evidence that would support the agency's determinations and resolve all conflicts in the evidence in favor of the agency's decision (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, *supra*, 87 Cal.App.4th at p. 117; 104 Cal.Rptr.2d 326), "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous ... is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." (§ 21082.2, subd. (c); Guidelines, § 15384.) SANDAG and MTS correctly assert there is *no* evidence in the administrative record to support CSU's finding that the Project's increased trolley usage will not cause

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a potentially substantial adverse change to the transit system. (§ 21068.) CSU's finding that the Project will have no significant effect on the transit system is based on speculation, unsubstantiated opinion and narrative or evidence that is clearly inaccurate or erroneous, which does not provide substantial evidence. (§ 21082.2, subd. (c); Guidelines, § 15384.) Accordingly, the trial court erred by concluding there is substantial evidence to support CSU's finding that the Project will not have a significant effect on the transit system.

CSU to void its certification of the FEIR and adoption of the findings and to void its approval of the Project based on noncompliance with CEQA as set forth in this opinion. The trial court shall also issue an order that the Project may be considered for re-approval by CSU if a new, legally adequate EIR is prepared, circulated for public comment, and certified in compliance with CEQA consistent with the views expressed in this opinion. Appellants are awarded costs on appeal.

WE CONCUR: McCONNELL, P.J., and O'ROURKE, J.

### DISPOSITION

The judgment is reversed in part and affirmed in part, and the matter is remanded to the trial court with directions to enter a new judgment granting in part and denying in part the petitions for writs of mandate consistent with this opinion. The court shall issue a writ of mandate ordering

All Citations

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### Footnotes

- 1 All statutory references are to the Public Resources Code unless otherwise specified.
- 2 This total is the sum of 11,385 additional students, 691 additional faculty, and 691 additional staff.
- 3 We granted the requests to file, and have considered, amicus curiae briefs filed by Caltrans and by the League of California Cities and California State Association of Counties. We also have considered CSU's responses to those amicus briefs. In support of CSU's response to Caltrans's amicus brief, CSU filed a motion requesting that we take judicial notice of certain documents pertaining to Caltrans and its capital improvement program for transportation projects. Because Caltrans is not a party to this appeal and those documents are irrelevant and unnecessary to our disposition of this case, we exercise our discretion and deny CSU's request for judicial notice.
- 4 All regulatory citations are to title 14 of the California Code of Regulations (Guidelines).
- 5 As we discuss in more detail below, that language states: "[A] state agency's power to mitigate its project's effects through voluntary mitigation payments is ultimately subject to legislative control; if the Legislature does not appropriate the money, the power does not exist." (*Marina, supra*, 39 Cal.4th at p. 367, 46 Cal.Rptr.3d 355, 138 P.3d 692.)
- 6 CSU argued below that off-site mitigation was "infeasible" because it could not guarantee funding from the Legislature.
- 7 "The *ratio decidendi* is the principle or rule that constitutes the ground of the decision, and it is this principle or rule that has the effect of a precedent. It is therefore necessary to read the language of an opinion in the light of its facts and the issues raised, to determine (a) which statements of law were necessary to the decision, and therefore binding precedents, and (b) which were arguments and general observations, unnecessary to the decision, i.e., dicta, with no force as precedents." (9 Witkin, Cal. Procedure (5th ed. 2008) Appeal, § 509, pp. 572-573.)
- 8 The Findings stated that: "*Because CSU's request to the Governor and the Legislature, made pursuant to [Marina], for the necessary mitigation funding may not be approved in whole or in part, or because any funding request submitted by Caltrans may not be approved, and, because the local public agencies may not fund the mitigation improvements that are within their responsibility and jurisdiction, even if state funding is obtained, [CSU] finds there are no feasible mitigation measures that would reduce the identified significant impacts to a level below significant. Therefore, these impacts must be considered unavoidably significant even after implementation of all feasible transportation/circulation and parking mitigation measures.*" (Italics added.) CSU represents on appeal that the Legislature has not granted its request for such funding. Given the difficult choices the Legislature and Governor faced in making widespread funding cuts in California's most recent budget, a pragmatist could reasonably predict that it is unlikely the Legislature will provide funding for off-site mitigation of the Project in the foreseeable future.

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9 Although Caltrans is not a direct party to this appeal, it has filed an amicus brief in which it argues that CSU wrongly interprets *Marina* as holding CSU need not make "fair-share" payments to another state agency (e.g., Caltrans) for off-site mitigation of the Project's environmental effects (e.g., freeway onramps and segments) because they both depend on the Legislature for their funding. We do not decide this issue because it is not directly before us in this appeal. Nevertheless, we express our doubt that CSU's apparent strained interpretation of *Marina* (as reflected in the DEIR and FEIR) is consistent with either *Marina* or CEQA.

10 In so holding, we do not address City's additional assertion that CSU's position constitutes improper deferral of mitigation by, in effect, shifting responsibility for mitigation from CSU to the Governor and the Legislature.

11 In its statement of decision, the trial court stated: "Petitioners suggest that CSU must discuss other methods to fund mitigation measures, such as non-state funded revenue bonds or reducing the scope of the [P]roject.... [S]uch arguments were not raised in the underlying [administrative] proceedings and cannot be raised now. A project opponent cannot make a skeletal showing during the administrative process and then obtain a hearing on expanded issues in the reviewing court. [Citation.] Here, Petitioners cited to several comment letters.... [H]owever, the alternative funding claims were not raised in these comment letters." Based on our reasoning above, we conclude the trial court erred in concluding City, SANDAG and MTS were barred from raising the contention that CSU was required to consider other, nonlegislative sources for payment of its "fair-share" of off-site mitigation measures.

12 Although we have not reviewed the RJN documents in question, City represents that those documents are CSU and state budget and finance documents appropriate for judicial notice because they relate to the question of whether CSU properly interpreted *Marina* and complied with its CEQA obligation to adopt and implement feasible measures to mitigate the significant off-site environmental effects of the Project.

13 For purposes of linguistic convenience, we generally will refer to nonresident students as "commuter" students.

14 City's engineer for the Redevelopment EIR assumed that for medium density housing there were 6.0 daily trips per dwelling, of which about 4.4 trips were by vehicle and the remaining 1.6 daily trips were by walking or bicycle (1.24 trips) or by carpool, vanpool, or transit (bus or trolley) (0.37 trips).

15 We likewise are not persuaded by SANDAG and MTS's argument that CSU improperly took a "double" deduction for transit use by new resident students. As noted above, in relying on the Redevelopment EIR's end result for the ADT rate for resident students, CSU did not include in that ADT rate a 0.37 ADT deduction for transit use. Rather, that deduction was part of the Redevelopment EIR's methodology of beginning with a 6.0 total trip rate per dwelling unit for medium density housing and then deducting 0.37 trips for transit use and 1.24 trips for walking and bicycling. It was the penultimate 0.64 ADT rate for resident students that was adopted in the DEIR and relevant in analyzing the Project's traffic impacts. The Redevelopment EIR's transit deduction of 0.37 trips for commuting students who relocate to housing on or near SDSU's campus was irrelevant to *transit use by resident students*, which was not involved in the Redevelopment EIR's ADT calculation for resident students. Therefore, there was no double deduction when, as discussed below, the DEIR reduced the ADT's for both resident and commuter students based on projections that students would increasingly use transit in the future.

16 Likewise, the 0.64 ADT rate for new resident students also did not reflect any anticipated future increase in trolley usage.

17 The DEIR incorrectly stated the net increase in ADT's was 12,484, rather than the correct figure of 12,486. For purposes of this opinion, we will use the correct number.

18 Based on our calculations, the actual "shift-to-trolley" percentage reduction (10,920 trolley trips divided by 23,406 ADT's) is approximately 46.65 percent, which is rounded up to 47 percent.

19 Furthermore, to the extent CSU argues SANDAG and MTS failed to exhaust their administrative remedies on this issue, CSU does not make any substantive argument on the facts or law showing they are barred from raising this issue on appeal. We conclude CSU has waived that conclusory argument.

20 Section 21068 defines a "[s]ignificant effect on the environment" as "a substantial, or potentially substantial, adverse change in the environment."

21 Although CSU does not substantively address or rely on the other two grounds on appeal, we believe CSU wisely chose to abandon them. We are unaware of any statute, regulation, or case that provides or holds a project's effects on a transit system cannot be considered to be "environmental" effects under CEQA. On the contrary, section 21060.5 defines "environment" under CEQA to be the "physical conditions which exist within the area which will be affected by a proposed project." Like a project's effects on streets and highways, a project's effects on a transit system logically should be considered "environmental" effects under CEQA because those effects ordinarily will impact, both directly and indirectly, the physical conditions in the area of a project. Likewise, although we presume there is a public policy generally favoring increased use of public transit, that policy does not necessarily preclude, much less outweigh, the public policy underlying

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CEQA regarding the consideration of, and elimination or reduction of, a project's potentially significant environmental effects before that project is approved. Because the latter public policy expressed in CEQA is the more specific one, we believe the public policy favoring public transit usage should not exempt a lead agency (e.g., CSU) from CEQA's requirements that it investigate a project's potentially significant environmental impacts on a public transit system and adopt feasible mitigation measures to avoid or reduce those effects. As the California Supreme Court has stated, "[t]he foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.' " (*Laurel Heights*, *supra*, 47 Cal.3d at p. 390, 253 Cal.Rptr. 426, 764 P.2d 278.)

22 CSU implicitly concedes that SANDAG and MTS are *not* "responsible agencies" under CEQA required to provide CSU "with specific detail about the scope and content of the environmental information related to [that] agency's area of statutory responsibility that must be included in the Draft EIR." (Guidelines, § 15092(b).) Accordingly, neither SANDAG nor MTS had an affirmative duty under CEQA to provide CSU with specific data regarding the trolley station's capacity or specific criteria for determining whether the Project would have a significant effect on the transit system.

23 Likewise, CSU did not investigate and discuss in the DEIR and FEIR the other potentially substantial adverse effects of the Project on the transit system, such as high usage at peak times that exceeds the capacity or causes congestion of the trolley system or SDSU trolley station (rather than simply considering *average daily* capacity limitations), and whether the Project's effects, when considered cumulatively with other planned developments or other factors affecting the transit system, will have a significant effect on the transit system.

24 For the same reasons discussed above, CSU, as SANDAG and MTS assert, also failed to adequately respond to SANDAG's comments to the DEIR as CEQA requires. (§ 15098.) CSU was required to make a good faith, reasoned analysis in response to SANDAG's comments. (*Berkeley*, *supra*, 91 Cal.App.4th at p. 1367, 111 Cal.Rptr.2d 598.) As in *Berkeley*, CSU's responses to SANDAG's comments were conclusory and evasive and did not reflect a meaningful attempt to determine whether the Project's effects on the transit system would be significant. (*Id.* at p. 1371, 111 Cal.Rptr.2d 598.)

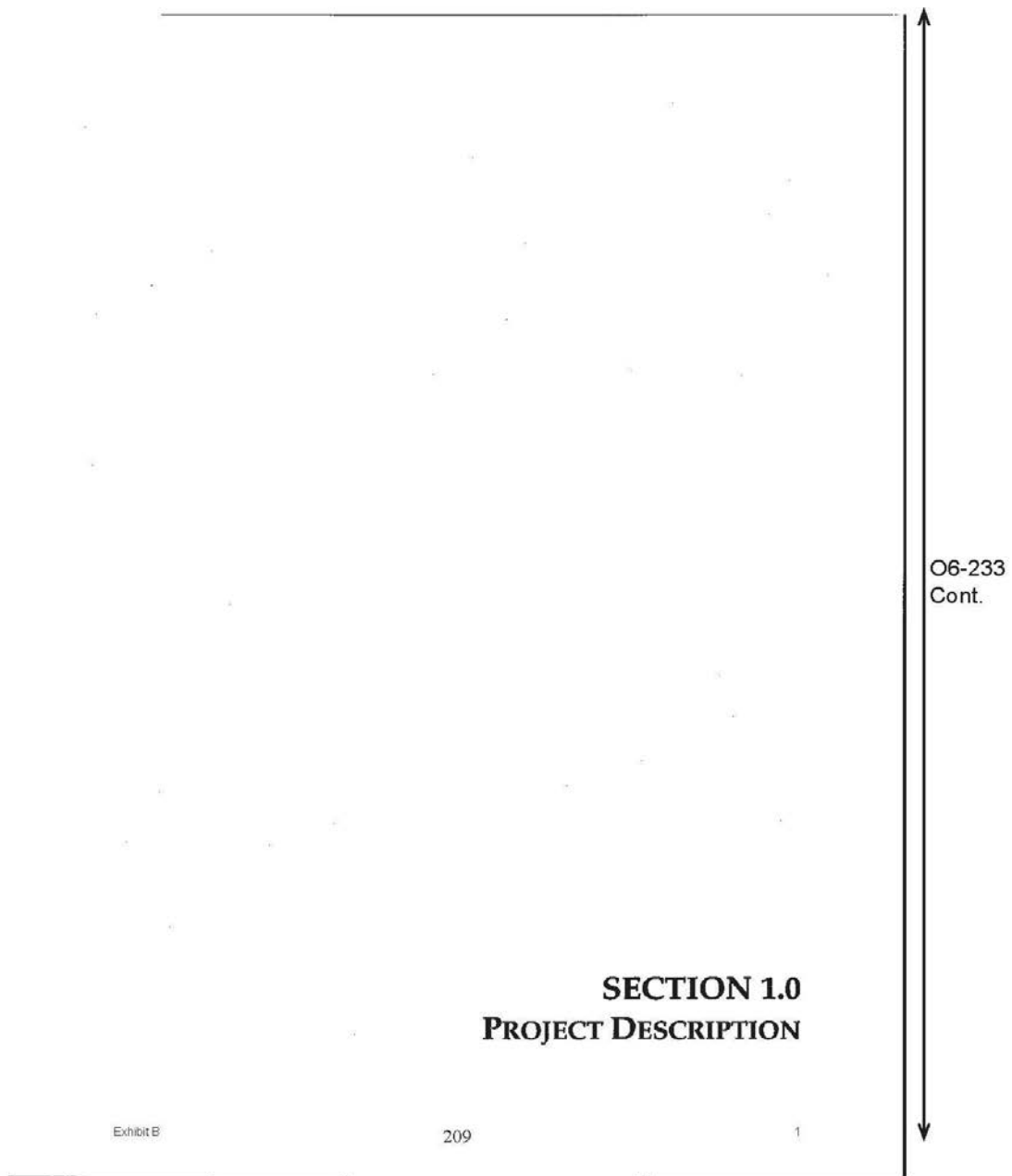
25 Even had the administrative record included the information set forth on that website, we would nevertheless reach the same conclusion. That website reflects a 2006 architectural award or citation given to SDSU by the Society for College and University Planning. In describing the award for the SDSU transit station, the website states: "The trolley has allowed the University to expand without adding parking for the next 20–25 years. They plan to add 12,000 students without new parking and now have surplus parking." (See <[http://www.scup.org/about/Awards/2006/San\\_Diego\\_State.html](http://www.scup.org/about/Awards/2006/San_Diego_State.html)>.) Contrary to the economic benefit report's statement, the website does *not* state that the SDSU trolley station can accommodate 12,000 students, faculty and staff. Because the report's citation to the website provides *no support* for its statement, the report's unsupported statement that the SDSU trolley station can accommodate 12,000 students, faculty and staff, in turn, provides no support for CSU's assertion that the SDSU trolley station can accommodate 12,000 SDSU-related users and therefore the Project's additional trolley users will not exceed the SDSU station's capacity or otherwise cause a significant effect on the transit system.

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## EXHIBIT B

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### 1.0 PROJECT DESCRIPTION

#### 1.1 INTRODUCTION

##### 1.1.1 Purpose

The purpose of this section is to describe the proposed project for the public, reviewing agencies, and decisionmakers. For purposes of CEQA, a complete project description must contain the following information: (a) the precise location and boundaries of the proposed project, shown on a detailed map, along with a regional map of the project's location; (b) a statement of the objectives sought by the proposed project, which should include the underlying purpose of the project; (c) a general description of the project's technical, economic, and environmental characteristics; and, (d) a statement briefly describing the intended uses of the EIR. (CEQA Guidelines §15124.) An adequate project description need not be exhaustive, but should supply the information necessary for the evaluation and review of the project's significant environmental effects. This section describes the proposed project, as well as its location and characteristics, and it includes statements describing the project's objectives and the intended uses of this EIR.

##### 1.1.2 Introductory Project Description

The proposed project is the adoption and subsequent implementation of the San Diego State University ("SDSU") 2007 Campus Master Plan Revision ("proposed project"). The proposed project will enable SDSU to meet the projected increases in student demand for higher education, and further enhance SDSU's standing as a premier undergraduate, graduate, and research university by providing the needed buildings, facilities, improvements, and services to support campus growth and development from the current SDSU enrollment of 25,000 full-time equivalent students ("FTES") to a new Campus Master Plan enrollment of 35,000 FTES by the 2024/25 academic year.

To accommodate the projected student increase, the proposed project involves the development of classroom, student and faculty/staff housing, and student support facilities on approximately 55 acres of land located throughout the SDSU campus and immediately adjacent to it. As further described in this section, the proposed project consists of the following six development components:

*Adobe Falls Faculty/Staff Housing* – This project component, which would be developed in two phases, consists of the development of faculty and staff housing on a site approximately 33 acres in size located north of Interstate 8 ("I-8"). The development

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would consist of an Upper Village and a Lower Village, and would include up to 348 housing units for university faculty and staff upon full buildout. This project component also would include a swimming pool, a 3,600 gross square-foot ("GSF") community center, and recreation areas for resident use only. The Upper Village portion of the site would be developed in the near-term following project approval, and would provide 48 townhomes. The Lower Village, which would be developed long-term, would include between 124 and 300 townhomes and/or condominiums. The total number of housing units ultimately to be developed on the Lower Village site is dependent on numerous factors, including available access routes and future market conditions.

*Alvarado Campus* – This project component, which includes an expansion of the current Campus Master Plan northeastern boundary, consists of the multi-phase development (near-term and long-term) of approximately 612,000 GSF of academic/research/medical space, and a 552,000 GSF vehicle parking structure. A portion of this project component would be constructed in the near-term, following project approval, on Lot D, an existing surface parking lot, with the balance to be developed in future years on adjacent property presently owned by the SDSU Research Foundation.<sup>1</sup>

*Alvarado Hotel* – This project component, which would be constructed in the near-term following project approval, consists of the development of an approximately 60,000 GSF six-story building with approximately 120 hotel rooms and studio suites, located on approximately 2 acres of existing Lot C, immediately north of Villa Alvarado Residence Hall. The hotel, which would be owned by Aztec Shops and operated in cooperation with the SDSU School of Hospitality and Tourism Management, will contain a small meeting room, exercise room, board room, business center, on-site restaurant, and hospitality suite.

*Student Housing* – This project component, which would be developed in multiple phases, consists of the demolition of two existing student housing structures and the construction of five new housing structures, ultimately resulting in a net increase of 2,976 new student housing beds on campus. This component also includes the demolition of the existing Office of Housing Administration and Residential Education

<sup>1</sup> The SDSU Research Foundation is an auxiliary organization of SDSU, authorized by the State of California. It is a non-profit corporation, self-financed and chartered to provide and augment programs that are an integral part of the educational mission at SDSU.

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("HA/RE")building and the reconstruction of this facility immediately north of existing Lot H.

*Student Union* – This project component consists of a 70,000 GSF expansion and renovation of the existing Aztec Center to include social space, recreation facilities, student organization offices, food services, and retail services.

*Campus Conference Center* - This project component consists of the development of a new 70,000 GSF 3-story building to be used for meeting/conference space, office space, food services, and retail services, on approximately one-half acre located east of Cox Arena on the site of existing tennis courts.

### 1.1.3 Project Location

The proposed project site is located on the SDSU campus, approximately eight miles east of downtown San Diego. (Figure 1.0-1, Regional Map.) The general boundaries of the SDSU campus are Montezuma Road to the south, East Campus Drive to the east, 55th Street/Remington Road to the west, and Adobe Falls Road/Del Cerro Boulevard (lying just north of I-8 to the north. (Figure 1.0-2, Vicinity Map.) The SDSU campus is located within the College Area and Navajo Communities of the City of San Diego. (Figure 1.0-3, College Area and Navajo Communities.)

### 1.1.4 Project Information

Listed below is information pertinent to the proposed project, including the project title, the lead agency for the project, the project sponsor, the project contact person, the current zoning for the project site, and the level of environmental analysis to be conducted for the proposed project.

#### Project Title

SDSU 2007 Campus Master Plan Revision

#### Lead Agency

The Board of Trustees of The California State University  
401 Golden Shore, 6th Floor  
Long Beach, California 90802  
(562) 951-4020

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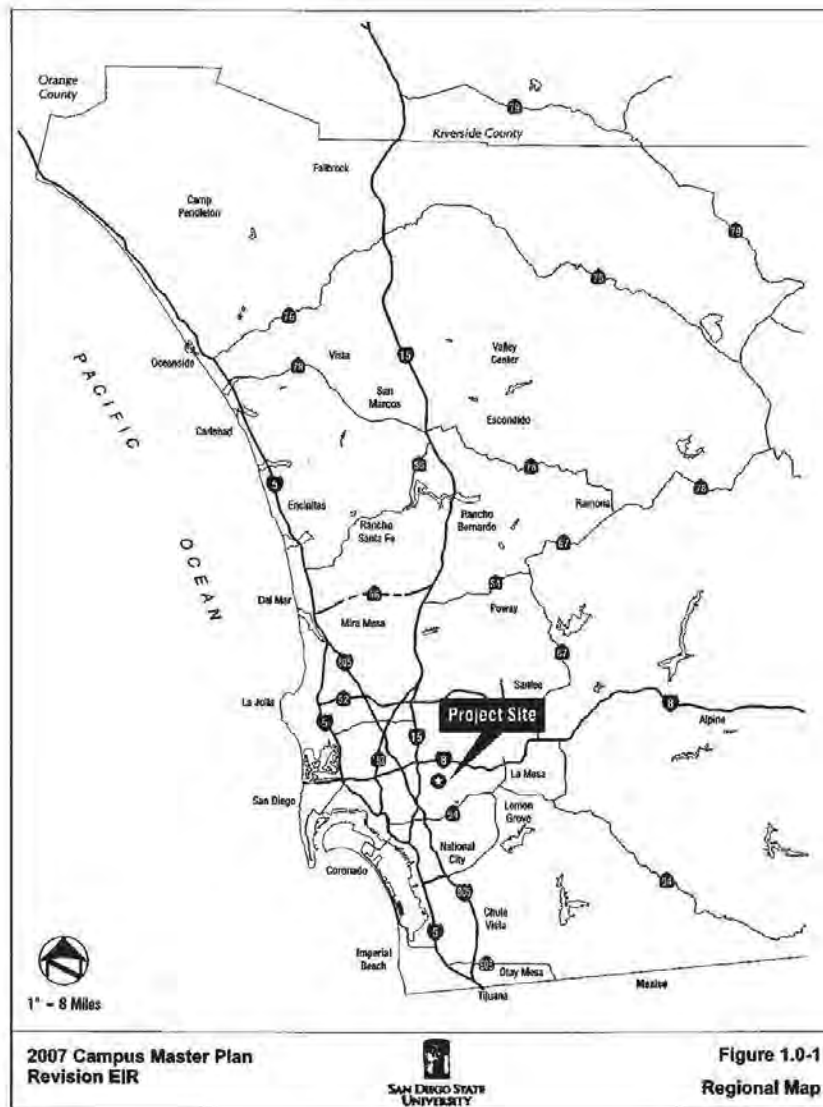
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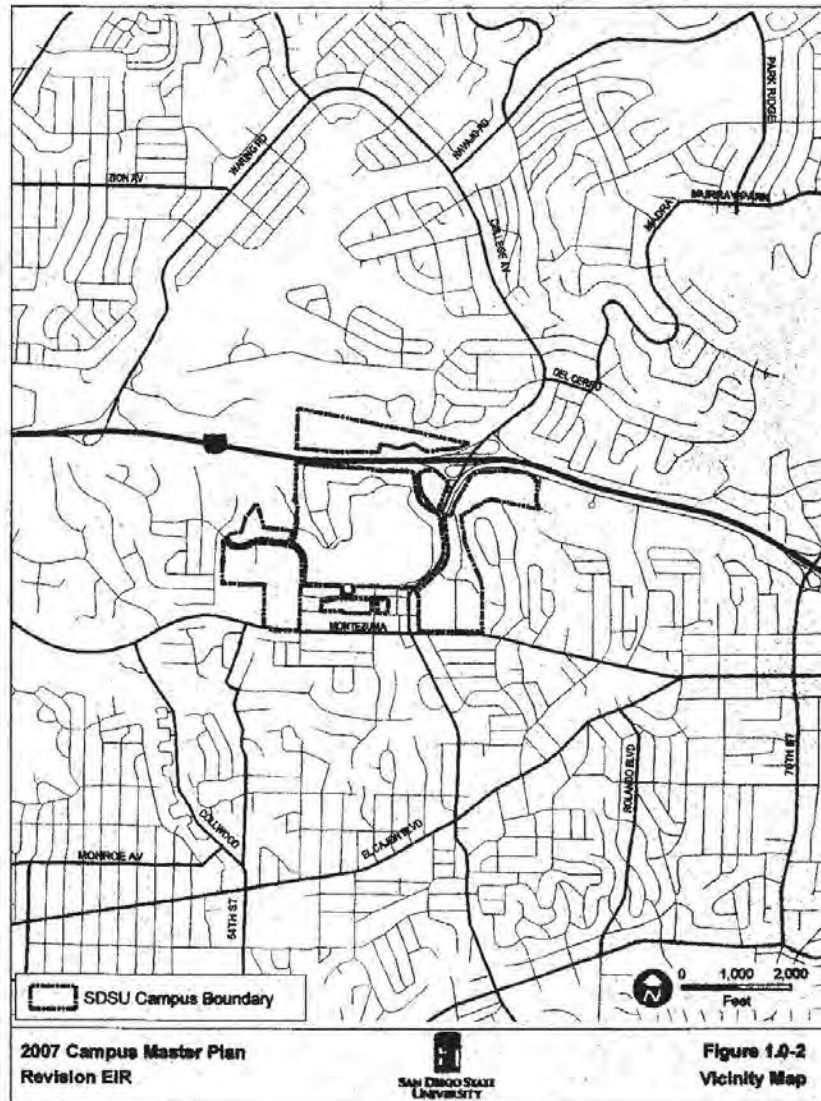
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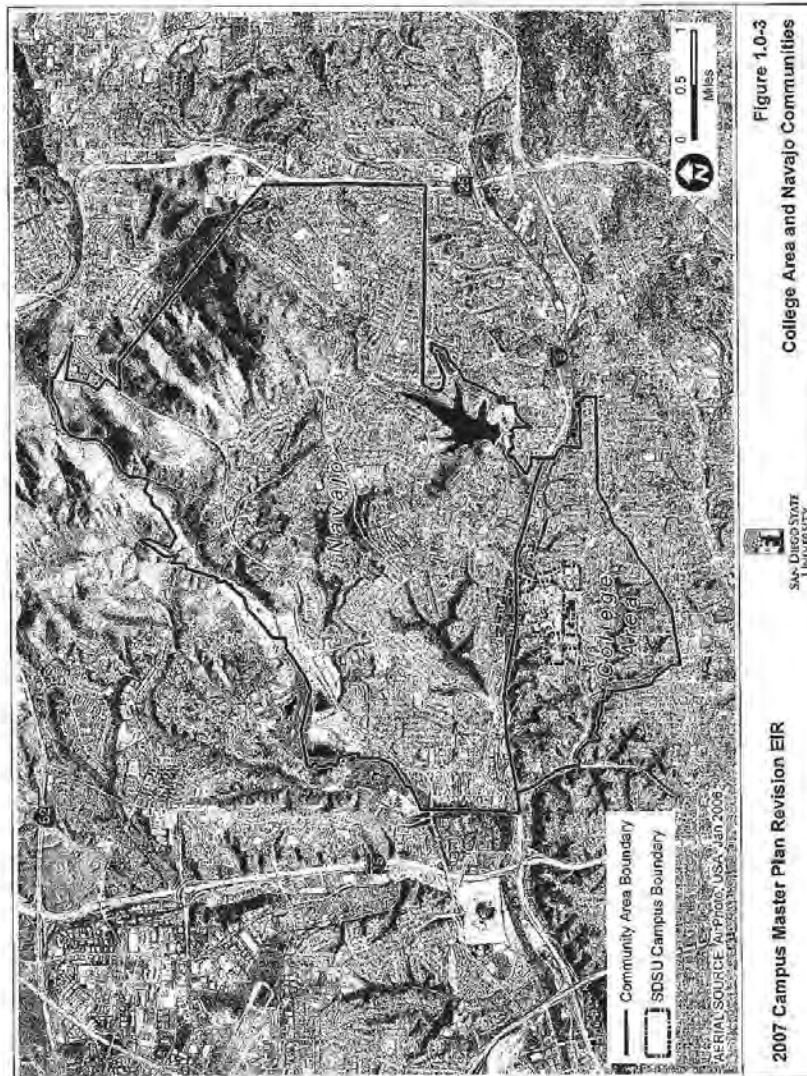
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### **Project Sponsor**

San Diego State University  
Business and Financial Affairs  
Facilities Planning, Design and Construction  
5500 Campanile Drive  
San Diego, California 92182-1624

### **Contact Person**

Lauren Cooper  
Associate Director, Facilities Planning, Design and Construction  
San Diego State University  
5500 Campanile Drive  
San Diego, California 92182-1624  
(619) 594-5224

### **1.1.5 General Plan/Community Plan Designation/Zoning**

Institutional/University Campus and Park/R1-5000

### **1.1.6 Level of Environmental Review**

Under CEQA, a program EIR is prepared for a series of actions that can be characterized as one large project, with each action related as logical parts in the chain of contemplated actions. (CEQA Guidelines §15168(a).) A program EIR allows the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time; subsequent project-specific activities in the program are examined in light of the program EIR to determine if additional environmental compliance is required. (CEQA Guidelines §15168(b)-(c).) A program-level analysis is intended to provide the public and the decision-makers with an overview of the potential environmental impacts associated with a proposed project. A project EIR, in contrast, examines the environmental impacts of a specific development project, reviewing all phases of the project, including planning, construction, and operation. (CEQA Guidelines §15161.) No further environmental review under CEQA is required following preparation of a project EIR.

Certain development components of the SDSU 2007 Campus Master Plan Revision will be analyzed at the program level, while others will be analyzed at the project level. At this time, SDSU has sufficient site detail for development to proceed at the Upper Village of the Adobe Falls Faculty/Staff Housing component; the D Lot portion of the Alvarado Campus

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component;<sup>2</sup> the Student Union/Aztec Center component; the G Lot Residence Hall, Olmeca and Maya Residence Halls and HA/RE reconstruction portions of the Student Housing component; and, the Alvarado Hotel component. Therefore, these seven portions of the proposed project are analyzed in this EIR at the project level, such that no further CEQA review will be required prior to project construction.

As to the subsequent development phases of the Adobe Falls Faculty/Staff Housing, Alvarado Campus and Student Housing project components, and the development of the Campus Conference Center, SDSU does not anticipate proceeding with development of these components in the immediate future, nor does it have sufficient details available to enable an analysis of project-specific impacts at this time. Due to the long-term nature of the SDSU Campus Master Plan, it is preferable not to project specific uses or exact building characteristics at this time because the precise future role of these project components likely will evolve over the coming years. Therefore, these portions of the proposed project are analyzed at the program level in this EIR. Additional CEQA compliance for these project components will be undertaken, as appropriate, during subsequent Campus Master Plan implementation.

### 1.2 CAMPUS HISTORY AND EXISTING CAMPUS CONDITIONS

#### 1.2.1 Campus History

SDSU was founded as a state college in 1897 with an academic mission to train students to become elementary school teachers. The original campus occupied a single building in downtown San Diego. Thereafter, the university was relocated to its second home at the corner of Park Boulevard and El Cajon Boulevard. The curriculum at the time was limited initially to English, history and mathematics, but it broadened rapidly over the years under the leadership of various campus presidents. In February 1930, the SDSU campus was moved to its present location, atop Montezuma Mesa, and operated from the seven Spanish Colonial style buildings surrounding what is still referred to today as the "Main Quad."

Since 1930, the original SDSU buildings located on the Main Quad functioned as the campus core. Expansion, at first, was principally to the north and southeast. Gradually, the canyon areas were filled with auxiliary uses, including the Aztec Bowl football stadium, the Greek Amphitheatre, and various parking lots.

<sup>2</sup> The D lot portion of the Alvarado Campus project component was analyzed previously at the program-level as part of the EIR for the SDSU Campus Master Plan 2000 project (SCH No. 2000051026).  
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In 1960, the Donahoe Higher Education Act brought each of the state colleges, like SDSU, together as a system. In 1972, the state college system became known as the California State University and Colleges, and in 1982 as the California State University ("CSU"). Under the CSU system, the primary function of the state colleges was broadened to include undergraduate and graduate instruction in the liberal arts and sciences, applied fields, and professions. Doctoral degrees were authorized if offered jointly with the University of California.

By the early 1960s, a comprehensive planning effort was necessary for future expansion of the campus, primarily because: (a) vehicle parking and movement across campus became a concern; (b) functional areas had not been established; and (c) the homogeneity of the Spanish Revival/Mission Style architecture had been supplanted by more eclectic architectural styles. Coupled with the start of the "Baby Boomer" flood into higher education facilities (referred to as "Tidal Wave I" in higher education planning) and the increased demand for higher education, SDSU was faced with the need to create a comprehensive physical master plan to accommodate the inevitable continuing growth.

In 1962, the California Department of Education, Chancellor's Office, mandated that all metropolitan state college campuses plan for a student enrollment of 20,000 FTES. This mandate led to the creation of the first SDSU campus master plan, prepared by Frank L. Hope and Associates and approved by the CSU Board of Trustees in 1963. The 1963 master plan contained a planned land use map, outlined directives for facility placement, and provided target square footage for academic, support, and athletic spaces.

In 1967, an update to the 1963 campus master plan was completed, again by Frank L. Hope and Associates. The 1967 master plan provided planning direction relevant to traffic and parking concerns, issues relating to land subsidence, the need for additional utilities, and also suggested the construction of new campus buildings through a phased approach.

A number of revisions were made to the SDSU campus master plan during the 1970s. These revisions were primarily minor in nature, consisting of either single building additions or minor modifications to the 1963 master plan, as revised in 1967. In the late-1970s, however, the campus master plan was revised in response to the CSU Board of Trustees' authorization for SDSU to increase its FTES enrollment from 20,000 to 25,000 to accommodate the increasing demand for higher education.

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### 1.2.2 Existing Campus

Over the next 20 years, several revisions were made to the master plan, although these revisions were primarily single building additions or minor modifications. Beginning in 1997, however, SDSU embarked on a comprehensive two-phase master planning effort, which resulted in a significant update to the prior master plan efforts in 1963 and 1967. Phase I of the process involved the preparation of a physical master plan, which documented the existing conditions of SDSU, and outlined proposed policies and guidelines to maintain and enhance the character, form, and function of the campus. This phase included a survey of the campus background and history, current land uses and facilities, and proposed planning and design guidelines.

Phase II of the process evolved into two distinct planning programs – the SDSU Aztec Walk Master Plan and SDSU Campus Master Plan 2000. The Aztec Walk Master Plan provided a comprehensive design for the main east-west pedestrian axis that crosses the SDSU campus. Components of this master plan included the consolidation and redevelopment of SDSU's athletic, recreational, and student housing resources. Replacement locations for parking and utility facilities were also included. The Aztec Walk Master Plan facilities are identified on **Figure 1.0-4, Previous Master Planned Projects**.

The second component of Phase II, Campus Master Plan 2000, consisted of a comprehensive campus-wide build-out strategy. This master plan proposed the redevelopment of several classrooms, office, research and student buildings and facilities, and the development of several new buildings, a physical plant and yard, a parking structure, and a central campus park area. These buildings, facilities, and campus areas are shown on **Figure 1.0-4, Previously Master Planned Projects**.

The Aztec Walk Master Plan was approved by the CSU Board of Trustees in 1999, and Campus Master Plan 2000 was approved in March 2001. Since that time, several minor revisions have been made to the existing Campus Master Plan. The existing, approved SDSU Campus Master Plan is depicted on **Figure 1.0-5, Existing Campus Master Plan**.

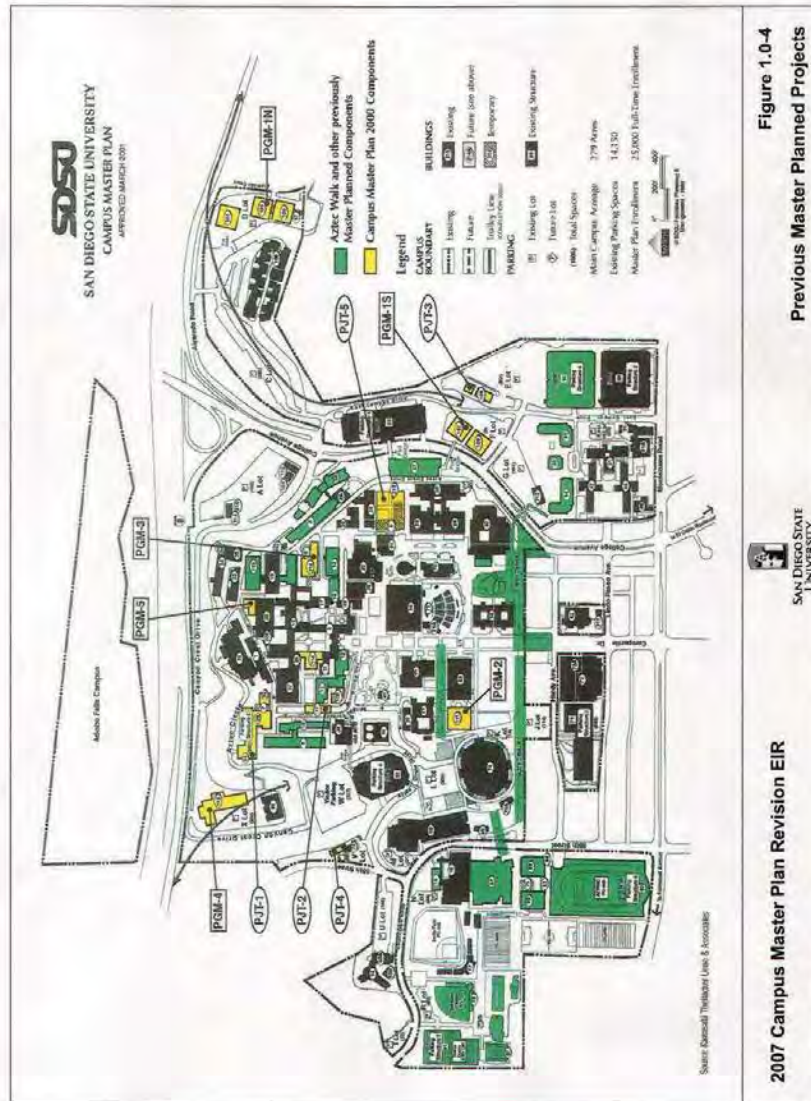
Both the Aztec Walk and Campus Master Plan 2000 projects are implemented according to the priorities established by program needs, budgetary constraints, and the sequential redevelopment of space. To date, the co-generation plant, the child-care center, the Arts and Letters Building, the BioScience Center (referred to as the NLS Addition in the Campus Master Plan 2000), the Student Health Services Building, and the Gateway Addition have been

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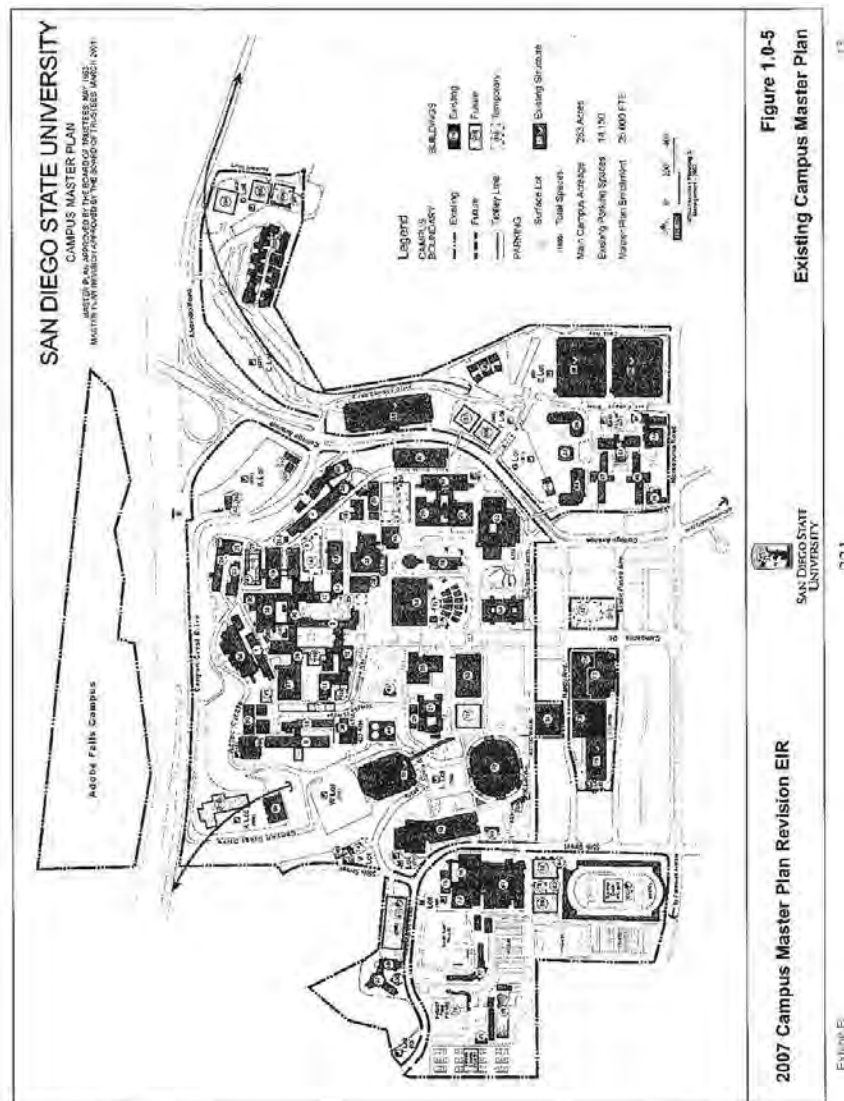
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completed. Reconstruction of the SDSU transit center has been completed in conjunction with the Mission Valley East Trolley Extension.

**Figure 1.0-6, Campus Directory**, provides an overview of the existing campus physical plan with all on-campus existing buildings, parking areas, facilities, general services, operations, and student services noted.

In September 2005, the CSU Board of Trustees approved the SDSU 2005 Campus Master Plan Revision, and certified the EIR prepared for the project as adequate under CEQA. The following month, lawsuits were filed in San Diego Superior Court challenging the adequacy of the EIR. One of the issues raised in the lawsuits was whether CSU was responsible for the mitigation of significant impacts to off-campus roadways that would be caused by the project. In July 2006, the California Supreme Court ruled against CSU on this point in *City of Marina v. Board of Trustees of The California State University* (2006) 39 Cal.4th 341. As a result of the California Supreme Court's decision, CSU set aside its approval of the 2005 Campus Master Plan Revision project, and its related certification of the 2005 EIR. CSU now proposes the 2007 Campus Master Plan Revision project which, as described in this Project Description, incorporates certain components from the 2005 Campus Master Plan Revision project, deletes other components, and also adds others.

### 1.2.3 Surrounding Community Development

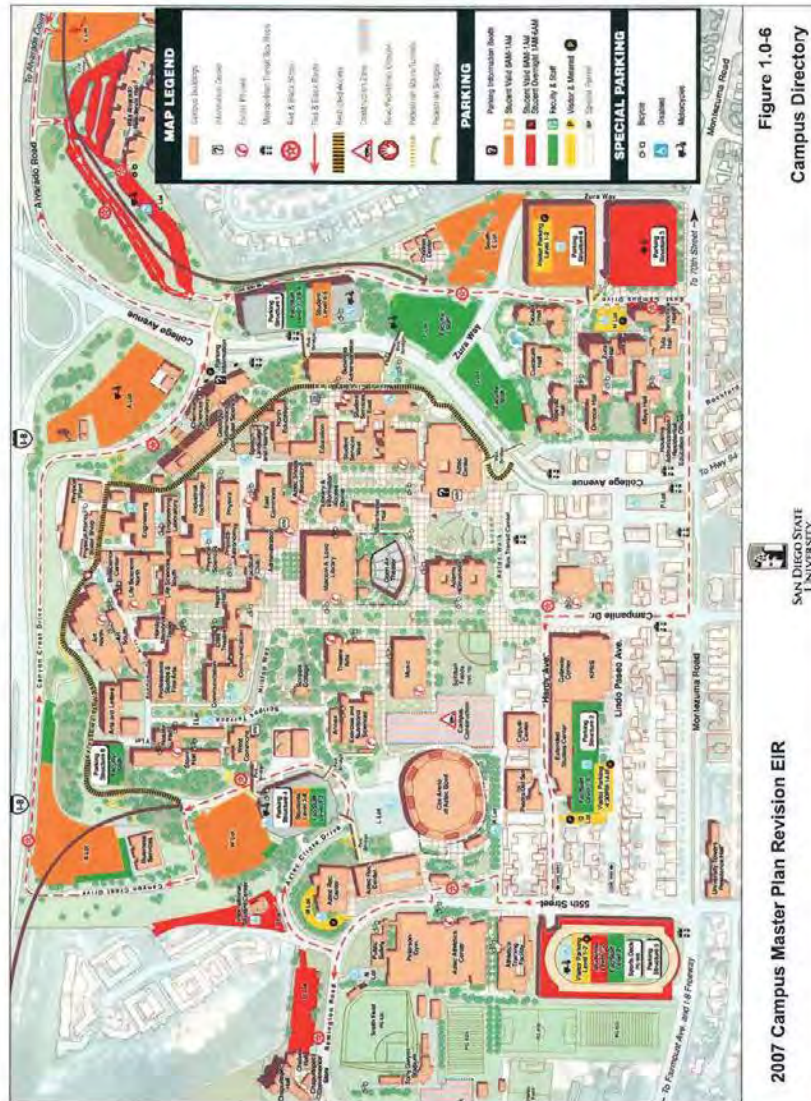
In addition to the various SDSU-initiated master planning efforts, the City of San Diego ("City") Planning Department, the Redevelopment Agency of the City of San Diego ("Redevelopment Agency"), the SDSU Research Foundation, and the Metropolitan Transit System ("MTS") have all participated in infrastructure and community development programs within the SDSU College Area. These programs are integral components of a region-wide effort to maintain and enhance SDSU. **Figure 1.0-7, Surrounding Projects**, identifies the various projects undertaken by these entities in the College Area.

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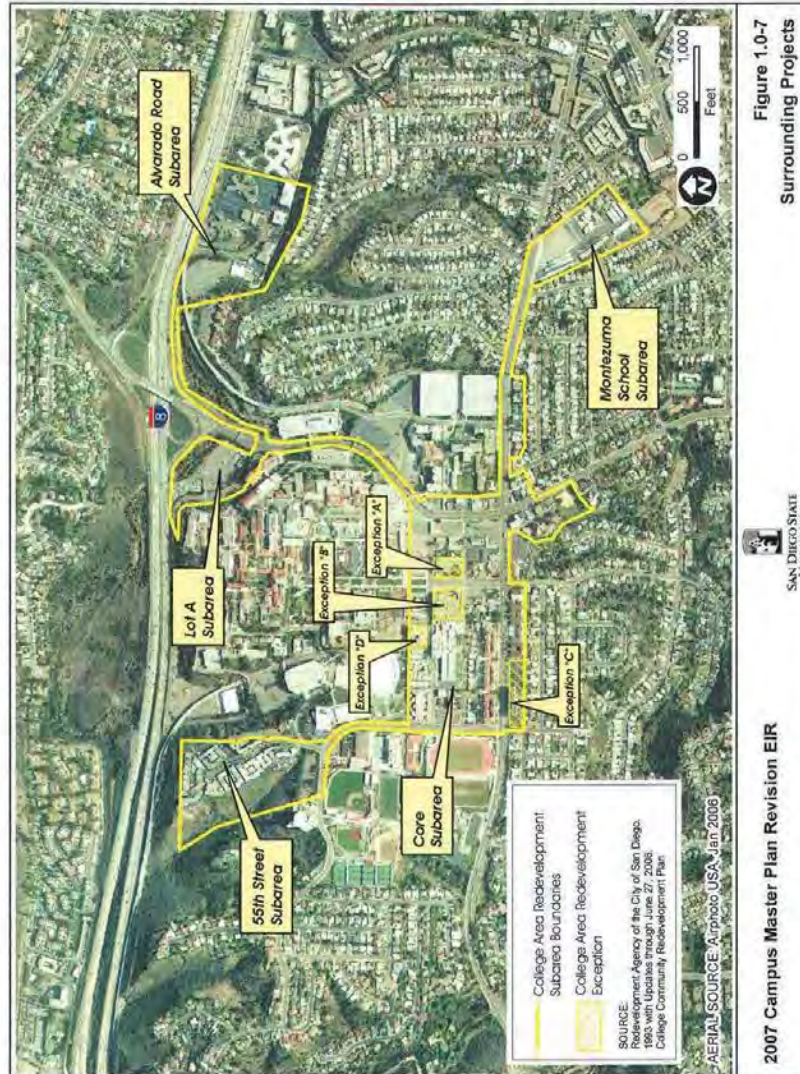


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The SDSU Research Foundation is an auxiliary organization of SDSU, authorized by the State of California. It is a non-profit corporation, self-financed and chartered to provide and augment programs that are an integral part of the educational mission of SDSU. Although separate from the university, the Foundation is responsible for the accomplishment of certain university objectives that require financial support not provided by the state. The Foundation serves the university in multiple ways, including the ownership and development of property adjacent to campus boundaries for supporting facilities. In 1991, the SDSU Research Foundation created a master plan that outlined the development of these supporting university areas; this plan became the basis for the College Community Redevelopment Plan, approved in 1993 by the Redevelopment Agency.

The Redevelopment Agency has been an active participant in College Area redevelopment planning, forming the College Community Redevelopment Project, with the SDSU Research Foundation as an implementation mechanism for the Foundation's Master Plan. The College Community Redevelopment Project provides the private sector with incentives to redevelop certain College Area properties into commercial and residential facilities in support of the student population. The Redevelopment Project, which was analyzed in the College Community Redevelopment Project Final Program EIR, SCH No. 92091036 (1993) ("Redevelopment EIR"), is divided into five zones, to be redeveloped over a 10 to 25-year period. Of specific relevance to the proposed project, one of the areas within the Redevelopment Project is the "Alvarado Road Sub-Area," envisioned to provide university-serving office, and research and development uses. The Redevelopment Project proposed approximately 600,000 square feet of office space and 110,000 square feet of research and development space for the Alvarado site. (Redevelopment EIR, p. 3-10.)

MTS, the transit planning agency for the greater San Diego region, has been tasked with providing transportation options for the region. In July 2005, MTS completed the Mission Valley East Extension of the San Diego Trolley, which connects the Grantville and College neighborhoods with La Mesa and Mission Valley. The trolley extension project includes an underground SDSU transit center station located along the north side of Aztec Walk. The SDSU transit station provides a central location for the City bus system, the trolley and the internal "Red and Black" bus service, thereby providing the campus community with a wide variety of transit options. The SDSU trolley station also allows for a non-vehicular connection between Mission Valley, the College Area, and the City of La Mesa neighborhoods where many students reside.

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### 1.3 BACKGROUND AND FRAMEWORK OF PROJECT

#### 1.3.1 Background

In May 2003, the CSU Board of Trustees adopted a resolution directing each campus within the CSU system to take those steps necessary to accommodate a projected increase of 107,000 students by the year 2011. The Board's action was taken in response to current system-wide CSU enrollment projections, as well as state policy directions regarding CSU's mission to provide educational equity and access. A copy of the Board of Trustees' Resolution, adopted May 13-14, 2003, is included as **Appendix O** to this EIR.

Given appropriate state support, the CSU Board of Trustees pledged to accommodate the additional students through a variety of means. These means include expanding summer term enrollments, increased efficient utilization of existing physical capacity, expanding existing and developing new off-campus centers, and expanding the use of academic technology (e.g., Internet classes) in order to free existing physical capacity and expand access.

The CSU Board of Trustees also directed the individual campuses to review their respective current campus master plans and, where appropriate, consider increasing existing enrollment targets. On this point, the Board authorized those campuses that are at or near the historic system maximum enrollment of 25,000 academic year FTES to prepare, and present to the Board, campus master plan revisions that exceed the 25,000 FTES enrollment.

For master and academic planning purposes, SDSU utilizes the FTES population unit. One FTES is defined as one student taking 15 course units (considered a full course load). A student taking 10 course units would constitute a 0.66 FTES, while a student taking 20 course units would constitute a 1.33 FTES. The proposed project has been configured to accommodate 35,000 FTES.

Related to the FTES population unit is the headcount unit, which is the total number of enrolled students. Two students each taking 7.5 course units would constitute one FTES. Because two individual students would be enrolled, these two students would constitute two in terms of headcount. Although the FTES standard is used for master and academic planning, the environmental impacts generated by the proposed project are assessed in terms of headcount. The 10,000 FTES increase is estimated to result in a 44,826 headcount by the 2024-25 academic year.

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The Board of Trustees' action was based, in part, on the findings of the Board of Trustees' Committee on Educational Policy, which, in 2003, reported the following:

For many years, projections of enrollments in higher education in California have warned of a vast increase during the first decade of the 21st Century. However, not only are enrollments increasing, the projections themselves are increasing. For example, in 1995, the California Department of Finance, Demographic Research Unit, projected that the CSU would enroll 406,317 headcount students in the Fall 2004. By 2000, the Department of Finance's projection of CSU enrollment for Fall 2004 had been revised upward to 414,091 headcount students. The most recent Department of Finance projections of CSU enrollment for Fall 2004 have now reached 436,172 headcount students [attachment references omitted].

The current [2003] Department of Finance projections indicate that over the next eight years, by Fall 2011, CSU enrollment will have grown to 513,550 headcount students, an increase of 26 percent over the 406,684 enrolled in Fall 2002. This enrollment increase of nearly 107,000 students presents a significant challenge for the CSU in that many campuses are rapidly approaching their physical capacity as measured in lecture hall, classroom, and laboratory space. Indeed, across the system, in AY [academic year] 2003-04, enrollments will exceed physical capacity space . . . . However, the impact of enrollment upon physical capacity will be felt differentially across the state . . . . It is clear that the state will not be able to address this projected enrollment increase as it did during the surge of the 1960's by building new campuses.

The CSU plans to meet this increased enrollment need primarily by expanding service on its current campuses and by creating off-campus centers in parts of the state which are increasingly under-served. (Agenda Packet - Campus Options, pp. 1-2. A copy of the complete Agenda Packet is included as **Appendix O** to this EIR.)

Eight CSU campuses, including SDSU, have physical capacity enrollment set at the historic maximum of 25,000 academic year FTES. The Board of Trustees' Committee on Educational Policy reports that the 25,000 historic maximum was based largely on conjecture and opinion,

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not empirical analysis of campus environments. (See **Appendix O** [Agenda Packet - Campus Options, p. 3].)

The Board of Trustees, which directed the individual campuses to review their respective current campus master plans and consider increasing existing enrollment, effectively removed the system maximum enrollment ceiling and now provides the Board of Trustees with the power to establish enrollment for campuses based upon individual campus needs. Moreover, the Board of Trustees' May 2003 Resolution reaffirmed the CSU's commitment to accommodate all fully eligible California high school graduates and upper division California Community College transfers. This commitment is also rooted in the law, which expects the CSU and UC systems "to plan that adequate spaces are available to accommodate all California resident students who are eligible and likely to apply to attend an appropriate place within the system." (Cal. Ed. Code §66202.5.)

Because SDSU is at its maximum enrollment of 25,000 FTES, the university is in the process of reviewing data to develop an understanding of demand and potential capacity in order to develop a plan to accommodate the projected additional demand.

### **1.3.2 Demographic Projections**

As previously noted, student enrollment at the post-secondary level throughout California is expected to increase substantially over the next several years. This growth is expected at the state and regional level, as well as at the local level.

#### **A. Existing and Projected State/Regional Enrollment/Facilities Growth**

Recent reports by the U.S. Bureau of the Census, the California Department of Finance and the Rand Corporation have projected substantial population increases in California through the year 2040. Utilizing these projections with various growth models and methods, the California Post Secondary Education Commission ("CPEC") has estimated higher education demand through the 2010/11 academic year. As discussed below, each of the models indicates substantial increased population growth and greater demand for higher education.

In 2000, CPEC completed two comprehensive, long-range higher education planning reports -- *Providing for Progress: California Higher Education Enrollment Demand and Resources Into the 21st Century* (February 2000), and *Policy for Progress: Reaffirming California Higher Education Accessibility, Affordability, and Accountability Into the 21st Century* (April 2000). (Copies of the executive summaries for each of these two reports, as well as for *Moving California Ahead*, An

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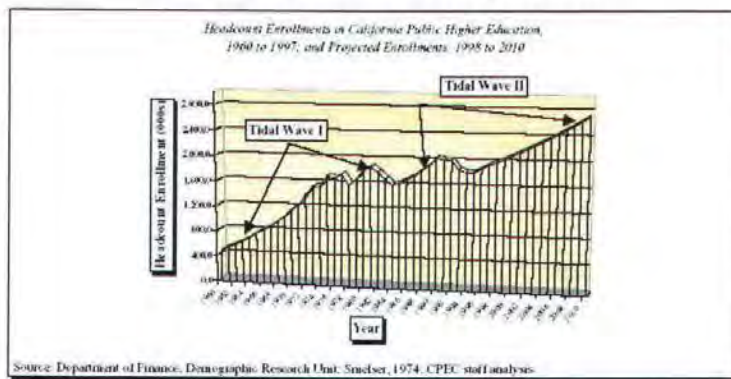
*Executive Summary*, are included in **Appendix O** to this EIR. These reports may be viewed in their entirety at [www.cpec.ca.gov](http://www.cpec.ca.gov).) The reports combine CPEC's work over the past 25 years and its current effort to move higher education policy forward to address the issues of the 21st century. In completing both reports, CPEC took into account a number of critical demographic, economic, social, and educational factors that are likely to significantly influence the future course of higher education in the state. The factors most consequential to the ability to provide higher education for California's population include:

California's total population now exceeds 33 million and will grow by approximately 600,000 people per year. Coupled with the perception that a college education is essential to future prosperity, such growth has fueled and will continue to fuel steady demand for access to education beyond high school. (*Moving California Ahead*, 2000, p. 3.)

According to the CPEC reports, the central question is whether California post-secondary enrollment growth will be "moderate and steady by historical standards," or be the "Tidal Wave II" of burgeoning demand, on an order of magnitude exceeded only by the historic growth in the post-World War II era. In response to this question, the CPEC concluded that as California enters the 21st century it must prepare for an enrollment surge in higher education similar to that of post-World War II veterans and Baby Boom-era students. These surges became known as the higher education enrollment "Tidal Wave" and rolled through California colleges and universities from the 1950s through the 1970s. Furthermore, CPEC found that not only is the subsequent tidal wave of college and university enrollment demand real, it is already upon us, as illustrated in **Table 1.0-1, Headcount Enrollments in California Public Higher Education**.

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Table 1.0-1  
Headcount Enrollments in California Public Higher Education



Note: See Appendix XX [Providing for Progress, p. 1].

As previously noted, the data show that not only have student enrollments been increasing, but the projections themselves have been increasing. For example, and specific to CSU, in 1995, the California Department of Finance, Demographic Research Unit, projected that CSU would enroll a total of 406,317 graduate and undergraduate students (headcount) in the Fall 2004. By 2000, the Department of Finance's projection of CSU enrollment for Fall 2004 had been revised upward to 414,091 students. In November 2003, the Department of Finance projections of CSU enrollment for Fall 2004 were again revised upward, this time to 418,002 students.

As of December 2006, the Department of Finance projected higher education enrollments to increase statewide by over 2 percent annually, or 503,750 students, between 2005 and 2015. Steady enrollment growth is expected to continue through the decade as larger numbers of students leave the K-12 system and enter higher education institutions.

For the CSU system, Fall 2005 saw undergraduate enrollment grow by nearly four percent to 331,563, while graduate student enrollment fell by nearly five percent to 73,719. Graduate enrollment has returned to the levels of the mid-late 1990's and is expected to continue to show a small decline before stabilizing. Thus, in 2005, enrollment reached 405,282; returning to a growth pattern that started in 1994, with CSU enrollment expected to grow by 2.5 percent in

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Fall 2006. By 2015, overall statewide enrollment for the CSU is projected to grow by about 19 percent to 482,367 students, with undergraduates accounting for about seven out of ten additional students.

### B. Existing and Projected SDSU Student Enrollment

**Table 1.0-2, California State University Enrollments and Planning Estimates**, depicts the Department of Finance, Demographic Research Unit, enrollment and planning estimates for the CSU system through the year 2011, with the estimates broken down into separate regions throughout the state. **Table 1.0-2** shows that student enrollment on the SDSU and CSU San Marcos campuses, combined, will increase from 41,982 students in 2002 to 54,722 students in 2011, a projected increase of 12,740 students between the two campuses.

**Table 1.0-2  
California State University Enrollments and Planning Estimates**

Year	Campuses									
	Southern		Greater Los Angeles Basin		Bay Area		Other		CSU	DOF 2002 Series
2002	41,982		171,683		85,095		107,755		406,515	406,684
2003	42,308	1%	179,340	4%	88,028	3%	110,299	2%	419,975	423,087
2004	43,356	2%	185,866	4%	90,641	3%	112,905	2%	432,768	436,172
2005	44,246	2%	193,787	4%	93,383	3%	115,545	2%	446,961	446,329
2006	45,888	4%	201,287	4%	96,237	3%	118,178	2%	461,590	456,221
2007	47,565	4%	208,580	4%	99,103	3%	120,937	2%	476,185	466,062
2008	48,959	3%	214,256	3%	101,969	3%	123,914	2%	489,098	478,562
2009	50,481	4%	219,729	3%	104,728	3%	126,889	2%	502,187	490,683
2010	52,762	4%	224,011	2%	107,515	3%	129,862	2%	514,150	502,013
2011	54,722	4%	228,306	2%	110,328	3%	132,836	2%	526,192	513,550

Source: *Agenda Packet, Attachment B, Ed. Pol., Agenda Item 1*

Note: Southern campuses include San Diego and San Marcos. Greater Los Angeles Basin campuses include Channel Islands, Dominguez Hills, Fullerton, Long Beach, Los Angeles, Northridge, Pomona, and San Bernardino. Bay Area campuses include Hayward, Maritime Academy, Monterey Bay, San Francisco, San Jose, and Sonoma. Other campuses include Bakersfield, Chico, Fresno, Humboldt, Sacramento, San Luis Obispo, and Stanislaus.

Specific to SDSU, in 2001, the CSU Chancellor's Office, Division of Academic Affairs, Office of Analytic Studies, prepared a study entitled *Enrollment Needs Study for the San Diego County Region*. A copy of this study is included in **Appendix O** to this EIR. This study provides analysis of higher education enrollment demand for SDSU and CSU San Marcos. This study's

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projections of new students from San Diego County are consistent with attendance patterns and projected high school graduates and community college enrollments from the County. The SDSU Academic Affairs office also has prepared enrollment planning projections through the 2024-25 academic year. As depicted in **Table 1.0-3, SDSU Enrollment Planning Projections**, the Academic Affairs office reports that during the Fall 2006-2007 academic year, there were 25,163 on-campus FTES. Beginning in year 2007-2008, Academic Affairs projects average annual increases of approximately 3.0% in total FTES through 2024-25. Based on these estimates, SDSU expects on-campus Fall FTES to reach 35,000 by the 2024-2025 academic year, and the headcount on the main campus to reach 44,826 by the 2024-25 academic year. SDSU has chosen to use these growth projections to accommodate the historic demand for enrollment and the calculations have been derived for planning purposes.

**Table 1.0-3  
SDSU Enrollment Planning Projections**

	2006- 2007	2009- 2010	2014- 2015	2019- 2020	2024- 2025
AY San Diego On Campus	26,488	27,486	30,563	33,597	36,951
Summer Annualized FTES	1,320	2,496	4,020	6,475	9,305
Summer FTES	2,639	4,993	8,041	12,949	18,610
CY San Diego Campus Total	27,808	29,982	34,583	40,072	46,256
% Increase*		3.0%	3.0%	3.0%	2.5%
Fall San Diego Campus Headcount	33,441	33,873	37,077	40,757	44,826
Summer Headcount	6,795	9,361	13,401	21,582	31,017
On-Campus Fall San Diego Instructional FTES	25,163	26,035	28,949	31,823	35,000
On-Campus AY San Diego FTES	24,237	25,150	27,965	30,741	33,810

Source: SDSU Academic Affairs (February 2007)

Notes:

1. Unit load increase from 12.1 to 12.8 in annual increments of .1 unit beginning in 2005/06.
  2. Annualized FTES in summer increase to a maximum 25% of AY San Diego Campus FTES in 2023/24.
- \*Annualized rate of growth.

These estimates are consistent with the recent surge in undergraduate applications for enrollment to SDSU. For example, for the Fall 2006 semester, SDSU received 52,000 undergraduate applications, and for Fall 2007, SDSU received 57,600 applications for 8,800

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openings. The number of students admitted each year is directly linked to CSU assigned enrollment growth targets. SDSU's overriding goal is to align actual enrollment with budgeted enrollment targets as assigned by the CSU. In essence, the university must admit the appropriate number of students to meet its budgeted enrollment target. Among the factors considered when determining the number of students to admit annually are the projected graduation rates, projected continuation rates, and projected admission to enrollee show rates.

Over the past decade, SDSU has become nationally and internationally recognized as an emerging research university. SDSU faculty members are attracting large quantities of external research funding. Increasingly, these monies are obtained from the most highly competitive and prestigious research funding sources in the country. The outstanding academic credentials of newly hired tenure-track faculty, often through head-to-head competition with the country's most highly regarded universities, are unprecedented. Decades of disciplined development also have produced many high-quality undergraduate and graduate programs. Within this same time period, a number of SDSU undergraduate and graduate programs, for the first time in SDSU's history, have been ranked among the best in the nation.

Over this time period, SDSU has been inundated with undergraduate applications for enrollment. In an attempt to manage campus undergraduate enrollment, in 1999, SDSU declared its "impaction" status with regards to campus enrollment. Impaction occurs when a university receives more fully eligible applicants than can be accommodated. The SDSU "impaction" status has had the effect of increasing the level of academic preparation for incoming SDSU students significantly.<sup>3</sup>

This heightened academic rigor is evidenced by the fact that numerous national rankings of colleges and universities are increasingly including SDSU in their ratings and now place the campus among the most highly esteemed schools recognized for their academic excellence. These factors, coupled with the projected increase in the college-going population, the aesthetically appealing campus, the idyllic climate, and a location in one of the country's most attractive cities, have created a university with an appeal and a standing not previously enjoyed.

<sup>3</sup> The Board of Trustees' policy is to avoid "impaction" at CSU campuses: "It is the intent of the CSU Board of Trustees that campuswide impaction be avoided. The Trustees will seek the instructional and physical capacity resources necessary to serve all fully eligible students who desire a CSU education." (See **Appendix O** [CSU Board of Trustees Resolution, March 2000].)

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In summary, as it is impossible to predict with certainty the actual demand rate of growth over a twenty-year period, SDSU has chosen to cap the growth at 35,000 FTES, and plans to grow between approximately 2.5 – 3 % per year through the year 2025. SDSU's expanded enrollment plan is based on CSU enrollment planning growth estimates, as SDSU is expected to take its fair share of the CSU enrollment, especially given the statewide and San Diego region's projected population growth and SDSU's exceptionally large number of applicants. The enrollment growth figure of 10,000 allows the university to enroll its fair share of local and state-wide enrollment growth demand at a very modest enrollment growth pace. Further, the 10,000 FTES increase will allow the university to expand graduate enrollment to meet graduate enrollment demand and San Diego work force needs.

### C. Existing and Projected SDSU Faculty/Staff

In order to accommodate the anticipated growth in FTES as outlined above, SDSU must hire additional faculty and staff to serve the additional students. The 10,000 FTES increase will necessitate the hiring of approximately 691 additional faculty, and 591 additional staff members over the years, through 2024-2025. (SDSU Academic Affairs Office of the Provost; see, EIR Section 3.12, *Population and Housing*.)

While SDSU recognizes that additional faculty/staff members will be imperative in sustaining the quality education available to SDSU students, SDSU, like other CSU campuses, will be faced with increasingly difficult circumstances in hiring quality faculty and staff members. In September 2001, the CSU Academic Senate adopted a report entitled *The California State University at the Beginning of the 21st Century: Meeting the Needs of the People of California*. In a section entitled "The Crisis in Faculty Hiring," the report notes that CSU hires tenure/tenure track faculty from a national pool, and therefore faces serious competition for new faculty members from schools throughout the country. Additionally, the report notes, CSU faces serious constraints on its ability to recruit and retain a faculty of high quality during the coming decade due to: (i) the serious and continuing lag of CSU salaries behind those of comparable institutions, and (ii) excessive California housing costs.

These circumstances have not improved since the report was originally drafted. Current faculty members continue to retire in large numbers, and enrollments continue to increase despite budget reductions. However, both of these constraints on recruiting and retaining a faculty of high quality have increased. (See **Appendix O**, *Faculty Compensation and The Crisis in Recruiting and Retaining Faculty of High Quality*, pg. 1.)

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With respect to the matter of salaries, a new contract recently entered into between CSU and the union representing faculty/staff calls for faculty, librarians, counselors and coaches to receive raises that would total 20.7% in phases, retroactive to July 2006 and through 2010. Various categories will get additional raises, based on merit, seniority, and new steps created in the respective pay ladders. As a result, the typical faculty member will wind up with a total increase of 23% to 25%, although he or she might receive more than a 31% raise over the four years, according to the union. Additionally, the administration and the faculty said they would ask the Legislature for an additional 1% for each of the next three years.

As to the high cost of housing in the state, many candidates are wary of taking a position in a location where even a rental absorbs a disproportionate percent of one's income and where expectations for top salaries or retirement income are fragile at best, even with the recently agreed to salary increases. The gross average salary paid to an CSU assistant professor in 2003-04 was \$54,572; in 2004-05 it increased a total of \$277, to \$54,949. The average assistant professor's salary was critically inadequate in 2003-04; its inadequacy has been exacerbated by steep increases in housing prices. Salaries of associate professors were better matched to the housing market, but still inadequate in many areas of the state. Dependence on hiring new faculty at the associate professor level in order to offer a nationally competitive salary compresses the salary scale for those currently employed and is unfair to CSU faculty members who have had to serve as many as seven or eight years to reach similar salary levels. In San Diego County, the average salary of an assistant professor at SDSU or CSU San Marcos is \$35,280 lower than the \$89,852 income needed to purchase a median-priced home (\$406,950) and \$6,000 below the HUD median annual wage for the area. (See **Appendix O, Faculty Compensation and The Crisis in Recruiting and Retaining Faculty of High Quality**, pg. 5.)

Fair market rental costs were also nearly prohibitive in relation to faculty salaries at the levels normally utilized for new faculty hires. In San Diego County, in 2004, a new faculty member would have to receive an annual take-home salary of \$42,300 for a 2-bedroom apartment (\$1,175 monthly) and \$58,896 for a 3-bedroom apartment (\$1,636 monthly). In 2005, the take-home salary would have to be \$42,588 for a 2-bedroom apartment (\$1,183 monthly) and \$62,100 (\$1,725 monthly) for a 3-bedroom apartment, a one-year increase in salary of 0.7 percent and 5.4 percent respectively. (See **Appendix O, Faculty Compensation and The Crisis in Recruiting and Retaining Faculty of High Quality**, pg. 5.)

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In light of the high cost of housing in San Diego County, coupled with the relatively low salaries earned by SDSU faculty, CSU/SDSU has determined that it is necessary to assist faculty and staff with obtaining affordable housing that is centrally located near campus.

### 1.4 PROJECT OBJECTIVES

The project objectives are rooted in the overall SDSU education mission. In early 2004, the university undertook a process intended to provide the guiding framework for campus growth. This process resulted in the development of a "shared vision," with agreement that SDSU is a community of learners committed to academic excellence; dedicated to educating students for positions of responsibility and leadership in the twenty-first century; focused on addressing the challenges and opportunities of San Diego and California; and, confident that, if the university could provide service to this fast-changing region and its people, the campus would emerge as a national and international leader in higher education.

Prior to development of the "shared vision," in Fall 2003, an SDSU Master Plan advisory committee developed several academic, housing, and transportation goals and objectives that seek to promote research, scholarship and creative activities, community engagement, and internationalization of programs. These goals and objectives are listed below:

#### Academic Goals/Objectives

1. Accommodate projected increases in student enrollment to 35,000 FTES by academic year 2025;
2. Graduate highly capable undergraduates;
3. Expand graduate student population to 20% FTES over time;
4. Emphasize the teacher/scholar model;
5. Expand research capabilities;
6. Develop interdisciplinary opportunities; and
7. Increase research funding and meet Carnegie criteria.

#### Housing Goals/Objectives

1. Accommodate between 25% and 30% of the future campus student population, located within one mile of the main campus, in either on-campus housing, redevelopment area housing, or private housing (i.e., non-university) within the surrounding community;

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2. Provide a campus life component within all housing for up to 10% of the student population or 65% of the first time freshmen class (*i.e.*, 100% of anticipated freshmen who are not commuters);
3. Set housing targets for first year, returning students, new transfers, and graduate and professional students;
4. Provide affordable housing types suitable for married/graduate students, faculty/staff, honors colleges, or other specialized markets at Adobe Falls and other campus sites;
5. Promote housing development opportunities along trolley routes to create additional student and other housing types. Collaborate with the private sector to build housing by providing placement and affiliate opportunities;
6. Add elements to the student life component of the existing Campus Master Plan by:
  - (i) Expanding the Student Union;
  - (ii) Expanding Student Services – within an expanded Student Union or within the campus buildings; and
  - (iii) Expanding Recreation Elements - including open space by capturing land made available by demolishing and/or relocating existing facilities (*i.e.*, College of Education, softball fields).
7. Relocate the Office of Housing Administration and Residential Education ("HA/RE") to the vicinity of one of the proposed student apartment complexes or within the redevelopment area; and
8. Examine the long-term useful life and/or phased replacement of the existing housing stock on campus.

### Transportation Goals/Objectives

1. Support transit as the primary method of accommodating future students and commuter travel related to the increase in student population;
2. Support development of a "Universal Transit Pass" program with MTS to increase the ridership and reduce vehicle trip generation;
3. Identify traffic improvements at key intersection locations to maintain current levels of service;
4. Work with Caltrans, the City, and SANDAG to identify funding sources for necessary public improvements;

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5. Expand campus shuttle/people mover services to support development of the Alvarado Campus, the internal campus core area, Adobe Falls, and other housing areas;
6. Limit construction of new parking facilities to the replacement of lost spaces, and to support the Alvarado Campus project component; and
7. Establish an internal campus loop route for shuttles, service vehicles, and campus core users, and a pedestrian-friendly connection between the core campus and the Alvarado Campus area.

Attainment of these goals and objectives will necessitate facilities and services beyond those currently available to the campus. In order to adequately plan for the physical elements needed to fulfill such goals and objectives, a revised Campus Master Plan is needed. Therefore, the overall objectives of the proposed SDSU 2007 Campus Master Plan Revision are as follows:

1. Develop facilities to support the academic, research, and student service needs of SDSU;
2. Provide a framework from which to make future facility planning decisions;
3. Guide development of facilities that will be cohesive with the surrounding community, environment, and associated governmental agencies/interest groups; and
4. Maintain and enhance SDSU's rank as one of the premier undergraduate, graduate, and research institutions in the state.

These overall project objectives, in combination with the academic, housing, and transportation goals and objectives set forth above, have been considered in developing the proposed physical master plan improvements necessary to accommodate the projected increase in student enrollment and enable SDSU to continue to fulfill its educational mission. These proposed physical improvements, as described below, are the subject of the SDSU 2007 Campus Master Plan Revision.

### 1.5 PROJECT DESCRIPTION

#### 1.5.1 Project Location, Boundaries and Regional Setting

As previously noted, the proposed project site is located on the SDSU campus in the City of San Diego, along the southern rim of Mission Valley and approximately eight miles northeast of downtown. (Figure 1.0-1, Regional Map.) The campus currently consists of approximately 283 acres. As shown on Figure 1.0-2, Vicinity Map, the general boundaries of the SDSU campus are

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Montezuma Road to the south, East Campus Drive to the east, 55th Street/Remington Road to the west, and Adobe Falls Road/Del Cerro Boulevard (lying just north of I-8) to the north.

The SDSU campus is situated on slightly undulating mesas, which are intersected by steep canyons. The campus setting is largely urban in nature, with the exception of the undeveloped Adobe Falls area, and is comprised, primarily, of campus buildings interspersed with open area amenities. See **Figure 1.0-6, Campus Directory**.

From a regional perspective, the entrance to the SDSU campus is perceived to be from either the north or the south. From the north, College Avenue is the primary north/south vehicular route to and from the campus, and it connects I-8 to the Del Cerro, Navajo, and College Area communities. The primary intersections, heading south on College Avenue, are: (a) Canyon Crest Drive/Alvarado Road; (b) Zura Way, providing left-hand turn-lane access to the east side of the campus; (c) Lindo Paseo Avenue; and (d) Montezuma Road. From the south, Montezuma Road is the primary east/west vehicular route, located at the southern boundary of the campus. On the west, Montezuma Road connects directly to I-8 via the Fairmont Avenue exit and, on the east, to El Cajon Boulevard. Montezuma Road is the destination for all traffic coming to the campus from points south of I-8. The primary intersections, heading east on Montezuma Road, are: (a) Collwood Avenue, bringing traffic north from El Cajon Boulevard; (b) 54th Street, bringing traffic north from El Cajon Boulevard; (c) 55th Street, the westernmost primary campus entry leading to the Cox Arena and other athletic facilities located on the western portion of the campus; (d) Campanile Drive, the existing public transit entry and primary entrance to the campus from the south; (e) College Avenue; and (f) East Campus Drive.

The SDSU central campus is located within the City's College Area Community Planning Area. The Adobe Falls Faculty/Staff Housing area is located within the City's Navajo Community Planning Area. **Figure 1.0-3, College Area and Navajo Communities**, shows the general boundaries of the College Area and Navajo Communities in relation to the SDSU campus.

The College Area Community Plan Planned Land Use Map, which is part of the City of San Diego General Plan, designates the central campus as "University Campus." The northwest (55th Street), northeast (Alvarado Campus) and south-central (along Lindo Paseo and Montezuma Roads) portions of SDSU each are designated as a "Redevelopment Project Area." The College Area Community is comprised of approximately 1,950 acres with about 56% of the developable land devoted to single-family land uses. As of 2004, the population of the College Area Community was 21,454. While a major portion of the College Area Community is zoned

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single-family residential, the major transportation corridors within the vicinity of the university include primarily multi-family housing, as compared to single-family units. El Cajon Boulevard and a portion of College Avenue adjacent to the university contain primarily commercial development. Institutional land uses within the College Area Community include SDSU and the Alvarado Medical Center, located in the north central portion of the Community Plan area. The College Area Community is served by three elementary schools, one junior high, and one senior high school. One of the elementary schools, Hardy Elementary, is located adjacent to the southwest corner of the SDSU campus.

The Navajo Community Plan Planned Land Use Map, which is also part of the City of San Diego General Plan, designates the Adobe Falls Faculty/Staff Housing area as "Park." The Navajo Community lies roughly north of I-8, northwest of the city of La Mesa, west of the cities of El Cajon and Santee, and southeast of the San Diego River. The Navajo Community consists of approximately 14 square miles and includes the neighborhoods of Grantville, Allied Gardens, Del Cerro, and San Carlos. As of 2004, the population of the Navajo Community was 48,259. The western portion of the Navajo Community is designated for a variety of different land-use types, including detached and attached residential uses in Allied Gardens, and significant commercial and light industrial centers in Grantville, along both sides of Mission Gorge Road. In contrast, the central and eastern portions of the Navajo Community are designated primarily residential.

### 1.5.2 Project Components Description

#### A. General Description

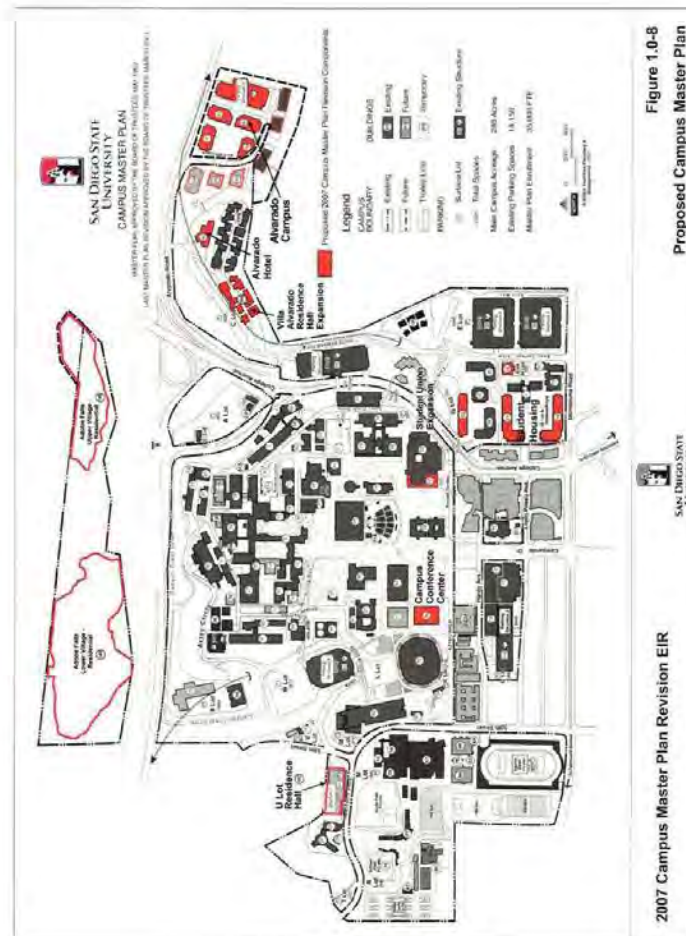
As noted, the proposed project is the adoption and subsequent implementation of the SDSU 2007 Campus Master Plan Revision. The proposed project will provide a framework for implementing the university's academic, housing, and transportation goals and objectives for the SDSU campus by identifying needed buildings, facilities, improvements, and services to: (i) further enhance SDSU's standing in the academic community; and (ii) support campus growth and development from the university's current enrollment of 25,000 FTES to a new campus master plan enrollment of 35,000 FTES by the 2024/25 academic year. (See **Figure 1.0-8, Proposed Campus Master Plan**.) The 10,000 FTES increase equates to a total student enrollment increase (headcount increase) of 11,385 students by the 2024-25 academic year, relative to 2006-2007 enrollment. (See **Table 1.0-3, SDSU Enrollment Planning Projections**.)

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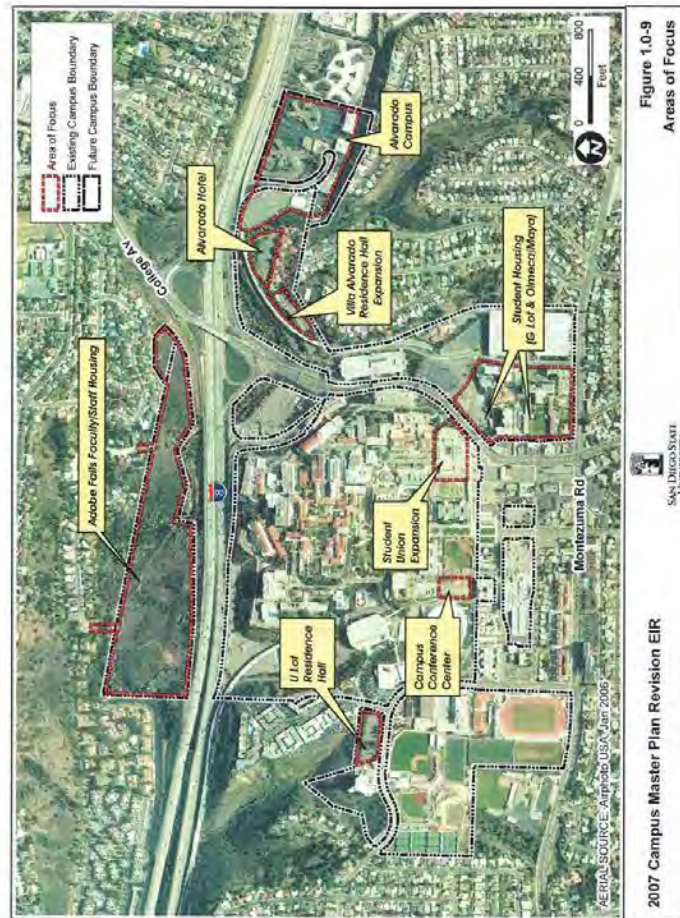
### **B. Project Components**

The physical improvements to the SDSU campus will occur at nine distinct campus locations – the Adobe Falls site north of I-8; D Lot and the property immediately east; C Lot; the existing Aztec Center; G Lot; the site adjacent to H Lot; the site of the existing Olmeca and Maya Residence Halls; U Lot; and the site east of Cox Arena. (See **Figure 1.0-9, Areas of Focus.**)

Specifically, the Adobe Falls site will serve as the location for the Adobe Falls Faculty/Staff Housing. D Lot and the adjacent property is the location for the Alvarado Campus classroom and research facilities, as well as a parking structure to serve that portion of the campus. C Lot is the location for the Alvarado Hotel, and the Aztec Center is the site of the Student Union expansion. The Student Housing expansion will occur at various locations throughout the central campus, including Lot G, the existing Olmeca and Maya Residence Halls site, U Lot, and the existing Villa Alvarado Residence Hall site adjacent to C Lot. The site east of Cox Arena is the location of the Campus Conference Center, and the site adjacent to H Lot will be the location of the reconstructed Office of Housing Administration and Residential Education. **Table 1.0-4, Proposed Project Components**, depicts the existing campus land use, the existing campus master planned use, and the level of analysis to be undertaken in this EIR for each of the six project components.

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**Table 1.0-4  
Proposed Project Components**

Component Name	Existing Land Use	Existing Campus Master Plan Use	Level of Analysis
Adobe Falls Faculty/Staff Housing	(i) Upper Village Undeveloped land (ii) Lower Village Undeveloped land	(i) Not designated (ii) Not designated	(i) Project (ii) Program
Alvarado Campus	(i) D Parking Lot (SDSU-owned land) (ii) Alvarado Core Site - Medical office park (SDSU Research Foundation-owned land)	(i) East Campus Development Area (ii) None	(i) Project (ii) Program
Alvarado Hotel	C Lot	C Lot	Project
Campus Conference Center	Play Field/Open Space	Play Field/Open Space	Program
Student Housing	(i) G Lot Residence Hall and Student and Residential Life Administration Building - G Parking Lot	(i) G Lot	(i) Project
	(ii) Olmeca/Maya Reconstruction - Student housing	(ii) Student Housing	(ii) Project
	(iii) U Lot Residence Hall - U Parking Lot	(iii) Parking Structure 7	(iii) Program
	(iv) Villa Alvarado Residence Hall Expansion - C Lot	(iv) C Lot	(iv) Program
Student Union/ Aztec Center Expansion	Aztec Center	Aztec Center	Project

Note: The eastern portion of the Alvarado Campus is situated on property owned by the SDSU Research Foundation. The Alvarado Campus land is designated "Redevelopment Project Area" on the City of San Diego College Area Community Plan Planned Land Use Map.

As discussed in Section 1.1, and as noted in **Table 1.0-4**, the Student Union Expansion, and the Alvarado Hotel project components each will be analyzed at a project-level of environmental review, such that no further CEQA review will be required prior to project construction. Phase 1 of the Adobe Falls Faculty/Staff Housing (the Upper Village), Phase 1 of the Alvarado Campus project component, the G Lot Residence Hall, the Olmeca/Maya Residence Halls reconstruction, and the Office of Housing Administration and Residential Education also will be analyzed at the project level. Phase 2 of the Adobe Falls Faculty/Staff Housing (Lower Village), Phase 2 of the Alvarado Campus project component, the Campus Conference Center, the U Lot Residence Hall, and the Villa Alvarado Residence Hall Expansion, will each be analyzed at the program level.

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A description of each of the six project components is presented below.

### **Adobe Falls Faculty/Staff Housing**

This proposed project component is the development of residential housing for SDSU faculty and staff on primarily 33-acres of university-owned land located north of I-8. A small portion of this project component would be developed on land presently owned by a third party who has expressed interest in partnering with SDSU in the development of the property. The entire site is bordered by the residential community of Del Cerro to the north, College Avenue to the east, and I-8 to the south. **Figure 1.0-10, Adobe Falls Faculty/Staff Housing Development Area of Focus**, depicts the location of this project component. The Adobe Falls site is situated near, or in some cases at, the bottom of a canyon area and supports coastal sage scrub and riparian vegetation. The site is undulating in nature and was burned by a wildfire in 2003. Alvarado Creek runs along the northern, eastern, and western edges of the site.

As stated, the Adobe Falls site is proposed as new residential housing for SDSU faculty and staff. Due to topographical features created by the meandering nature of Alvarado Creek, the development would consist of two general areas -- an Upper Village, and a Lower Village. The Upper Village would be developed in the near-term, with construction planned to begin during the 2010-2012 timeframe. The Lower Village would be developed over the long-term, sometime beyond the year 2012, with no commencement date presently planned. **Figure 1.0-11, Proposed Adobe Falls Faculty/Staff Housing Plan**, illustrates the proposed Adobe Falls project component, including both Upper and Lower Villages.

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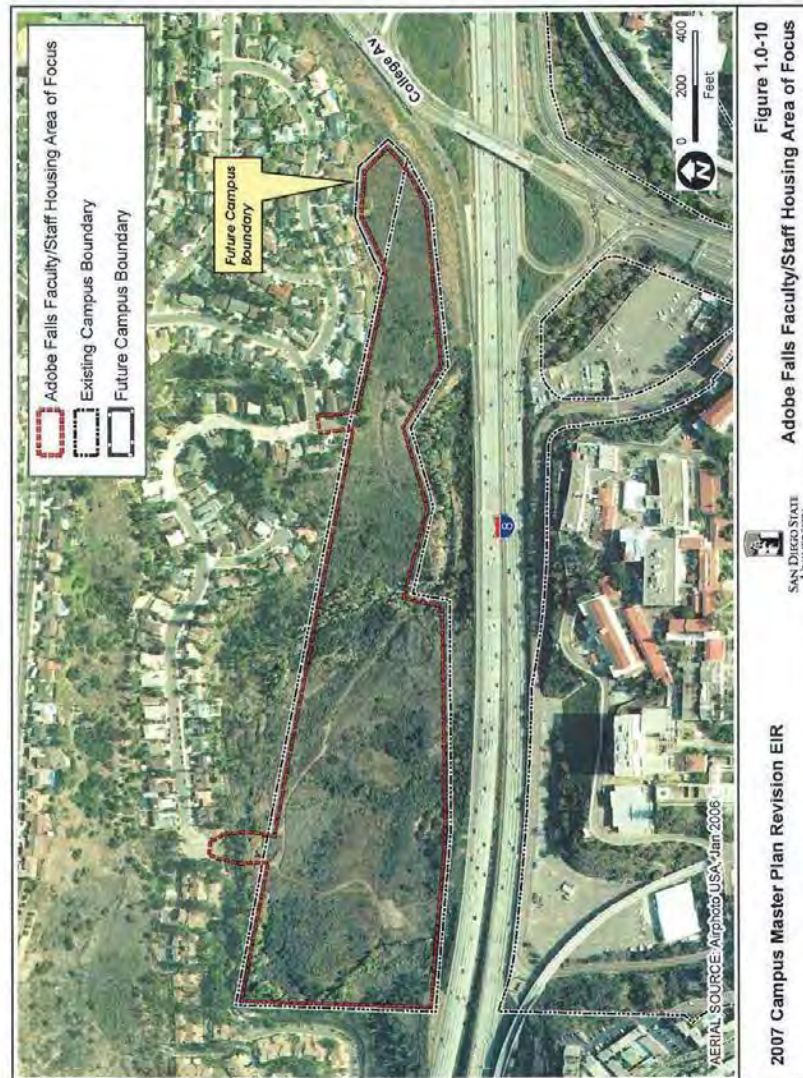


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As proposed, the Upper Village would include 48 housing units, comprised of 2-story, 3-bedroom townhomes, with an average size of approximately 1,600 square feet. **Figure 1.10-12, Proposed Adobe Falls Upper Village Development Plan**, depicts the proposed Upper Village development. As depicted in Figure 1.0-12, ingress to and egress from the Upper Village would be provided *via* Mill Peak Road, which would be extended from its present terminus at the top of the bluff down into the Upper Village.

With respect to the Lower Village, the number of housing units ultimately to be developed on the site is dependent upon numerous factors, including available roadway capacity, and future market conditions. As depicted on Figure 1.0-11, ingress and egress to the Lower Village would be provided from the north *via* Adobe Falls Road. Under this scenario, Adobe Falls Road would be extended from its existing *cul-de-sac*, and a bridge spanning Alvarado Creek would be constructed, extending the existing road down into the proposed development area. However, this portion of Adobe Falls Road has limited roadway capacity, which, in turn, limits the number of housing units that could be developed in the Lower Village if this roadway were to provide the only access to the site. Based on these capacity limitations, approximately 124 townhomes and/or condominiums could be built in the Lower Village under this access scenario.

Alternatively, ingress and egress to the Lower Village site could be provided *via* Adobe Falls Road in combination with the existing Smoketree condominium access road, which lies directly to the west of the Lower Village. Under this "alternate access" scenario, both Adobe Falls Road and the Smoketree access road would be available to residents of the Lower Village and Smoketree development, thereby resulting in an increase in available roadway capacity. This "dual utilization" scenario would enable the number of townhomes constructed in the Lower Village to increase from 124 to 174.

Under a third access scenario, ingress and egress to the Lower Village would be provided exclusively from the west, *via* the western extension of Adobe Falls Road and a corresponding feeder road. Under this scenario, the number of housing units that could be developed in the Lower Village would be increased to 300 townhomes and/or condominiums. Analysis of the environmental and financial feasibility of these and other alternate access routes was prepared as part of this EIR and is provided in Section 5.0, *Alternatives*.

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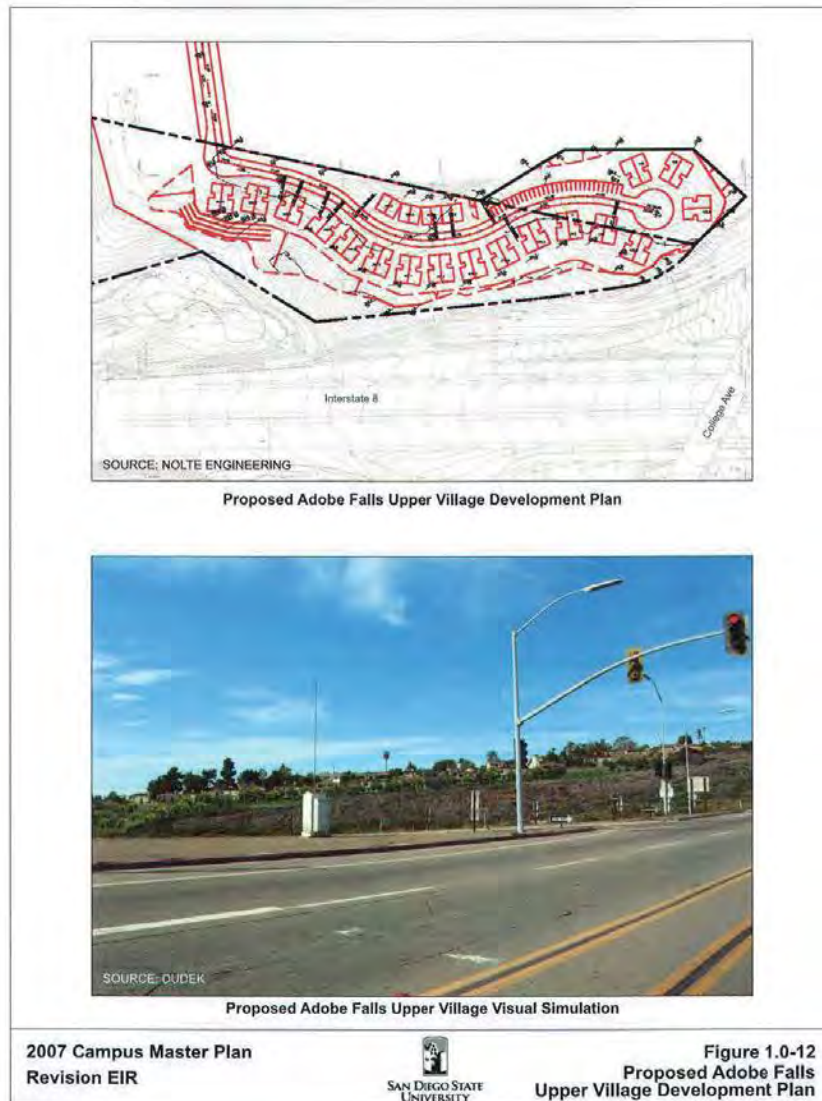


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The number of housing units proposed for the Upper and Lower Villages, along with the applicable acreage and other use types proposed for the Adobe Falls site, are summarized in **Table 1.0-5, Adobe Falls Faculty/Staff Housing Development Area Uses**.

**Table 1.0-5**  
**Adobe Falls Faculty/Staff Housing Development Area Uses**

Proposed Use	Number of Units/Acres
Upper Village	48 townhomes / 6.9 acres
Lower Village	124-300 townhomes / condominiums / 9.7 acres
Open Space (i.e., Bicycle/Pedestrian Trail, Preserved Habitat)	15.7 acres

Irrespective of the number of housing units ultimately developed on the Lower Village site, both the Upper and Lower Villages would reflect the existing architecture of the single-family homes in the Del Cerro community. Additionally, both Villages would contain ancillary facilities, including vehicle parking and outdoor open space amenities. Amenities to be developed as part of the Lower Village tentatively include a swimming pool, a resident clubhouse/meeting space, and recreation areas. A portion of the Adobe Falls site will be preserved as open space for natural habitat values, and will become part of the SDSU Field Stations Program, an educational and research program for undergraduate and graduate students that includes restoration and management of the lands for the long-term preservation of native flora and fauna. (Additional information regarding the SDSU Field Stations Program is provided in EIR Section 3.3 Biological Resources, and **Appendix D**.)

Following buildout of the Lower Village, an SDSU shuttle would be extended to the area to provide service to the Adobe Falls residents, and a pedestrian walkway to College Avenue may be provided from the Upper Village. Public utilities such as water, sewer, and storm drainage would originate from existing facilities present in the residential neighborhood near the canyon floor. These utilities would be located within existing and planned roadways. Existing telephone, electrical, water, and sewer easements that crisscross the land area would be modified to accommodate development.

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### Alvarado Campus

The Alvarado Campus component of the proposed project is located in the northeast portion of the SDSU campus. The site includes existing D Lot and extends eastward onto property presently owned by the SDSU Research Foundation, with the exception of one parcel that is owned by a third party. This project component includes an expansion of the current Campus Master Plan northeastern boundary to incorporate the additional property.

The site is bordered by Alvarado Road to the north, and an undeveloped slope and Alvarado Creek to the south. The northward trending bend in Alvarado Creek forms the western boundary, and the edge of the existing medical office facility property serves as the eastern boundary. The Alvarado Campus project component consists of two distinct areas: D Lot, which is an existing SDSU parking lot with 432 spaces, and the existing Alvarado Medical Center, a complex of medical offices and research facilities located east of D Lot, and owned by the SDSU Research Foundation. Under the proposed project, the two areas that make up the Alvarado Campus component would function as one contiguous campus area. **Figure 1.0-13, Alvarado Campus Area of Focus**, depicts the location of this project component relative to the central campus and the College Area community.

As previously noted, the portion of the Alvarado Campus project component located in D Lot was master planned as part of the SDSU Campus Master Plan 2000 project, and analyzed at a program level in the certified Final EIR for that project (SCH No. 2000051026). This EIR will serve as the project-level analysis for this portion of the Alvarado Campus component. In contrast, the eastern portion of the Alvarado Campus was not previously master planned, and it will be analyzed at a program level.

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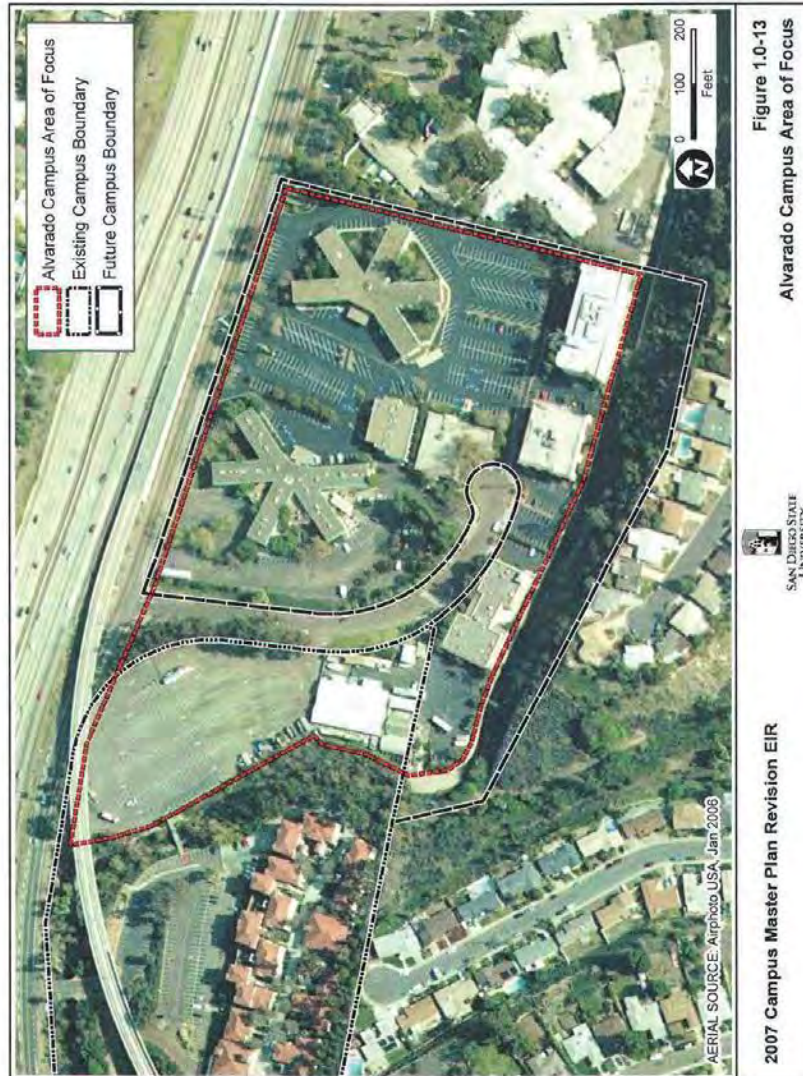


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The D Lot is surrounded by Alvarado Court to the east, Alvarado Creek to the south and west, and Alvarado Road to the north. As part of the SDSU Campus Master Plan 2000 project, D Lot was master planned for the development of three academic buildings. (See **Figure 1.0-5, Existing Campus Master Plan.**)

The Alvarado Medical Center area consists of approximately 220,000 square feet of existing medical and research facility space. The buildings are surrounded by surface parking spaces. Landscaped areas consist of parking lot islands, edge treatments, and building entryways. A majority of the medical offices house existing SDSU researchers and affiliates. This portion of the Alvarado Campus project component is located in a redevelopment area, and was analyzed as part of the Redevelopment EIR. The College Community Redevelopment Plan calls for the development of 710,000 square feet of university-serving office, and research and development space on the Alvarado Campus site. (Redevelopment EIR, p. 3-10.)

The Alvarado Campus project component consists of the multi-phase development of approximately 612,000 square feet of instructional and research space (approximately 280,000 square feet within the western D Lot portion, and approximately 332,285 square feet within the eastern medical center portion). Under the proposed project, the existing D Lot and approximately 120,000 square feet of adjacent medical center office space would be removed in order to construct a contiguous campus center for academic, research and medical office uses. A 1,840-car, multi-story parking structure is also planned, which when combined with the 191 planned surface parking spaces, would accommodate 2,031 vehicles. The proposed project also would entail the reconfiguration of Alvarado Court to allow for the development of a more unified campus component. The proposed site plan is depicted in **Figure 1.0-14, Proposed Alvarado Campus Development Plan.**

Build-out of this project component would occur in phases. Phase 1 would include demolition of an existing structure at 6361 Alvarado Court (12,155 GSF) and construction of a five-story, 110,000 GSF building for academic uses in the northeast corner of D Lot. **Figure 1.0-15, Proposed D Lot Development Plan,** depicts the new academic use building. Phase 2 would entail the development of two 85,000 GSF buildings also in the D Lot portion of the site. Approximately 155,000 square feet of space contained in these two buildings would be made available to house existing medical center uses displaced by subsequent development planned for the adjacent property.

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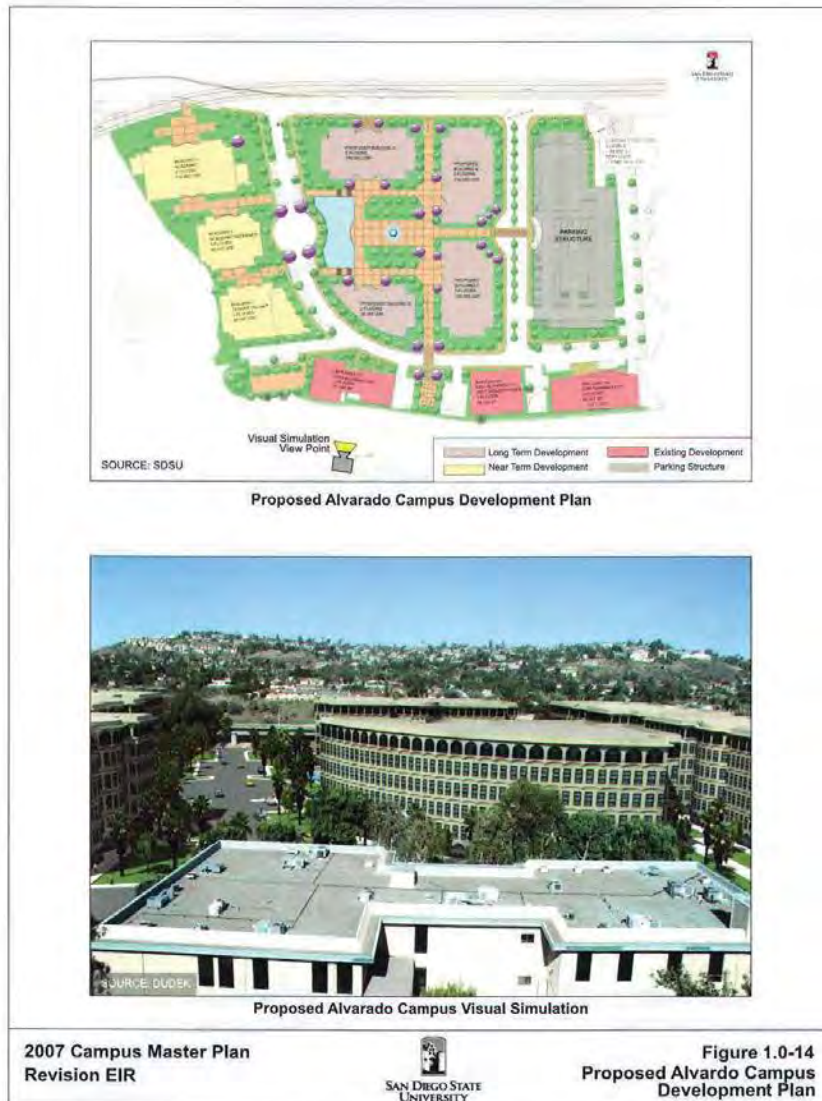


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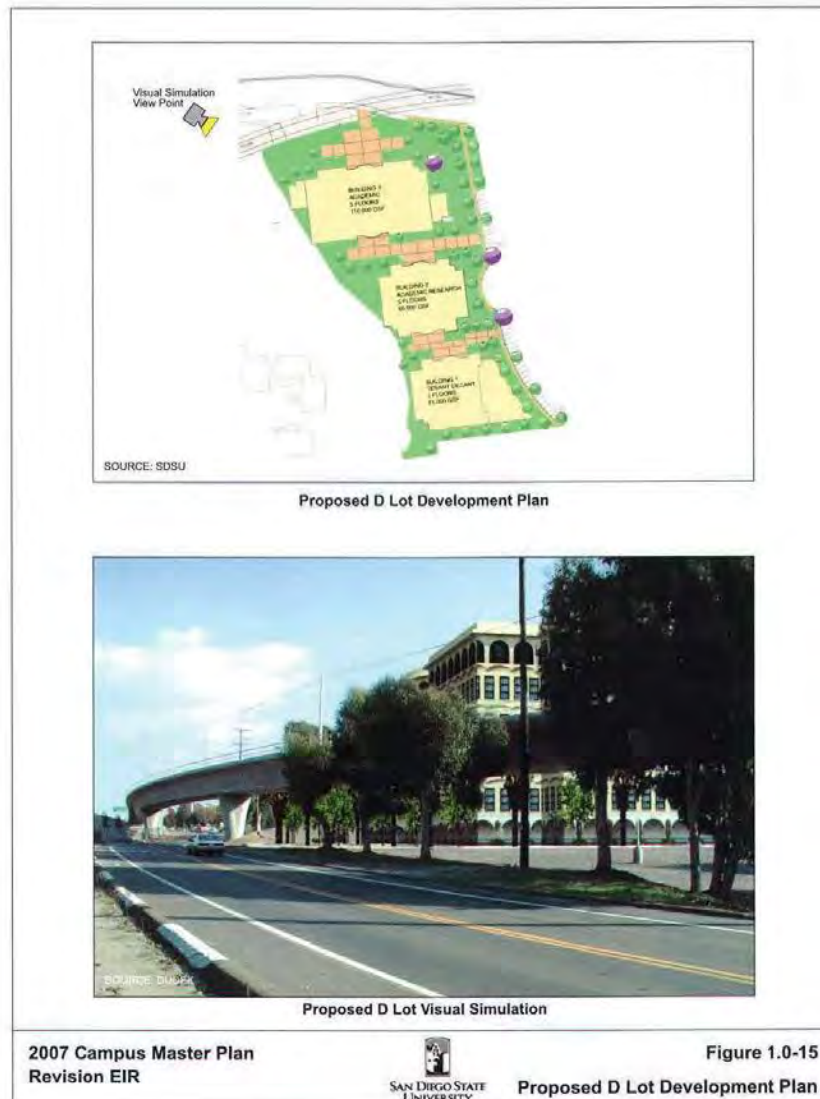


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During subsequent phases, the five existing medical office buildings [6475, 6495 and 6505 Alvarado Road; 6310 and 6330 Alvarado Court] totaling 116,523 GSF would be demolished. In their place, three 4-5 story 100,000 GSF buildings, and one 4-5 story 32,385 GSF building would be developed. A 6-7 story, 552,000 GSF parking structure for 1,840 vehicles would be constructed along the eastern edge of the site. The 191 existing surface parking spaces located west of the existing medical center buildings would remain. The four new buildings, totaling approximately 332,385 square feet, would be constructed immediately west of the new parking structure and would house academic uses.

A total of 432 surface parking spaces would be removed from the campus inventory to make way for development of the Alvarado Campus. After the structures are built, ultimate landscaping treatment and way-finding elements will be added in order to provide a functional campus component. Shuttle stops, waiting stations, and other informational kiosks would be included.

### **Student Union/Aztec Center Expansion**

The Student Union component of the proposed project would be constructed in the near-term following project approval, during the 2008-2009 timeframe, and consists of the renovation and 70,000 GSF expansion of the existing Aztec Center. The Aztec Center expansion would provide additional social space, recreation facilities, student organization offices, food services and retail services, and would provide an additional student gathering space to accommodate the future increase in student enrollment. **Figure 1.0-16, Student Union Area of Focus**, depicts the location of the Aztec Center within the central portion of campus.

Construction of this component would necessitate the demolition of the 5,200 GSF La Tienda building adjacent to the Aztec Center, the exterior "arched" breezeway, and the outdoor picnic/eating area, which are all located immediately west of the Aztec Center. The La Tienda building site, plus the exterior breezeway and picnic table area, will be redesigned to support the 70,000 GSF, 4 story (1 subterranean and up to 3 above ground) Aztec Center expansion.

This project component would provide additional eating venues, gathering spaces, meeting rooms and student service offices and facilities. Placement of this expanded student facility in this area expands upon the existing activity node, which includes the transit station, student services center, and satellite bookstore, all within this portion of campus. Design parameters of the modern Mission Revival style prevalent in this portion of the campus would be utilized. Landscape treatment, pedestrian walkways, and wayfinding features would be incorporated

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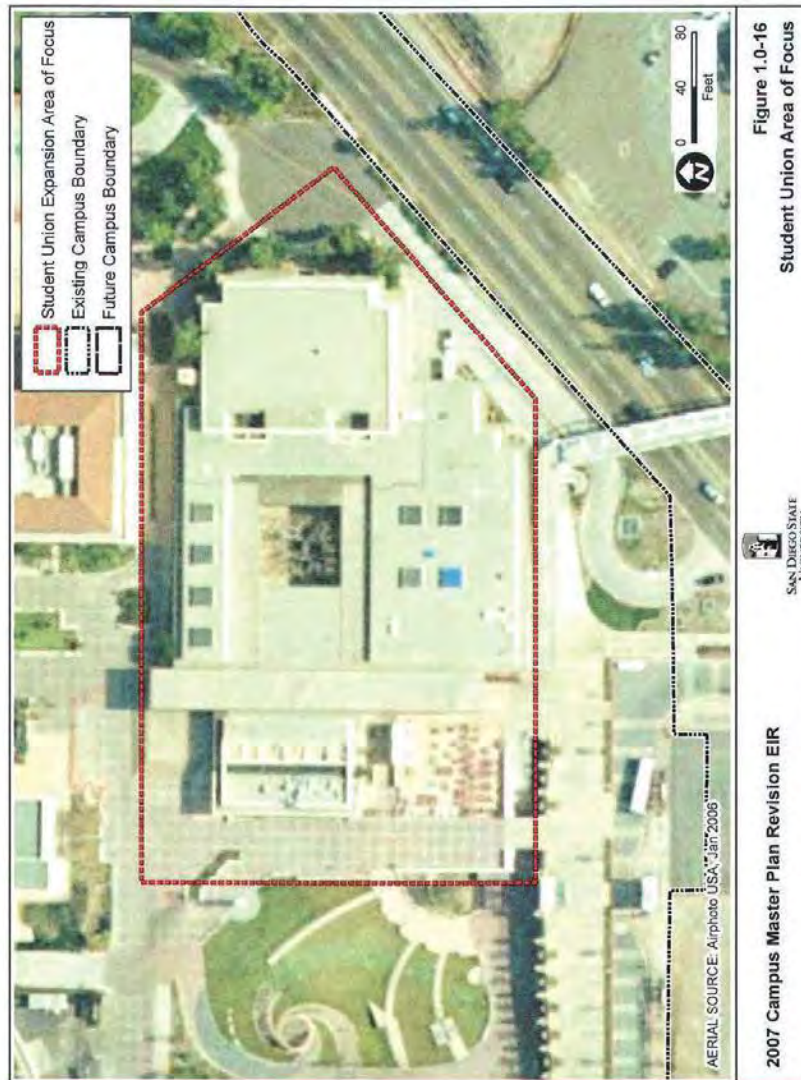


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into the ultimate site design. A drawing of the proposed Aztec Center expansion is provided in **Figure 1.0-17, Proposed Student Union Expansion Plan.**

### **Student Housing**

The Student Housing component of the project includes the demolition of two existing student housing structures and the construction of five new structures, ultimately resulting in a net increase of 2,976 new student housing beds on campus. The housing would be developed on the site of existing G Lot, the existing Maya and Olmeca Residence Halls and Office of Housing Administration and Residential Education ("HA/RE"), the existing U Lot, and C Lot adjacent to the existing Villa Alvarado Residence Hall complex. **Figure 1.0-18, Proposed Student Housing Area of Focus**, depicts the location of the planned housing facilities.

As shown on Figure 1.0-18, G Lot is bordered on the northwest by College Avenue, the northeast by Zura Way (an internal campus street), and the south by the East Campus Residence Hall complex, which includes Tepeyac, Cuicacalli and Tacuba Halls. The Maya/Olmeca and HA/RE buildings are bordered by existing residence halls to the east, Montezuma Road to the south, and Parking Structures 3 and 6 to the east. This portion of the Student Housing project component is planned to be located on existing G Lot and within the existing East Campus Residence Hall Complex due to the area's existing residence hall setting. This residential node is connected by plaza areas and common dining facilities. Residents would access the main portion of campus by the existing pedestrian bridge over College Avenue.

Additional Student Housing proposed as part of the project would be located on U Lot, which is located in the western portion of the campus, west of 55th Street and north of Tony Gwynn stadium. Expansion of the Villa Alvarado Residence Hall complex would be in the northeastern portion of the campus, south of Alvarado Road on C Lot.

The Student Housing project component would be developed in multiple phases, both in the near-and long-term. The first phase, scheduled for 2008-2009, would consist of the construction of a 10-story Type-1 (reinforced concrete) building on G Lot, approximately 350,000 GSF in size, to house 95-105 suite-style residential units. Each unit would contain four bedrooms with two beds per room. Residence hall advisor and faculty-in-residence apartments would be provided. Based on the number of units and bedrooms per unit, this component of the project would add approximately 800 beds to the on-campus housing inventory, which would be available primarily to house freshman and/or sophomore students. Building construction would result

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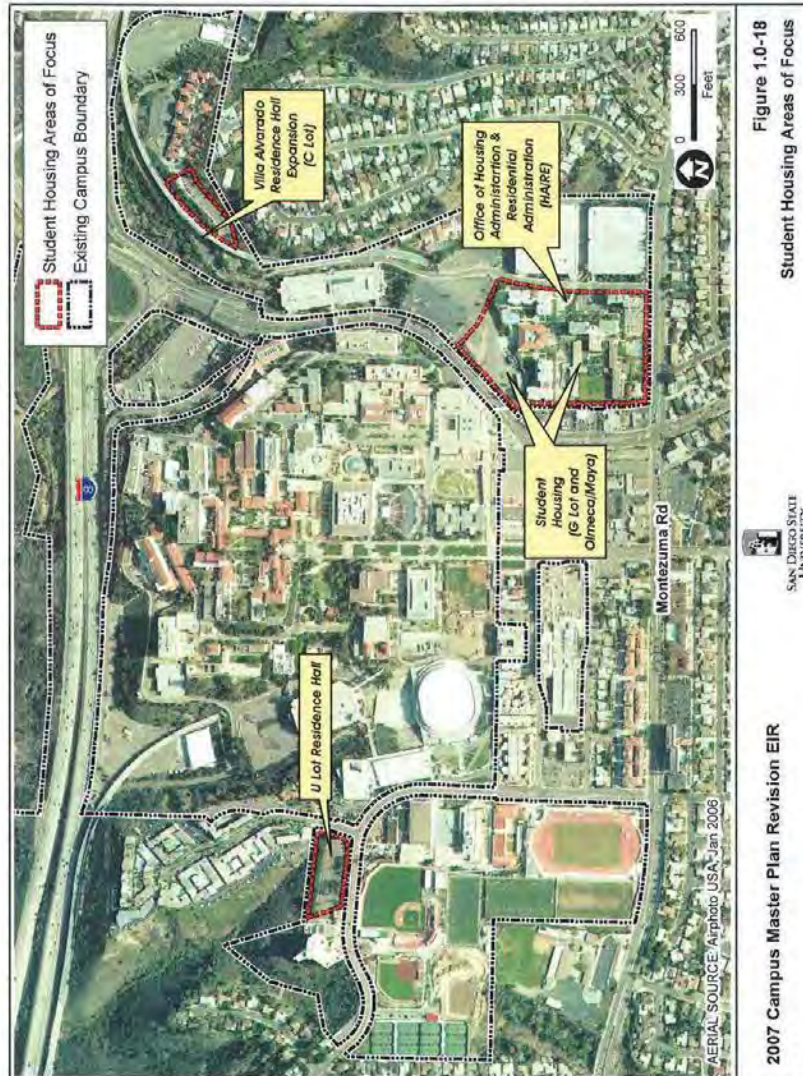


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in the reconfiguration of G Parking Lot and a loss of approximately 90% of the existing 187 spaces. The lost parking spaces are not essential to maintaining an adequate campus parking supply. See EIR Section 3.14, *Transportation/Circulation and Parking*. Landscaping and outdoor plazas and arcades also would be constructed to connect the building with the rest of the East Campus Residence Hall complex. The first phase also would include the near-term construction of a new HA/RE building in the undeveloped area immediately north of H Lot. This 2-story building would consist of approximately 15,000 square feet of office and meeting space. Landscaping and outdoor walkways would integrate this new facility with the existing East Campus Residence Hall Complex. **Figure 1.0-19, Proposed Student Housing**, depicts the Lot G Residence Hall, the new HA/RE office, and the re-built Olmeca and Maya Residence Halls.

Once the first phase of development is completed, the second phase, anticipated for the 2010-2012 timeframe, would begin. This would entail demolition of the existing Maya and Olmeca Residence Halls, including the surrounding landscaped areas, complex swimming pool, and other associated amenities. The 424 students formerly housed in these residences halls would be temporarily housed in the new 800-bed residence hall proposed for construction on G Lot. Maya and Olmeca Residence Halls would be replaced with two 10-story, 350,000 square foot Type-1 structures, each containing 800 beds. Landscaping and outdoor plazas and arcades would be constructed to connect these new buildings with the existing East Campus Residence Hall Complex. (See **Figure 1.0-19, Proposed Student Housing**.)

Following completion of the G Lot Residence Hall, and the reconstruction of Olmeca and Maya Residence Halls, additional student housing would be developed on a long-term basis on existing U Lot. The U Lot Residence Hall is planned as a 10-story, 350,000 GSF Type-1 structure, that would house an additional 800 student beds. The U Lot Residence Hall would be constructed atop the previously master-planned Parking Structure 7, which would be re-designed to provide parking spaces for 750 vehicles, 250 more than previously planned. Access to the underground parking structure would be available both within and outside of this future residence hall.

The U Lot Residence Hall would be rectangular in shape and would utilize neutral coloring similar to the existing buildings in this area of campus. Similar to other contemporary campus buildings, the U Lot Residence Hall would utilize a modernist architectural style. Primary ingress/egress *via* an entryway plaza, as well as lighting and wayfinding features, would be located along the western edge of the building. The placement of the main building entrance in

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this location would allow for connection with Chapultepec and Chalula Halls (both located to the west of U Lot) and, thereby, would facilitate a unified residential node. This project component would not provide access to the undeveloped hillside to the north. (See **Figure 1.0-20, Proposed U Lot Residence Hall Concept Plan.**)

During the final phases of development, the existing Villa Alvarado Residence Hall, a co-ed apartment style student housing complex located on C Lot, would be expanded to add 50 two-bedroom apartments, in 2-3-story structures, providing an additional 200 student beds. This facility would mirror the existing Villa Alvarado Residence Hall in architectural style, design, mass, and scale. Similar building and roof material, lighting intensity and features, and landscape treatments present in the existing Villa Alvarado Residence Hall would be expanded. (See **Figure 1.0-21, Proposed Villa Alvarado Residence Hall Expansion Concept Plan.**)

### **Alvarado Hotel**

This project component is proposed for near-term development, during the 2008-2009 timeframe, and would be located on approximately 2 acres of existing C Lot, immediately north of Villa Alvarado Residence Hall, and south of Alvarado Road. The site abuts a wetland area to the north and east associated with Alvarado Creek, and campus parking lots to the west. **Figure 1.0-22, Alvarado Hotel Area of Focus**, depicts the location of this project component.

The Alvarado Hotel would consist of an approximately 60,000 GSF six-story building, with up to 120 rooms and studio suites. The hotel, which would be owned by Aztec Shops and operated in cooperation with the SDSU School of Hospitality and Tourism Management, will contain a small meeting room, exercise room, board room, business center, on-site restaurant, and hospitality suite. A small outdoor seating area with deck and pool also would be provided. Site parking will be provided for 130-140 cars either at grade or in a subterranean garage. Trash enclosures, storage, and an entry canopy will be provided. **Figure 1.0-23, Proposed Alvarado Hotel Development Plan**, presents a view of the proposed hotel facility.

SDSU currently has a need for nearby transient housing for guests of the university, visiting scholars, conference attendees, and recruiting faculty and staff. The closest accommodations are 2-3 miles away along I-8. In addition, SDSU has a Hospitality and Tourism Management school, which would utilize the hotel for internships and training opportunities.

June 2007  
Exhibit B

1.0-54  
263

Draft EIR for the  
SDSU 2007 Campus Master Plan Revision  
55

O6-233  
Cont.

## Responses to Comments - Organizations

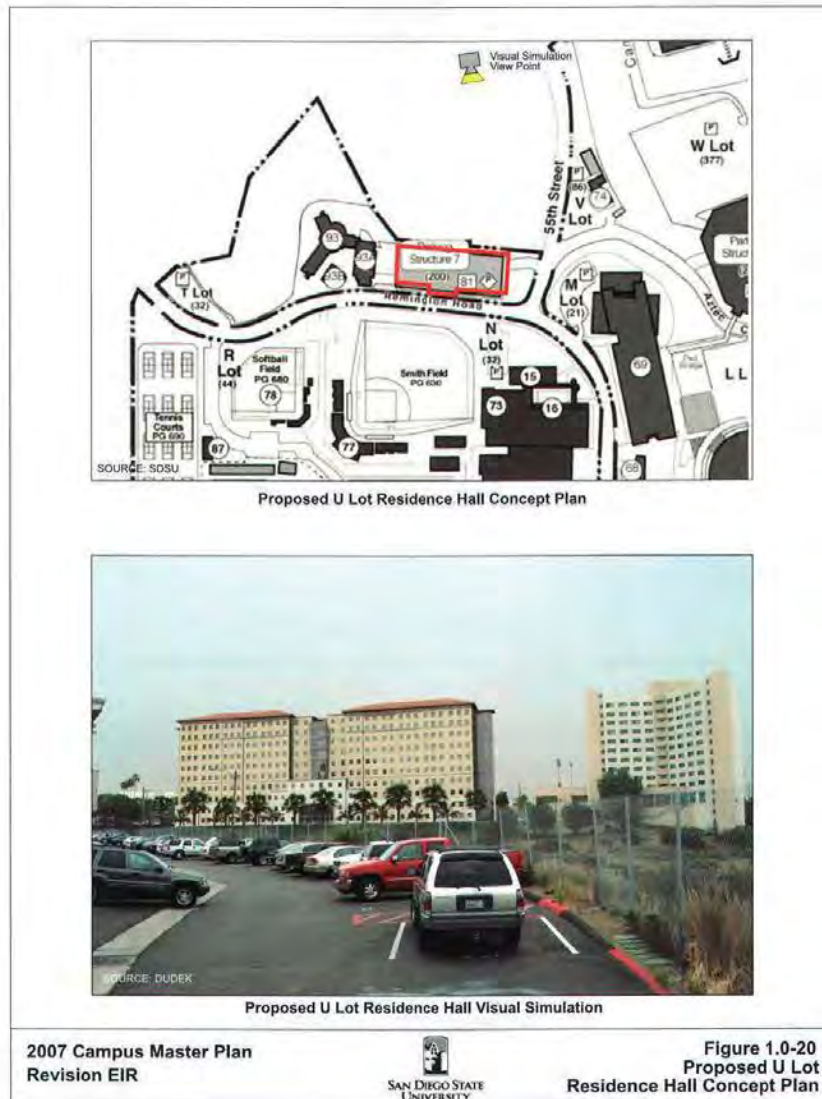


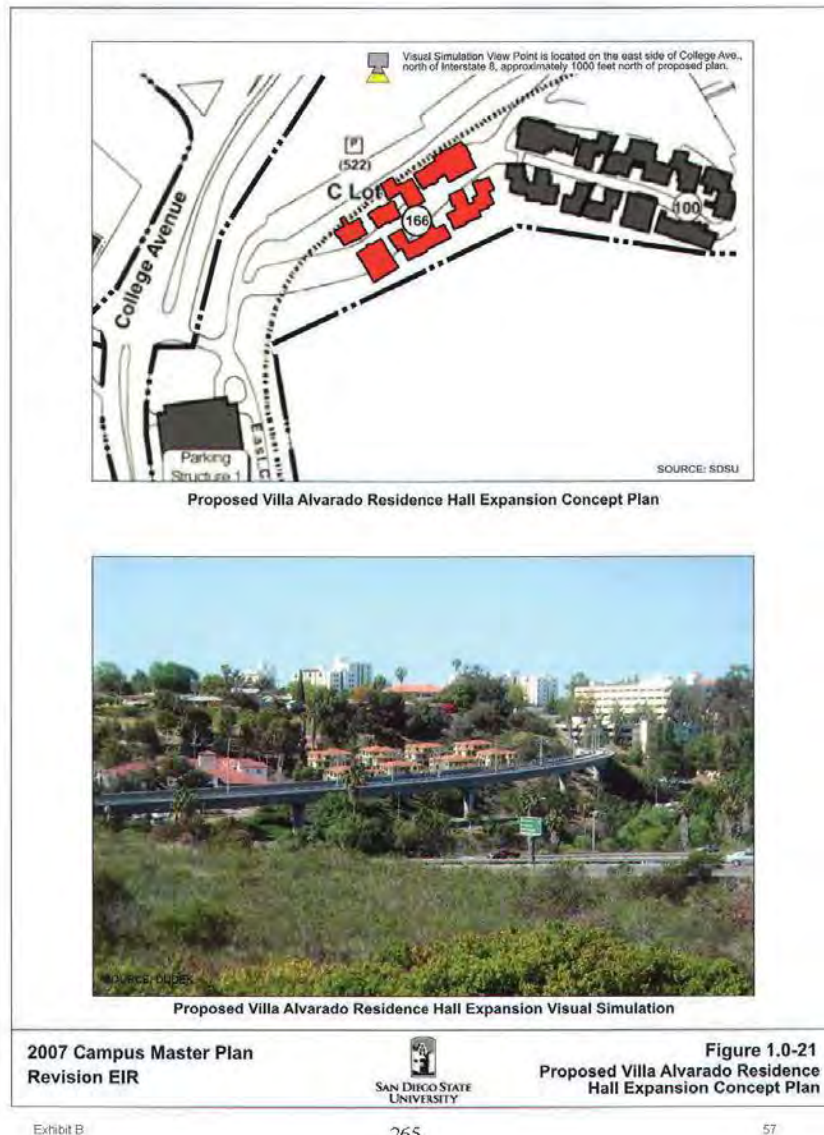
Exhibit B

264

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O6-233  
Cont.

## Responses to Comments - Organizations



O6-233  
Cont.



## Responses to Comments - Organizations



Exhibit B

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O6-233  
Cont.



## Responses to Comments - Organizations



O6-233  
Cont.

### **Campus Conference Center**

The Campus Conference Center project component, which would be developed long-term, consists of the development of a new 70,000 GSF 3-story building on approximately one-half acre located east of Cox Arena on the site of previously existing tennis courts. The new building would provide meeting/conference space, office space, food services, and retail services. This facility would be utilized by student, faculty, and staff organizations, as well as off-campus groups. **Figure 1.0-24, Campus Conference Center Area of Focus**, depicts the location of this project component.

The Campus Conference Center is proposed to be three stories in height, 1 subterranean and 2 above-ground floors. This building would utilize a contemporary Mission Revival architectural style present in several newly-constructed academic buildings on campus. The Conference Center would be connected with the rest of the campus through exterior walkways, landscape treatments, and signage. The main building entrance would be oriented toward the east, with secondary ingress/egress provided on the north and south sides of the building. Exterior benches or gathering spaces may be incorporated into the building design to facilitate outdoor gathering and resting spots along the north and east sides of the building. **Figure 1.0-25, Proposed Campus Conference Center Campus Plan**, presents a conceptual view of the proposed conference center.

### **1.6 STANDARD BUILDING CONDITIONS**

All development undertaken pursuant to the SDSU 2007 Campus Master Plan Revision will conform to applicable state and federal building codes, the Americans with Disabilities Act ("ADA"), and all applicable CSU environmentally sustainable design standards. See **EIR Section 3.13, Public Utilities and Services Systems**, for additional information regarding these design standards.

### **1.7 EIR INTENDED USES/PROJECT ACTIONS AND APPROVALS**

#### **1.7.1 Intended Uses**

This EIR will be used by the CSU Board of Trustees to evaluate the potential environmental impacts associated with adoption of the proposed SDSU 2007 Campus Master Plan Revision. If certified, this EIR also will be used to tier subsequent environmental analysis for future SDSU development projects. In addition, the EIR could be relied upon by responsible agencies with permitting or approval authority over any project-specific action to be implemented in the near future.

June 2007  
Exhibit B

1.0-59  
268

Draft EIR for the  
SDSU 2007 Campus Master Plan Revision  
60

O6-233  
Cont.



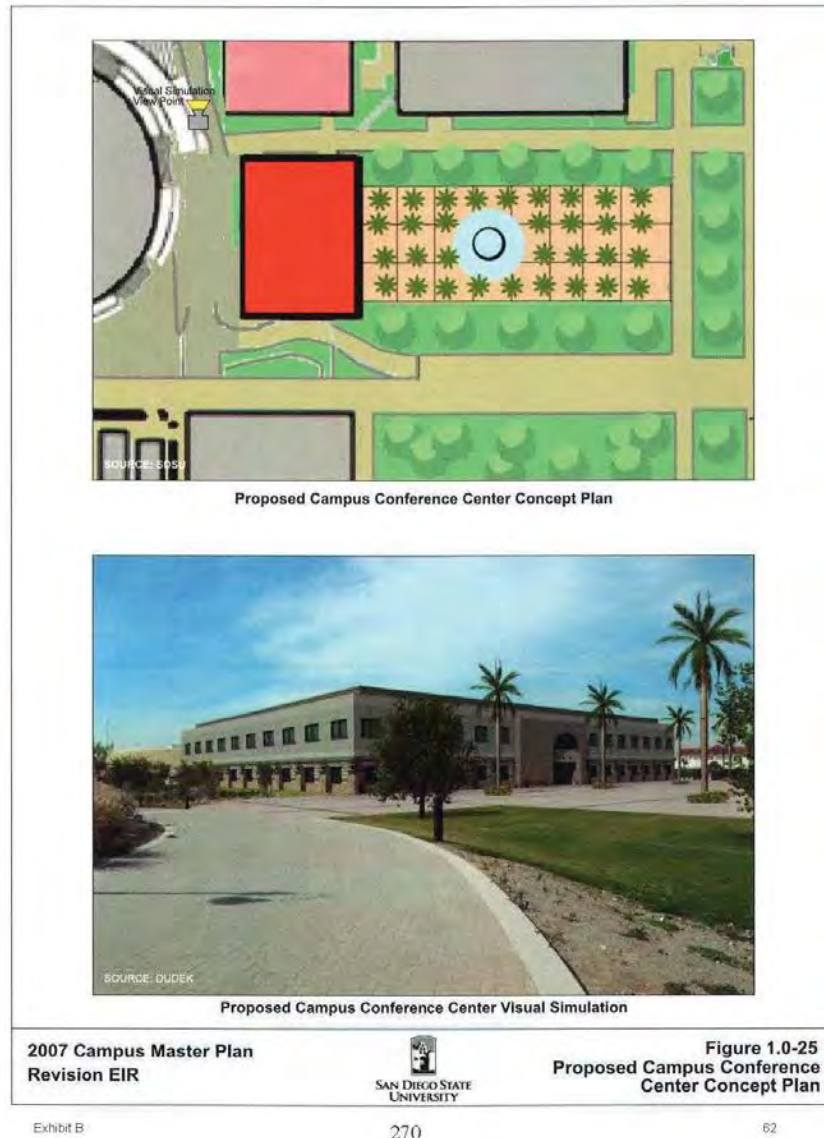
Exhibit B

269

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O6-233  
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## Responses to Comments - Organizations



O6-233  
Cont.

## Responses to Comments - Organizations

### 1.7.2 Requested Project Approvals

The following requested approvals by the CSU Board of Trustees are anticipated to be required for implementation of the proposed SDSU 2007 Campus Master Plan Revision:

- (a) Adoption of the revised SDSU Campus Master Plan, last approved in March 2001 (see **Figure 1.0-8, Proposed Campus Master Plan**), to reflect the new campus buildings and facilities;
- (b) Approval of certain schematic design drawings for various project components, as well as construction of various project components;
- (c) Approval of financing plan(s) for various proposed project components; and,
- (d) Authorization of bids and construction plan approval.

In addition, certain aspects of the proposed project that would be implemented pursuant to the 2007 Campus Master Plan Revision may require a permit or approval issued by a public agency other than the Board of Trustees. The following is a list of the other permits or approvals that may be required by federal, state or regional agencies responsible for granting any such permits or approvals:

- (a) Clean Water Act Section 404 permits by the U.S. Army Corps of Engineers;
- (b) U.S. Department of the Interior, Fish and Wildlife Service approval under Section 7 or 10 of the Endangered Species Act;
- (c) California Department of Fish and Game permits pursuant to Fish & Game Code §1603;
- (d) California Department of Fish and Game permits issued pursuant to Section 2081 of the California Endangered Species Act;
- (e) California Department of Transportation right-of-way permits relating to transportation improvements construction;
- (f) State Historic Preservation Office approval for federally funded projects affecting significant archaeological and historical resources;
- (g) Division of the State Architect (accessibility compliance);
- (h) State Fire Marshal approval of facility fire and life safety review;
- (i) San Diego Regional Water Quality Control Board National Pollutant Discharge Elimination System ("NPDES") permits, and Clean Water Act Section 401 water quality certification;
- (j) San Diego Air Pollution Control District authority to construct and/or permits to operate;
- (k) County of San Diego Health Department for food services facilities;
- (l) City of San Diego permits for construction within City rights-of-way, if any; and,

June 2007  
Exhibit B

1.0-62  
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Draft EIR for the  
SDSU 2007 Campus Master Plan Revision  
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O6-233  
Cont.

## Responses to Comments - Organizations

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- (m) Water, wastewater, and sanitation special district approval, if any.

### 1.7.3 Responsible Agency

Under CEQA, state and local agencies, other than the lead agency, that have discretionary approval authority over the proposed project are considered responsible agencies. (CEQA Guidelines §15381.) In this case, development of the proposed Adobe Falls Faculty/Staff Housing project component would require permit approval from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the San Diego Regional Water Quality Control Board.

Trustee agencies are those state agencies having jurisdiction by law over natural resources held in trust for the people of the State of California and affected by the proposed project. (CEQA Guidelines §15386.) Aside from the California Department of Fish and Game and San Diego Regional Water Quality Control Board, there are no state agencies with jurisdiction by law over natural resources potentially affected by the proposed project.

O6-233  
Cont.



## EXHIBIT C

O6-234

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## Responses to Comments - Organizations

6/2/2017

Construction Update | NewsCenter | SDSU

### SDSU NewsCenter

YOUR OFFICIAL SOURCE FOR SAN DIEGO STATE NEWS



The 206,000 square-foot Aztec Student Union will open in January 2014.

Tuesday, December 03, 2013

## Construction Update

Multiple sites on campus are completing renovations to provide more eco-friendly and modern buildings for students, faculty and staff.

By **Halie Jacobs**

**Story Keywords:** College Area, Facilities and Services, News, Business and Financial Affairs, Community

Construction is nearing its end on several major projects at San Diego State University for what will provide more eco-friendly buildings and overall better student life on campus. Renovations include upgraded buildings, Infrastructure Improvements and a new student center.

### Aztec Student Union

The Aztec Student Union has made significant progress during the semester as its January 22 opening quickly approaches.

- Aztec Lanes is nearly complete, with carpeting, furniture and machinery equipment already installed.
- The murals from Montezuma Lounge in Aztec Center have been re-installed in Montezuma Hall in the Union
- Flooring is being installed in the Union's Montezuma Lounge
- In the theatre, workers are installing the stage and flooring
- Finishing touches are being completed on office space, including the Associated Students Office, student organization offices and the Center for Intercultural Relations
- Site work around the building is underway, with outdoor stairways, ramps and retaining walls being built and/or poured around the building; landscaping such as trees and other plants is also underway
- [AztecStudentUnion.com](http://AztecStudentUnion.com) has been updated with a new look and information on the building's opening in spring 2014

Exhibit C:

[http://newscenter.sdsu.edu/sdsu\\_newscenter/news\\_story.aspx?id=74505](http://newscenter.sdsu.edu/sdsu_newscenter/news_story.aspx?id=74505)

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O6-234  
Cont.

## Responses to Comments - Organizations

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6/2/2017

Construction Update | NewsCenter | SDSU

The first week of the spring semester will feature student-focused events and tours, starting on Jan. 22. **A Grand Dedication Week** of events highlighting different features of the Union will take place March 3 through 8, with the Ribbon-Cutting Ceremony and Community Open House taking place at 4:30 p.m., Friday, March 7.

### Storm and Nasatir Hall

The Storm and Nasatir Hall Renovation and Expansion project is moving forward.

Furniture delivery and installation is scheduled to start Dec. 12 through early January in preparation for the upcoming spring semester. The remaining site work is scheduled to be completed Aug. 28, 2014. Important project milestones include completion and final inspection and certification of the elevators and approval from the Deputy State Fire Marshal for Temporary Certificate of Occupancy.

### Campus Improvements

Renovations on Campanile Walkway have been completed. The steam lines on the walkway are responsible for heating the entire campus, and were updated for improved functionality.

Facilities Services began phase II of a three-phased steam infrastructure improvement project on campus starting Nov. 22.

"We anticipate minimal impact on vehicular and pedestrian traffic as most of the work will be taking place at night," said John Ferris, the director of Facilities Services. "During this time, whenever steam distribution to buildings is interrupted, temporary boilers will be used to provide heat normally provided by the steam system."

O6-234  
Cont.

Exhibit C

[https://newscenter.sdsu.edu/sdsu\\_newscenter/news\\_story.aspx?id=74585](https://newscenter.sdsu.edu/sdsu_newscenter/news_story.aspx?id=74585)

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## EXHIBIT D

O6-235

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## Responses to Comments - Organizations

6/2/2017

San Diego State University's Storm and Nasatir Halls Complete - otto

otto Showrooms Pro


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Categories: Spaces → Architecture | Green | Spaces → Interiors

Promo Video

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### San Diego State University's Storm and Nasatir Halls Complete

March 21, 2014

Construction recently wrapped on the newly renovated Storm and Nasatir Halls complex at the San Diego State University (SDSU) campus. The project includes the 100,000-square-foot renovation and 30,000-square-foot expansion of the existing complex built in 1957. Designed by LPA Inc., and certified LEED Gold, the \$73 million complex now offers program space with upgraded technologies for eight academic departments, faculty offices, and academic and research laboratories.

The renovation upgrades assisted the complex in meeting current health and safety code standards as well as correcting deferred maintenance issues, improving water and energy conservation. To comply with standards, code-compliant HVAC systems, and technology and electrical upgrades, such as new fire alarm and security systems, were installed. New elevators, ramps, site work and door operators were also included to ensure wheelchair access.

To achieve LEED Gold certification, general contractor C.W. Driver implemented construction site recycling and waste management, utilization of recycled materials, enhanced commissioning, and water-efficient plumbing and landscaping. Additionally to improve the building's energy efficiency, new lighting and ceiling systems were constructed with energy-efficient glazing systems. The upgrades to the complex are anticipated to save the university millions of dollars in deferred and ongoing maintenance.

Exhibit D

277

<http://media.designerpages.com/otto/2014/03/san-diego-state-universitys-storm-and-nasatir-halls-complete/>

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O6-235  
Cont.

## Responses to Comments - Organizations

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**Response to Comment Letter O6**

**College View Estates Association**

**Submitted by Robert Plice/Josh Chatten-Brown, Chatten-Brown & Carstens LLP**

**June 5, 2017**

- O6-1** The comment is an introduction to comments that follow. No further response is required.
- O6 -2** The comment is an introduction to comments that follow. No further response is required.
- O6 -3** The comment is an introduction to comments that follow. No further response is required.
- O6 -4** The comment is an introduction to comments that follow. No further response is required.
- O6 -5** The comment refers to preparation and recirculation of a revised EIR. However, as explained in the responses to comments that follow, the California Environmental Quality Act (CEQA) does not require preparation and recirculation of a revised SDSU New Student Housing project Draft EIR in this case.
- O6 -6** The comment restates information contained in the Draft EIR regarding the project description and does not raise an environmental issue within the meaning of CEQA. 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. However, it is noted that since release of the Draft EIR, the proposed project has been modified in order to reduce impacts. Specifically, Phases II and III have been eliminated from the proposed project such that the project, as modified, will now provide facilities to house 850 student beds, down from the originally proposed 2,566. For additional information regarding the project modifications, please see Final EIR, Preface.
- O6 -7** The comment includes the May 8, 2017 statement by President Hirshman regarding Phases II and III and the elimination of significant and unavoidable impacts and contends the Draft EIR “no longer provides a stable, finite project description required under CEQA.” However, the comment is legally incorrect.

In response to the comments received from the community and City of San Diego officials on the Draft EIR, President Hirshman issued a directive to SDSU staff to modify the Project to eliminate the identified significant and unavoidable impacts. Those impacts related to traffic and aesthetics. Specifically, the Draft EIR determined that (i) the development of Phase III would result in significant and unavoidable impacts to roadways within the City of San Diego (see Draft EIR, Section 4.14.7.2), and (ii) the development of Phase II at a height exceeding that of neighboring

## Responses to Comments - Organizations

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Chapultepec Hall would result in significant and unavoidable impacts related to visual character (see Draft EIR Sections 4.1.7 and 4.1.8).

As directed in President Hirshman's statement, the SDSU team initially modified the proposed Project to eliminate Phase III and to reduce the height of Phase II. Following these project modifications, in response to further comments from the community and elected officials, SDSU further modified the project to eliminate Phase II in its entirety from the proposed project. (Please see the Final EIR, Preface, for additional information regarding the project modifications. Please also see the EIR Project Description as revised in the Final EIR.)

Specific to the comment, the Draft EIR accurately described the Project as proposed at the time the Draft EIR was circulated for public review as including three separate phases, Phases I, II, and III. In addition, the Draft EIR included as an alternative the Reduced Density Alternative, which is a Phase I only project. The fact that SDSU has now determined to eliminate Phases II and III in order to reduce the Project's significant impacts does not affect the adequacy of the Draft EIR Project Description. The comment's reliance on *Mira Monte Homeowners Assn. v. County of Ventura* (1985) 165 Cal.App.3d 357, 365 is misplaced. In that case, modifications to the project occurred after certification of the EIR, and resulted in significant impacts more severe than previously disclosed. As explained below in the response to comment O-6-10, the Project modifications in this case would result in *reduced*, not increased, impacts.

The Draft EIR presents an analysis of the proposed Project's impacts based on the three phase development – for each applicable environmental impact category, the Draft EIR separately assesses the Project's impacts for each successive phase, where applicable, and, where significant impacts are identified, mitigation is proposed. Thus, as the commentator notes in the following comment, the EIR contains a detailed statement of all significant effects on the environment of the proposed project. (Pub. Resources Code section 21100.)

**O6 -8** The comment provides legal citations purportedly in support of the comments. Please see the response to comment O-6-7 for information responsive to this comment.

**O6 -9** The comment makes several statements, each of which is incorrect. First, as explained above, the Draft EIR fully assessed the impacts associated with a three phase project, which constituted all reasonably foreseeable future phases. Accordingly, the Draft EIR addressed the “whole of the action.” With regards to Phases II and III, as explained in response O-6-7, the proposed Project has been modified to eliminate Phases II and III. Please see Final EIR, Preface, for additional

## Responses to Comments - Organizations

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information regarding the project modifications. Further, SDSU has made a commitment not to move forward with Phases II and III and these phases, thus, are not reasonably foreseeable and no longer comprise a larger student housing project.

**O6 -10** The comment refers to CEQA Guidelines section 15088.5(a), but includes only a portion of the relevant text, omitting an essential portion. A lead agency is required to recirculate an EIR only when “significant new information” is added following public review. Under section 15088.5(a), “significant new information” requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”

In this case, the new information, elimination of Phases II and III, does not show new, substantial environmental impacts and, to the contrary, results in *reduced* impacts. Furthermore, where applicable, the Draft EIR separately analyzed the potential environmental impacts resulting from each Phase of the proposed Project, and also included analysis of the Reduced Density Alternative, which is a Phase I only project. As such, the Final EIR identifies the impacts that would result with implementation of a Phase I project, with corresponding mitigation identified as necessary. Lastly, the new information shows neither a feasible alternative nor mitigation measure, considerably different from those in the EIR, that clearly would lessen the significant environmental impacts. In sum, the elimination of Phases II and III is not significant new information within the meaning of CEQA and, as such, recirculation is not required.

**O6 -11** Please see the response to comment O-6-10 for information responsive to this comment.

**O6 -12** The comment asserts that the Project’s traffic, biological resources, and aesthetics impacts “are inadequately analyzed and mitigated in the Draft EIR,” relying on subsequent comments submitted as attachments to the main comment letter. Each of these comments is addressed separately below in responses O-6-24 through O-6-45

## Responses to Comments - Organizations

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- (traffic); O-6-46 through O-6-56 (aesthetics); and O-6-113 through O-6-115 (biological resources). This comment 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.
- O6 -13** The comment provides the legal standard for the alternatives analysis and is intended as an introduction to comments that follow. Please see the Alternatives Thematic Response for information regarding the appropriate legal standards responsive to the comment.
- O6 -14** The comment states that the commenter, with the aid of an architect, conducted a detailed analysis of the alternatives. The comment is an introduction to comments that appear in the attachments that follow. Please see responses to comments O-6-46 through O-6-56 for information responsive to the comments.
- O6 -15** The comment is critical of the Draft 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.
- O6 -16** The comment provides background information regarding the SDSU 2007 Campus Master Plan, which, following litigation, was set aside by the California State University Board of Trustees. The comment does not address the environmental analysis presented in the New Student Housing project Draft EIR nor does it raise an environmental issue within the meaning of CEQA; as such, no further response is required or can be provided. 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.
- O6 -17** The comment provides background information regarding litigation relating to the SDSU 2007 Campus Master Plan. The comment does not address the environmental analysis presented in the Draft EIR, nor does it raise an environmental issue within the meaning of CEQA; as such, no further response is required or can be provided. 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.
- O6 -18** The comment incorrectly contends that "a substantial portion" of the projects identified in the SDSU 2007 Campus Master Plan have been completed or, with this Draft EIR, are proposed for approval. While it is correct that the Aztec Center Student Union has been renovated, and the project presently proposed is similar to the 2007 U

## Responses to Comments - Organizations

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Lot Residence Hall, none of the other projects proposed in the SDSU 2007 Campus Master Plan have been constructed. (See, e.g., 2007 Campus Master Plan Revision EIR (SCH#2007021020), Table 1.0-4, Proposed Project Components.) Furthermore, the components of the 2007 Campus Master Plan are included among the cumulative projects analyzed as part of the Draft EIR for the currently proposed student housing project. To the extent the comment does not address the analysis presented in the New Student Housing Project Draft EIR, nor does it raise any specific issue regarding that analysis, 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.

- O6 -19** The comment contends that the future expansion contemplated in the SDSU 2007 Campus Master Plan already has been constructed, and that “SDSU should have reviewed all phases of the combined project.” Preliminarily, please see response to comment O-6-18 regarding the status of the 2007 Campus Master Plan projects. As to the 2007 Master Plan EIR, which analyzed the impacts of the purported “phases of the combined project,” was found to be adequate by the courts in all respects except as to three discrete issues relating to the transportation analysis. With respect to piecemealing, SDSU has determined to move forward with Phase I of the New Student Housing Project analyzed in the subject Draft EIR; when it determines to move forward with the components contained in the 2007 Campus Master Plan, appropriate CEQA review will be conducted. Accordingly, the “phases of the combined project” have independent utility for the campus and are independently justified separate projects. The comment does not raise any specific issue regarding the analysis presented in the New Student Housing Draft EIR and, therefore, no 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.
- O6 -20** The comment contends the EIR’s analysis of traffic impacts is inadequate in failing to account for regional traffic impacts. The comment is incorrect. While it is true that the proposed student housing project would result in a net benefit in terms of regional traffic impacts by eliminating the commute trips of these students that would now reside on campus, no adjustments to the impacts analysis were made for this regional benefit.
- O6 -21** The comment asserts the Draft EIR failed to recognize significant, unmitigated impacts, relying on additional comments provided as Attachments to the main comment letter. Responses to these additional comments are provided with the corresponding comment. The comment addresses general subject areas, which

## Responses to Comments - Organizations

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received extensive analysis in the Draft 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.

**O6 -22** The comment restates the contention that the Draft EIR must be recirculated. Please see response to comment O-6-10 for information responsive to this comment.

**O6 -23** The comment refers to the attachments and exhibits included with the comment letter. Responses to each comment are provided below with the corresponding comment.

**O6 -24** The comment is an introduction to comments that follow. No further response is required. However, it is noted that since release of the Draft EIR, the proposed project has been modified in order to reduce impacts. Specifically, Phases II and III have been eliminated from the proposed project such that the project, as modified, will now provide facilities to house 850 student beds, down from the originally proposed 2,566. Traffic generation and related impacts have been correspondingly reduced to Phase I-only project levels. For additional information regarding the project modifications, please see Final EIR, Preface.

**O6 -25** The comment questions the Draft EIR's 10 percent downward adjustment of the Chapman University trip generation rate based on the availability of transit services, contending that Chapman is "very well served by transit." In response, the EIR traffic engineer (Linscott Law & Greenspan (LLG)) conducted a comparative analysis of the relative transit opportunities between Chapman and SDSU. Based on the analysis, LLG concluded that SDSU opportunities are superior to those of Chapman and, therefore, application of a nominal 10% trip reduction was appropriate. Specifically, the following bus route service to the SDSU Transit Center by the Metropolitan Transit System (MTS) is currently provided:

- Rapid 215, operating between Santa Fe Depot in Downtown San Diego and SDSU
- Route 11, operating between Skyline Hills and SDSU via Downtown San Diego
- Route 14, operating between Grantville Trolley and Lake Murray Village in La Mesa
- Route 115, operating between SDSU and the El Cajon Transit Center
- Route 856, operating between SDSU and Cuyamaca College
- Route 936, operating between SDSU and Spring Valley Center in Spring Valley



## Responses to Comments - Organizations

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- Route 955, operating between SDSU and the 8<sup>th</sup> Street Transit Center in National City

In addition, the MTS Green Line Trolley stops directly on campus at the SDSU station. Chapman has no light rail trolley stop near their campus. The Green Line connects Downtown San Diego to Santee. There currently are a total of 27 stops along the Green Line, with a dedicated stop at the SDSU Transit Center directly serving the campus. Trolley hours of operation are from 3:53 AM until 12:30 AM. The trolley headways are typically 15 minutes during the AM and PM peak hours, with headways increasing to 30 minutes during the off-peak times. (EIR Appendix K, Transportation Technical Report (LLG).)

- O6 -26** The comment states that data collected in 2009 fails to account for Uber and Lyft, which have “revolutionized” the transportation options available to students in suburban campus residences. However, based on LLG’s experience and professional judgment, the amount of Uber/Lyft vehicle trips by students during peak work commute periods, the timeframe for the analysis, is very small. In addition, the use of these ride-sharing services has the effect of lowering overall trip rates rather than increasing them since their availability makes it less likely that students would own a car and generate additional vehicle trips.
- O6 -27** The comment states that use of the Chapman rate fails to take into account that there is a “vibrant town center just two blocks away from Chapman...whereas nothing similar exists near SDSU.” However, the relative differences in the areas surrounding Chapman and SDSU was taken into account by LLG in considering the appropriate trip generation rate. While Chapman does have a town center two blocks from campus, SDSU also has numerous retail, restaurant, and entertainment opportunities within walking distance to campus. In addition, unlike Chapman, SDSU has an on-campus light rail trolley stop from which students can ride the trolley to Old Town San Diego, downtown San Diego, and numerous other destinations supportive of most student needs without using a vehicle. Lastly, the student trip generation rate for the suburban-located University of California at San Diego (UCSD), one of the trip rates considered by LLG, is actually *lower* than the rate used for the SDSU student housing project, and UCSD is not located near a town center, nor does it have an on-site trolley stop providing access to student attractions.
- O6 -28** The comment states that for the considerations presented above, there is doubt that the Chapman trip rates reasonably reflect trip rates at SDSU. However, as explained in the responses to comments O-6-25 through O-6-27, the referenced considerations are unfounded. Furthermore, as to the suggestion to measure the existing trip rate at Chapultepec Hall, conducting traffic counts in order to derive trip generation rates at

## Responses to Comments - Organizations

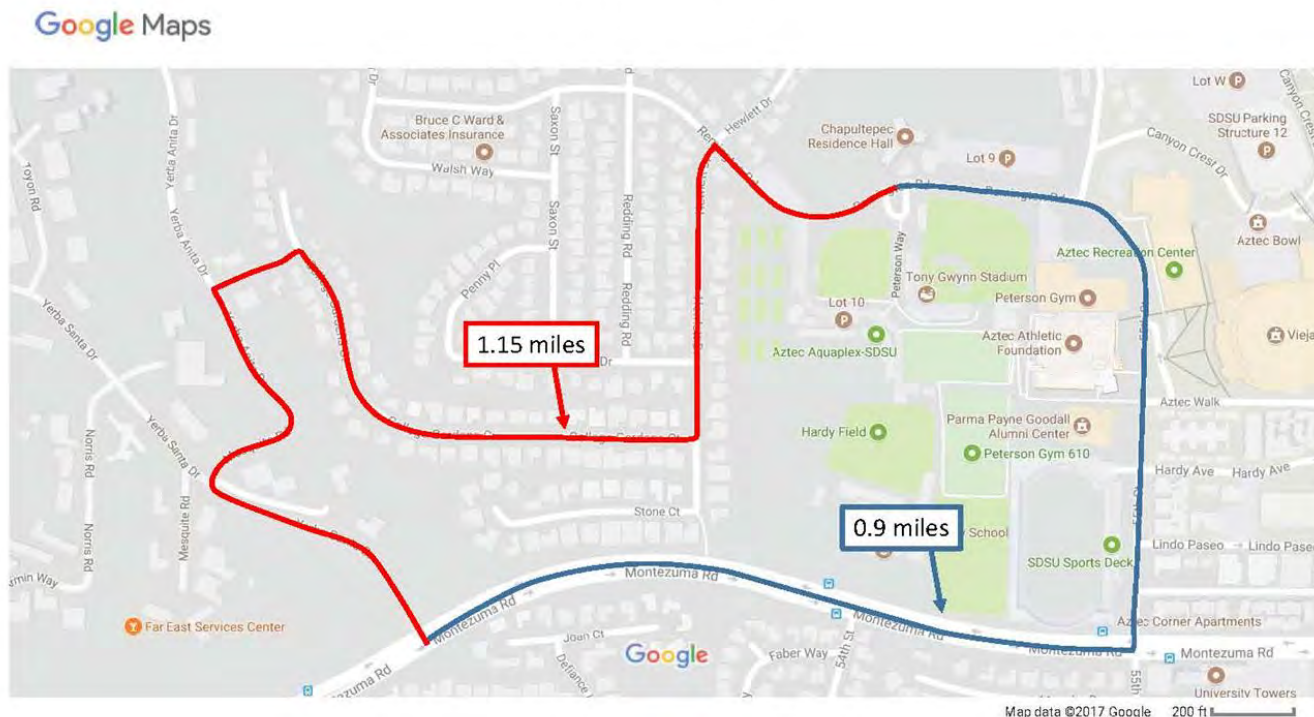
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Chapultepec or other student housing facilities on the SDSU campus was considered by LLG. However, deriving trip rates for students residing at Chapultepec (or other SDSU residence halls) requires that the students living at Chapultepec park their car in a parking area dedicated exclusively for Chapultepec residents so that traffic counts of Chapultepec residents can be determined. However, students who reside at Chapultepec Hall do not park exclusively in one designated area and, instead, park at various locations on campus. Therefore, LLG, or any traffic engineer, is unable to conduct a trip generation study specific to Chapultepec Hall or any other SDSU campus student housing residence.

**O6 -29** The comment is critical of LLG's use of the SANDAG model to assess the Project's traffic distribution through the College View Estates neighborhood. However, the SANDAG model is the best source for determining the percentage of traffic that would use College View Estates roadways. LLG disagrees that the model is unreliable to estimate trip distribution at the local level. The SANDAG model is a computerized travel demand model that utilizes a sophisticated trip distribution function to derive the distribution of vehicle trips. The use of the model is the standard of practice for estimating trip distribution for traffic studies conducted in the San Diego region. In addition, based on the low traffic volumes on Remington Road (current level of service (LOS) A), and the low number of vehicles that use the intersection College View Estates residents use to reach Montezuma Road (the Montezuma Road / Yerba Santa Drive intersection, which also operates at LOS A), even if 20% of the Project traffic utilized the roads through College View Estates, there would be no significant impacts.

**O6 -30** The comment states that the SANDAG model notwithstanding, drivers accessing or exiting the Project site may still choose to use the College View Estates travel route. However, the traffic model accounts for the location of signals and stop signs, and also accounts for potential congestion along routes as noted in the comment. In LLG's view, there is no evidence that drivers are choosing to avoid 55<sup>th</sup> Street under existing conditions, which are congested at times. In fact, based on the LOS A on Remington Road (See EIR Appendix K, Table 9-4) and the LOS A at the Montezuma Road / Yerba Santa Drive intersection, only a very small amount of drivers currently are using the College View Estates route to access SDSU. It also should be noted that the route through College View Estates is 0.25 miles longer than the 55<sup>th</sup> Street route, which is relevant to drivers when deciding which route to use (see Attachment B illustrating the mileage for each route).

### ATTACHMENT B



- O6 -31** The comment states that GPS and cell phone based routing typically suggest the route through the College View Estates neighborhood. However, the roadway connection between SDSU and the College View Estates via Remington Road has existed for years and traffic counts at the Montezuma Road / Yerba Santa Drive intersection, where all SDSU-related traffic using College View Estates roads would intersect Montezuma Road, indicates LOS A operations, the best Level of Service. This excellent LOS indicates that a large amount of SDSU-related traffic is not choosing to utilize College View Estates roadways, despite GPS routing.
- O6 -32** The comment states that given the foregoing, 2 percent of Project traffic routing through College View Estates is inaccurate. However, as explained in the responses to comments O-6-29, O-6-30, and O-6-31, in LLG's professional judgment the 2% distribution is considered accurate.
- O6 -33** The comment states the Project will intensify operational and safety problems due to the lack of adequate off-street space for passenger pick-ups/drop-offs, vehicle loading/unloading, service vehicles and move-in/move out operations. However, the proposed Project includes an off-street area on the south side of the Phase I building

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for up to six vehicles for pick-up/drop-off purposes; no such area presently exists. (See Final EIR Project Description, Figure 2-11.) These areas will be signed and enforced to allow a maximum of 15 minutes of parking, which will promote regular turnover of the areas. Additionally, as to student move-in/move out operations, an area for such operations will be provided on the north side of the Phase I building, far removed from Remington Road. (See Final EIR Project Description, Figure 2-11.) Consider also that vehicles that park along a red curb, as the curb on Remington Road is designated, which is clearly signed no parking, are doing so illegally. There is no evidence that illegally parked vehicles create a “hazardous” condition. While it may require a driver to drive around the illegally parked vehicle when safe to do so, this is not a “hazardous” condition. Lastly, in response to the comment’s observations, the June 1, 2017 comment letter submitted by the President of the Alvarado Community Association states: “On a personal note, I drive through the “impacted” area in question, every school day while doing kid pick-up and carpool drop-off and, quite frankly, have never had any problems, even on those days when students move in or move out of Chapultepec.”

**O6 -34** The comment refers to a video monitoring of the area conducted by Dr. Robert Plice, a resident of the neighboring College View Estates and project opponent, that purportedly shows the sidewalk and/or bike lane and/or traffic lane fronting Chapultepec Hall “obstructed” between 35 to 86% of the time. A “Research Report” prepared by Dr. Plice, along with another resident of the College View Estates neighborhood, and which apparently documents the video monitoring, was submitted with these comments; please see Comment O-6-231. After reviewing the Research Report, LLG noted that based on the photographs taken, it is not clear whether the vehicles are blocking the travel lane or just the sidewalk and bike lane. This is an important point to differentiate when reporting the obstruction rate as the primary concern of the commentator is the obstruction caused by vehicles on the road. As a result, the percentage of obstruction related to vehicle passage as reported in the Plice report cannot be determined.

**O6-35** The comment refers to a mathematical model contained in the Plice report referenced in comment O-6-34. The mathematical model results in a stopping and loading demand of 20 spaces at the 99<sup>th</sup> percentile level of demand satisfaction. The method used was similar to the method used in determining airport pick-up / drop-off areas, or hotel porte cochere drop-off areas.

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In reviewing the report, LLG had the following comments, which go to the report's underlying findings:

- Section 4 (Results)
  - The “Number of vehicles” reported in the report table does not match up with the photo documentation.
  - The photo documentation also included police vehicles, which should not count as an illegally parked vehicle.
  - Plugging in the parameters reported in the table into the equation shown in Section 2 (Theory) does not result in the same “Predicted obstruction rate” values shown in the table.
  - When estimating the average inter-arrival time and service to be used for forecasting the Project queues, the report stated that an average was taken from the five time periods with the highest observed obstruction rate. These numbers could not be replicated.
- Section 5 (Conclusions)
  - It is not clear how the number of spaces purportedly required to be provided in the turnout area was calculated. The equation for this calculation should be included in the report.

Additionally, LLG does not agree that the method of determining the amount of off-street stopping area that should be provided along Remington Road should be similar to the method used in determining airport pick-up / drop-off areas, or hotel porte cochere drop-off areas. In LLG's view, it also is unreasonable to provide off-street stopping areas that would be needed 99% of the time. With the provision of red curbs, “no stopping any time” signage and the provision of six (6) off-street parking spaces, significant improvements are being provided. See response to comment O6-33.

In addition, Remington Road carries average daily trips (ADT) of only 3,100, which equates to LOS A. Therefore, when a car is illegally stopped on Remington Road under existing, pre-improved conditions, a driver need only wait for a gap in traffic from the other direction and move around the stopped car (these gaps are plentiful given the LOS A conditions).

- O6 -36** The comment refers to an excerpt from the Draft EIR describing the existing conditions regarding drivers illegally stopping along Remington Road to either drop off/pick-up students, referring to it as “circular, inconsistent and ineffective.” SDSU and LLG disagree with this characterization. Preliminarily, the comment describes the existing conditions, not the improved conditions under the proposed Project; as

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previously noted, the proposed Project includes various design features incorporated to alleviate the referenced situation. (See response to comment O6-33.) Furthermore, the red curb and “no stopping any time signs” provide a mechanism whereby violators can be ticketed and/or towed. Enforcement of the red curb and signs is within the jurisdiction of the City of San Diego police, with assistance by the SDSU Police Department as necessary.

Additionally, as noted in the prior response, Remington Road carries average daily trips (ADT) of only 3,100, which equates to LOS A. Therefore, when a car is illegally stopped on Remington Road, under existing, pre-improved conditions a driver need only wait for a gap in traffic from the other direction and move around the stopped car (these gaps are plentiful given the LOS A conditions).

- O6 -37** The comment asks for additional information regarding the proposed pick-up/drop-off zone. For information responsive to this comment, please see response to comment O6-33.
- O6 -38** The comment regards the Draft EIR figures and the lack of detail regarding the proposed pick-up/drop-off areas. Please see response to comment O6-33 for information responsive to this comment.
- O6 -39** The comment regards move-in/move-out events. The Draft EIR correctly states the process outlined in the current “on campus move-in” guide. However, as part of the proposed Project, a move-in/move-out area will be provided on the north side of the project, removed from Remington Road, and with access provided from 55<sup>th</sup> Street. Please see response to comment O6-33. This improvement was not shown in the Draft EIR. Accordingly, move-in/move-out activity will not occur along Remington Road.
- O6 -40** The comment states the Draft EIR unreasonably dismisses the impacts of move-in/move out periods. However, the EIR correctly reports that the move-in/move-out periods occur for only a few days per year and notice of these periods is provided well in advance based on the campus calendar. Similar to the notion that a church is not built to accommodate an Easter Sunday congregation, which occurs only once a year, improvements to accommodate move-in/move-out traffic beyond the dedicated space on the north side of the Phase I building is not warranted. Please also see response to comment O6-33 for additional information responsive to this comment.
- O6 -41** The comment states that the Draft EIR fails to disclose and mitigate the significant hazardous impact of the Project’s traffic stopping and loading on Remington Road. However, the comments are based on the existing conditions and do not take into account fully the project design features that will be incorporated as part of the



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Project to improve the existing conditions and address the community's concerns. Accordingly, the Draft EIR states accurately that the Remington Road loading situation is a "potential" hazardous condition. The project features of providing off-street areas for drivers to park temporarily and enhancing the signage, red curbs and enforcement in the area will ensure a hazardous condition does not occur. Please see response to comment O6-33 for additional information responsive to this comment.

- O6 -42** The comment contends the Draft EIR is inadequate as a public information document under CEQA. For the reasons provided in the above responses to comments, the comment is without basis. The comment expresses the opinions of the commentator. 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.
- O6 -43** The comment claims the Draft EIR's analysis of alternatives to the Project is inadequate. The comment addresses a general subject area, which received extensive analysis in the Draft EIR, Section 6.0, Alternatives. For additional information responsive to the comment, please see the Alternatives Thematic Response included in the Final EIR.
- O6 -44** The comment is a conclusion to the prior comments. Please see the prior responses to these comments. No further response is required.
- O6 -45** This comment is the commentator's resume, which does not present an environmental issue relating to the Draft EIR. A copy of the resume of John Boarman, P.E., the supervising LLG traffic engineer for the SDSU New Student Housing Project transportation analysis, follows this response.

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### RESUME

**JOHN A. BOARMAN, P.E.**  
**PRINCIPAL**



**PROFESSIONAL REGISTRATION**  
Civil Engineer, California (C 50033)  
Traffic Engineer, California (TR 1855)

**EDUCATION**  
Purdue University, Master of Science in Civil Engineering

**PROFESSIONAL EXPERIENCE**  
Transportation Engineer: LinScott, Law & Greenspan (1990 to Present)

**PROFESSIONAL MEMBERSHIPS**  
Institute of Transportation Engineers, Associate Member  
Association of Environmental Professionals, Member

**AREAS OF PROFESSIONAL COMPETENCE**  
Traffic Sections of Environmental Impact Studies and Reports  
Traffic Impact Studies  
Parking Studies  
Transportation Planning

**REPRESENTATIVE ASSIGNMENTS**  
Mr. Boarman has personally prepared, participated in or directed the preparation of several hundred traffic impact studies and reports and their subsequent integration into Environmental Impact Reports, Statements and Assessments (EIR, EIS, EIA). His work has included not only traffic impact studies but studies of parking impact and sufficiency, site access and circulation, and internal auto, pedestrian and public transit traffic circulation.

Mr. Boarman has worked closely with other professionals in the preparation and presentation of environmental documentation to citizens groups, local government engineers and planners, Transportation Commissions, Planning Commissions, and City Councils. He has also made presentations to the California Coastal Commission.

Mr. Boarman has managed traffic studies for several high profile projects including North Park Parking Garage, North Embarcadero Visionary Plan, South Embarcadero Urban Development Plan, Del Mar Fairgrounds Master Plan, City of Santee General Plan, Imperial County General Plan Update, San Diego Convention Center Expansion, Hotel Del Coronado Expansion, Qualcomm Stadium Expansion, Imperial Valley Mall, Farita Ranch, and the SDSU Master Plan,

He has provided professional traffic engineering services for several parking structure projects including the UCSD Hopkins Structure, Viejas Parking Structure and the Downtown County of San Diego Parking Structure. He has managed several Carlsbad traffic studies including Coast Waste Transfer Station, Carl's Jr. and the Costco Gas Station.

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**O6 -46** The comment states a general criticism of the alternatives analysis contained in the Draft EIR. Specifically, the comment states that in the opinion of Jeff Katz, Architect,

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- the Draft EIR “lack[s] ... credible alternative sites discussion.” 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. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.
- O6 -47** The comment proposes that “alternative sites at a minimum, could accommodate the space needs for the primary structures, as proposed”. Please see the Alternatives Thematic Response for information responsive to the comment.
- O6 -48** The comment proposes alternatives for “proposed Phase 2 and Phase 3 . . . [that] can be accomplished by utilizing existing, developed campus lands in lieu of building in the undeveloped canyon area to the west and north of Chapultepec.” 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment.
- O6 -49** The comment expresses the opinions of the commentator. 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. However, with respect to the comment regarding costs and the Project’s alternatives, please see the Alternatives Thematic Response for information responsive to the comment.
- O6 -50** The comment is a conclusion statement referencing previous comments. No further response is required.
- O6 -51** The comment restates information contained in the EIR and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision

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on the Project. No further response is required because the comment does not raise an environmental issue.

- O6 -52** The comment provides an alternative location for Phases II and III of the proposed Project. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment. With these modifications, the Project will no longer have significant unavoidable impacts, and, with mitigation contained in the Draft EIR, all of the Project's significant environmental impacts will be reduced to less than significant.
- O6 -53** The comment provides an alternative location for Phases II and III of the proposed Project. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment. With these modifications, the Project will no longer have significant unavoidable impacts, and, with mitigation contained in the Draft EIR, all of the Project's significant environmental impacts will be reduced to less than significant.
- O6 -54** The comment provides an alternative location for Phases II and III of the proposed Project. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment. With these modifications, the Project will no longer have significant unavoidable impacts, and, with mitigation contained in the

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Draft EIR, all of the Project's significant environmental impacts will be reduced to less than significant.

- O6 -55** The comment provides an alternative height for Phases I and II of the proposed Project. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. With respect to any additional Project siting concerns, please see the Alternatives Thematic Response for information responsive to the comment. For information regarding increasing the height of Phase I, which is infeasible, please see the Alternatives Thematic Response.
- O6 -56** The comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. 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.
- O6 -57** The comment is an introduction to comments that follow. No further response is required.
- O6 -58** The comment makes several assertions, including that the Draft EIR fails to disclose fully the objectives of the proposed Project. Draft EIR Section 2.4, Project Goals and Objectives, lists the Project's goals and objectives. As to the description of the 2007 Master Plan litigation presented in EIR Section 2.2.1, the section contains an accurate description of the relevant events. The comments express 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 because the comment does not raise a specific issue regarding the adequacy of the analysis presented in the EIR.
- O6 -59** The comment asserts that SDSU has failed to provide fair-share funding relative to the 2007 Campus Master Plan. Preliminarily, to the extent the comment does not address the analysis presented in the Draft EIR for the currently proposed student housing project, no further response is required. Moreover, the basis for the comment is incorrect. The 2007 Campus Master Plan Revision, which was set aside by the California State University Board of Trustees following litigation, authorized an increase in the enrollment of full-time equivalent (FTE) students from the currently approved 25,000 FTE to 35,000 FTE. This increase in enrollment would have generated additional students, additional vehicle trips, and corresponding traffic

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- impacts. In sharp contrast, however, the proposed Project does *not* include an increase in FTE enrollment – approved FTE enrollment would remain at 25,000. Therefore, the traffic impacts resulting from an increase in enrollment would not occur and, accordingly, neither would the corresponding mitigation obligation. In fact, by providing on-campus student housing, the proposed Project would have the effect of potentially reducing vehicle trips and related vehicle miles traveled as students who previously commuted to campus and resided in locales such as Pacific Beach, for example, would now live on campus, thereby eliminating the commute vehicle trip. The comments express 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 because the comment does not raise a specific issue regarding the adequacy of the analysis presented in the EIR.
- O6 -60** The comment raise several Draft EIR process related issues. The comment represents the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -61** The comment raises issues regarding the use of Remington Road. The comment represents the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -62** The comment contends the Draft EIR “misleadingly” states the Project design was created to support the Sophomore Success Program. The comment represents the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -63** Please see the response to comment O-6-58.
- O6 -64** The comment regards the Draft EIR statement that Phases II and III would be future phases. In response to comments received on the Draft EIR, the proposed Project has been modified to eliminate Phases II and III from the proposed development. Please see Final EIR, Preface, for additional information regarding the project modifications. Therefore, the comment regarding Phases II and III is no longer applicable.



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- O6 -65** The comment regards the summary of the 2007 SDSU Campus Master Plan litigation presented in Draft EIR Section 2.2.1. The summary is both accurate and adequate for the intended purpose.
- O6 -66** Please see the response to comment O-6-65.
- O6 -67** The comment regards SDSU's construction of the South Campus Plaza project, formerly known as Plaza Linda Verde. Preliminarily, to the extent the comment does not address the analysis presented in the Draft EIR for the currently proposed student housing project, no further response is required. Moreover, SDSU prepared an EIR for the Plaza Linda Verde project, which was certified by the California State University Board of Trustees in May 2010, several years before the California Supreme Court's decision in the 2007 Campus Master Plan Revision litigation. Please see the response to comment O-6-59 in response to the comment regarding fair-share traffic payments. No further response is required because the comment does not raise an environmental issue regarding the adequacy of the analysis presented in the EIR.
- O6 -68** The comment contends the EIR needs to be modified to include evaluation of regional traffic impacts associated with development of Phases II and III. In response to comments received on the Draft EIR, the proposed Project has been modified to eliminate Phases II and III from the proposed development. Please see Final EIR, Preface, for additional information regarding the project modifications. Therefore, the comment regarding Phases II and III is no longer applicable. Nonetheless, the Draft EIR includes a cumulative analysis of the potential traffic-related impacts of the proposed Project, including Phase I, which considers the Project's impacts inclusive of cumulative, i.e., regional traffic. See Draft EIR Section 4.14.6, Impacts Analysis.
- O6 -69** The comments relates to the evolution of the SDSU Campus Master Plan. As reported in the Draft EIR, the 2007 Campus Master Plan Revision, which included an increase in student enrollment from 25,000 FTE to 35,000 FTE, was set aside following litigation. The Master Plan approved as part of the 2011 Plaza Linda Verde project, now South Campus Plaza, remains effective, except to the extent it includes components from the 2007 Campus Master Plan subsequently set aside. Prior to the 2007 Master Plan, the operative Master Plan relative to student enrollment was the 1963 Master Plan, which established the 25,000 FTE enrollment. Accordingly, the current SDSU Master Plan is based on several prior Master Plans, and is shown in Draft EIR Figure 2-4.
- O6 -70** The comment states that neither Phase II nor Phase III is included on an existing Campus Master Plan. As noted above, in response to comments received on the Draft EIR, the proposed Project has been modified to eliminate Phases II and III

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from the proposed development. Please see Final EIR, Preface, for additional information regarding the project modifications. Therefore, the comment regarding Phases II and III is no longer applicable. Nonetheless, as part of the proposed Project approvals, the California State University Board of Trustees will consider approval of a new Campus Master Plan that includes the proposed Project. Please see Final EIR, Project Description.

- O6 -71** The comment incorrectly states that SDSU was planning to build dormitories on the Phases II and III sites as early as 2010. As noted above, in response to comments received on the Draft EIR, the proposed Project has been modified to eliminate Phases II and III from the proposed development. Please see Final EIR, Preface, for additional information regarding the project modifications. Therefore, the comment regarding Phases II and III is no longer applicable. Nonetheless, 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. The comment also includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -72** The comment raises various issues regarding the accuracy of Draft EIR Figure 2-4, Existing Campus Master Plan. The figure accurately depicts the current approved SDSU Campus Master Plan. The Project Site call-out simply depicts the site of the proposed Project. The comment includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -73** The comment regards the Draft EIR statement that as part of the proposed project, the Campus Master Plan would be further revised to accommodate the new housing and related facilities. This is not an uncommon practice and, in fact, it is not uncommon for a private development plan, for example, to seek a General Plan Amendment as part of the approvals sought for the project. The comment includes the opinions of the commentator. The comment will be included as part of the record and made available

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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 regarding the adequacy of the analysis presented in the EIR.

**O6 -74** The comment calls a “misrepresentation” the Draft EIR statement regarding SDSU’s 2013 contract with Carrier Johnson. However, the statement is factually correct. Please see the response to comment O-6-71 for information responsive to this comment.

**O6 -75** The comment regards the number of beds necessary to accommodate the Sophomore Success Program and Phases II and III. As noted above, in response to comments received on the Draft EIR, the proposed Project has been modified to eliminate Phases II and III from the proposed development. Please see Final EIR, Preface, for additional information regarding the project modifications. Therefore, the comment regarding Phases II and III is no longer applicable. Please also see the response to comment O-6-64 for additional information responsive to this comment.

**O6 -76** The comment regards a statement in the Draft EIR regarding the overall goal of the proposed project. The statement accurately summarizes the Project’s goals and objectives set forth in Draft EIR Section 2.4. The comment includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.

**O6 -77** The comment regards the Project’s goals and objectives and refers to latter comments. The comment is an introduction to comments that follow. Responses to the latter referenced comments are presented at O-6-171 through O-6-229.

**O6 -78** The comment regards existing parking in the immediate area of the proposed Project. The comment includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.

**O6 -79** The comment addresses the Draft EIR parking analysis and contends it is driven by a false assumption that all of the new student housing beds will be occupied by students currently commuting to campus. The proposed Project will provide new, on-campus student housing and will not include an increase in campus enrollment. Therefore, it is reasonable for the traffic analysis to assume that the students who will occupy the new residences presently live off-campus and, therefore, commute to campus.

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- O6 -80** The comment contends the proposed Project will result in a shortage of parking spaces. However, as discussed in Draft EIR Section 4.14.6.4, Parking Assessment, the impacts of the proposed Project relative to parking would be less than significant. The comment 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.
- O6 -81** The comment refers to Remington Road, which fronts the site of the proposed project, and incompatible uses. The comment includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -82** The comment claims, incorrectly, that under the proposed Project, vehicles stopping to pick-up/ drop-off passengers will have no alternative but to block either the sidewalk, bicycle lane, or travel lane. However, as discussed in the responses to comments O-6-33 through 40, the proposed Project includes several features designed to alleviate the existing conditions on Remington Road, including the provision of six off-street parking spaces on the north side of Remington Road, in front of the proposed project, to accommodate pick-up/drop-offs, delivery vehicles, etc.
- O6 -83** The comment regards purported incompatible and illegal use of Remington Road by the proposed Project. The comment includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -84** The comment regards the proposed pick-up/drop-off zone referenced in the Draft EIR, contending that at least 20 spaces are needed. For information responsive to this comment, please see the responses to comments O-6-34 and O-6-35.
- O6 -85** The comment regards the Project feature to install a sign at the entrance of the College View Estates neighborhood to prevent SDSU-related parking. The comment is an introduction to comments that follow and no further response is required.
- O6 -86** The comment regards the proposed sign referenced in comment O-6-85. The comment includes the opinions of the commentator. The comment will be included as

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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 regarding the adequacy of the analysis presented in the EIR.

- O6 -87** The comment regards enforcement of parking restrictions, contending it is not a credible mitigation. As discussed in the prior responses, the proposed Project includes several design features to address the claimed conditions on Remington Road, including off-street parking for pick-ups/drop-offs, repainting the red curb and changing existing signage from “No Parking” to “No Standing at Any Time,” providing a space for move-ins/move-outs on the north side of the proposed project far removed from Remington Road, and locating the entry to the new housing at the far east, near the corner of 55th Street and Remington Road to reduce pick-up/drop-offs on Remington.
- O6 -88** The comment regards enforcement of parking restrictions on Remington Road. Remington Road is within the jurisdiction of the City of San Diego Police Department, with supplemental law enforcement assistance provided by SDSU campus police as necessary.
- O6 -89** The comment regards Draft EIR Figure 2-12, which illustrates the Project’s proposed phases and informs the reader of the proposed sequential development of the proposed Project. As to the comment regarding timeframe of development of Phases II and III, as explained in prior responses, in response to comments received on the Draft EIR, the proposed Project has been modified to eliminate Phases II and III from the proposed development. Therefore, the comment regarding Phases II and III is no longer applicable.
- O6 -90** The comment regards the Draft EIR statement that as part of the proposed Project, the Campus Master Plan will be revised. Please see response to comment O-6-73 for information responsive to this comment.
- O6 -91** The proposed project would not necessitate a “take” permit for state or federally-listed threatened or endangered species from the California Department of Fish and Wildlife or US Fish and Wildlife Service, respectively. As indicated in the Biological Resources Thematic Response and outlined in Chapter 4.3, Biological Resources of the Draft EIR, the project site does not support any state or federally-listed threatened or endangered plant or wildlife species, thereby eliminating the need to obtain such a permit. The project site does contain a population of San Diego goldenstar (*Bloomeria clevelandii*) which is a “List 1B.1” plant as identified by the California Native Plant Society. Identification as “List 1B.1” indicates that this plant is considered rare or endangered in California and elsewhere. That said, this plant has

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not been formally listed “endangered” or “threatened” by the California Department of Fish and Wildlife which therefore eliminates the need to obtain a take permit for impacts to this plant. Additionally, it is important to note that, as explained above, Phases II and III have been eliminated from the proposed project and, therefore, there would be no impacts to San Diego goldenstar.

- O6 -92** The comment purports to state Draft EIR text in Section 2.3 regarding the Sophomore Success Program. Section 2.3, Project Background, discusses the Sophomore Success Program. The comment appears to be an introduction to comments that follow and no further response can be provided or is required.
- O6 -93** The comment regards the description of the interaction of the Project with improved graduation rates. The comment includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -94** The comment states that the Project has been planned to maximize amenities and visual impact with little regard to cost. The comment includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -95** The comment refers to the purpose behind the live-on requirement. The comment includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -96** The comment regards the 2007 Campus Master Plan litigation. The comment includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -97** The comment regards the 2007 Campus Master Plan and contends that a significant percentage of campus construction needed to accommodate an increase in FTE students will be authorized following approval of this Project without payment of fair share traffic mitigation. The comment is inaccurate on several levels. Preliminarily,



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the development referred to consists of on-campus improvements for already-enrolled students, including on-campus housing, a renovated student union, and the renovation of existing classroom and research space. Renovated facilities for existing enrolled students do not generate new vehicle trips that would result in traffic impacts. Additionally, as previously noted, the proposed Project has been modified to eliminate Phases II and III from the proposed development and, with this modification, the proposed project would not result in significant impacts requiring improvements to the roadway network. Please see Final EIR, Preface, for additional information regarding the project modifications. For additional information responsive to this comment, please also see the response to comment O-6-59. Additionally, the comment includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.

- O6 -98** The comment provides a comparison of the study areas for the traffic analysis conducted for both the 2007 Campus Master Plan EIR and the presently proposed student housing project and refers to the “far wider radius” under the 2007 study. However, the project proposed by the 2007 Master Plan was a much larger project in scope than the current proposal, including an increase in FTE of 10,000 students, with a geographic scope that stretched north to encompass the Adobe Falls neighborhood. For these reasons, the scope of the 2007 traffic study was broader. Additionally, the comment includes the opinions of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.
- O6 -99** The comment excerpts tables from the 2007 Campus Master Plan EIR illustrating that project’s fair-share mitigation percentage relative to traffic impacts. The comment is an introduction to comments that follow.
- O6 -100** The comment contends incorrectly that SDSU, through the proposed project EIR, has taken a piecemeal approach to avoid complete fair-share payments. However, as explained in preceding comments, the traffic impact analysis and corresponding mitigation identified in the EIR is adequate and fully addresses the potentially significant impacts identified by the analysis. As such, SDSU has properly proceeded in full compliance with the California Environmental Quality Act. As to the piecemealing claim, completion of the proposed project is not the first step in a larger development project, and the project can be implemented independently to serve independent utility for the campus. Additionally, the comment includes the opinions

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of the commentator. 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 regarding the adequacy of the analysis presented in the EIR.

**O6 -101** The comment states that the EIR traffic study must encompass a study area equivalent to the 2007 traffic study area. However, as explained in Draft EIR Section 4.14.2.1. and Appendix K, Transportation Technical Report, the study area for the New Student Housing Project EIR traffic analysis was properly determined consistent with applicable standards for analysis.

**O6 -102** The comment is an introduction to comments that follow. No further response is required.

**O6 -103** The commentator expresses concerns over the scenic vista analysis as it relates to views available from Remington Road along the Project site frontage. Given the volume of comments, responses are provided below in bullet format to match the organization of comments:

- The EIR states that the view is available to mobile receptors that includes motorists and pedestrians. The EIR does not state that views from Remington Road are only available through a car window.
- The use of mobile receptors is not intended to obscure or confuse the EIR analysis. Rather, mobile receptor is used to differentiate between stationary receptors and convey characteristics of their experience as they travel through the landscape. The view duration, angle and orientation to scenic resources (if availability), and general sensitivity to changes in the landscape is different between stationary and mobile viewers and the EIR considers these differences in the scenic vista impact analysis and consideration of scenic vistas. Scenic vistas can be present along roadways however, as explained in the EIR, because of the duration of views to the north, the presence of vegetation and development that obscure identified scenic resources (i.e., terrain around Mission Trails Regional Park) from view, and lack of scenic designation on Remington Road, views from Remington Road along the Project site frontage were not considered scenic vistas for purposes of the environmental document.
- The EIR does not state that motorists and pedestrians will not look beyond the Remington Road corridor. Rather, the EIR states that mobile receptors tend to focus on visual elements along the corridor as they drive, bike, and walk along the Project site frontage. Again, the duration of the view (in combination with

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angle and orientation of view, distance, and other factors) are used to determine the sensitivity of viewers to changes in the landscape.

- The duration of the view is one factor used in the EIR to determine whether the existing view should be considered a scenic vista in absence of official designation as such.
- Again, the duration of the view is one factor used in the EIR to determine whether the existing view from Remington Road should be considered a scenic vista in absence of official designation as such. The EIR concludes that because of the duration of views, presence of existing vegetation and development that obscure identified scenic resources from view, and lack of scenic designation by the City or SDSU, views from Remington Road along the Project site frontage are not considered scenic vistas.
- Please refer to response to comment 03-11 regarding consideration of residents of on-campus dormitories as sensitive receptors in the environmental document. Similar to views from residences, views from dormitories to the canyon are private and are not specifically protected under CEQA. Changes to the existing visual character and quality of the site and surrounding area are considered and analyzed in the EIR. Further, visual simulations were prepared from 55th Street, Hewlett Drive, and Remington Road and changes to the visual landscape associated with the Project were analyzed. Views from residences on 55th Street, Hewlett Drive, and Remington Road of the canyon are primarily from private, backyard areas. As these locations are not public vantage points, they were not specifically assessed in the EIR. Please clarify the comment regarding a scenic vista having value only as a drive-by. The EIR considers several factors in determining whether locations along Remington Road should be considered a scenic vista for purposes of environmental analysis.

Again, the absence of official designation is one factor used in consideration of whether locations along Remington Road should be identified as scenic vistas for purposes of the environmental analysis. Also, existing on-campus uses including Chapultepec Hall, Cholula Community Center, and trees installed along the perimeter of Lot 9 obstruct or partially screen views from Remington Road that occasionally extend to mountainous terrain in Mission Trails Regional Park. As existing development fronts Remington Road, the characterization of the road as containing “no fronting uses” is inaccurate.

**O6 -104** The comment states that Parking lot 10A is not part of the Project. Following modifications to the proposed Project to eliminate Phases II and III, the proposed

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- Project site (approximately 3.14 acres) is largely undeveloped and encompasses Chapultepec Hall and Parking Lot 9, and a small retail structure, a multi-purpose building at the upper level, and a utility plant at the lower level. The comment restates information contained in the environmental documentation and does not raise an environmental issue within the meaning of CEQA, 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.
- O6 -105** Please refer to response to comment 0-6-103. Also, Section 4.1.2, Methodology, of the EIR describes the process associated with identification of scenic vistas considered in the impact analysis. A survey of College West was not taken and it is not customary to take a survey during the environmental review process to identify scenic vistas. Scenic vistas considered in the EIR are public vantage points. The commentator states that views available to residents from their properties should be considered scenic vistas because their neighborhood has “scenic-vista value.” Please refer to response to comment 0-3-11 regarding consideration of public vantage points as scenic vistas in the environmental documentation.
- O6 -106** The EIR states that the Project would encroach into the canyon landscape – it does not state that the canyon is landscaped. The EIR is describing the system/area into which the Project would encroach. Please refer to comments O-6-103 and O-6-105 above, regarding consideration of public vantage points along Remington Road and private view locations from residences lining the canyon along Hewlett Drive and 55th Street as scenic vistas.
- O6 -107** The comment expresses the opinions of the commentator. 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.
- O6 -108** The comment expresses the opinions of the commentator. 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.
- O6 -109** Contrast ratings are made through a review of development on site and in the surrounding area. The surrounding area contains development in excess of 1-story buildings and these, along with single-story structures, are considered in the analysis and identification of moderate form contrasts.

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Project impacts are not identified as “significant” until appropriate mitigation measures are identified and implementation is consideration. If after implementation (or if mitigation is not available) impacts would not be substantially reduced to a less than significant level, impacts are identified as significant and unavoidable. Please see Section 4.1.8, Level of Significant After Mitigation, of the Chapter 4.1 of the EIR.

The EIR analyzed impacts resulting from construction and operation of the Project and concludes that Phase II and Phase III development would result in significant and unmitigable impacts to existing visual character and quality of the site and surrounding area. The EIR discloses that at public vantage points in the surrounding area, the Phase II development and Chapultepec Hall would dominate views.

The document concludes that Phase II and Phase III development would result in significant and unmitigable impacts to existing visual character and quality of the site and surrounding area. The commentator expresses concern over the format of the EIR and impacts that are stated and disclosed in the EIR. Also, the commentator expresses opinion and concern regarding the effect of reducing the height of Phase II development to mimic the height of Chapultepec Hall in terms of reducing impacts. 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.

- O6 -110** The text excerpt provided by the commentator concerns a description of existing conditions as viewed from Key View 3. Even with planned removal and underground of utility lines, impacts at Key View 3 would remain potentially significant. As removal of utilities would not change the impact determination and the presence of existing lines is not relied upon to substantiate similarities in form and line between existing and proposed conditions, the visual simulations have not been revised.
- O6 -111** The EIR references depictions of the Project in visual simulations to make determinations on structure contrasts. As viewed from Key View 2, the Project is more distant than as viewed from Key View 3 and at Key View 2, Chapultepec Hall is visible and establishes tall forms and horizontal and vertical lines (similar to those displayed by the Project) in the landscape. An assessment of the Project is made from each key view location and the presence of existing development in the landscape is consideration in the evaluation of contrast. Despite the commentators concerns over the use moderate contrast at Key View 2 and high contrast at Key View 3, the contained in the Draft EIR determined that at both locations the introduction of the Project would result in potential significant impacts to existing visual character and quality of the site and surrounding area.

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As viewed from Key View 3, the canyon between Hewlett Drive residences and the Chapultepec Hall is obscured. From Key View 3, views to the canyon are screened by residences lining Hewlett Drive and the Project's advance into the canyon is visual obstructed in the figure. The statement regarding buffering will be removed from the EIR.

Please refer to response to comment O-6-109 regarding the format of the EIR and identified of potentially significant impacts. Please also refer to O-6-109 regarding consideration of construction impacts, impacts identified in the Draft EIR, and reduction of impacts by reducing the height of Phase II to mimic the height of Chapultepec Hall (this comment is duplicative of O-6-109).

**O6 -112** Please refer to response to comment O-6-103 and O-6-105, regarding consideration of scenic vistas in the EIR.

**O6 -113** The comment is an introduction to comments that follow. No further response is required.

**O6 -114** This comment refers to SDSU's obligation to adhere to (and potentially reap the benefits of) the San Diego MSCP program and City of San Diego's MSCP Subarea Plan. SDSU was not involved with the preparation of the MSCP program in the mid-1990s. SDSU is not a signatory to the San Diego MSCP and is therefore not a "permittee" under this HCP. Because of this, adherence to the restrictions typically placed on land within the Multi-Habitat Planning Area (MHPA) per the City's Biological Resource Guidelines does not apply to SDSU or SDSU-owned land. A portion of the proposed project site was previously designated as MHPA and described as conserved lands. Inclusion of this project site within the MHPA and reflecting it as a "habitat gain" in the Habitrak system of preserve recordation is incorrect and the City is in the process of correcting the database to remove the state property from the City's Habitrak system which tracks cumulative conservation lands (Forburger 2017). On April 21, 2017 a conference call meeting was conducted between the City of San Diego, California Department of Fish and Wildlife (CDFW), and United States Fish and Wildlife Service (USFWS) to discuss the SDSU New Student Housing Project and MHPA boundary designation on SDSU property. It was concluded by the USFWS and CDFW, the two state and federal agencies tasked with implementation oversight over the MSCP, that the subject parcel was incorrectly mapped as MHPA and will be corrected to remove it from the City's preserve (Forburger 2017). The City's 2017 MSCP Annual Report will therefore reflect the MHPA Boundary Line Correction change of habitat loss and gain under the City's MSCP (Forburger 2017).

**O6 -115** Please see response to comment O6-114.



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- O6 -116** The comment is an introduction to comments that follow. No further response is required.
- O6 -117** The comment states that Phases II and III of the proposed Project are incompatible with the 2011 Campus Master Plan; however, the comment is incorrect. First, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Second, the 2011 campus master plan is not the current approved campus master plan. 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. The campus master plan is shown on Figure 2-4 of the Draft EIR. Third, 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. Please note, 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.
- O6 -118** The comment states that the Draft EIR must detail the reasons for deviating from the approved Campus Master Plan. For information responsive to this comment, please see the response to comment O-6-117 and the Alternatives Thematic Response. However, the comment does not raise an environmental issue within the meaning of CEQA. 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.
- O6 -119** Please see response to comment O6-114. Further, a full evaluation of the project's relationship to the City of San Diego's Environmentally Sensitive Land Ordinance, which is referenced throughout this comment, is contained in the Draft EIR. The project's relationship, including design modifications (ie, fencing treatment, etc.), to these adjacency guidelines, is summarized in the Draft EIR (see pages 4.3-37 through 4.3-39).

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**O6 -120** The comment contends Remington Road is designated as having no fronting uses. Assuming, arguendo, the comment is correct, as a state entity, California State University/SDSU is not subject to local planning, including local zoning regulations. With respect to enforcement of parking regulations, please see Draft EIR Sections 4.14.6.4 and 4.14.6.5, and the preceding responses relating to Remington Road access.

**O6 -121** Contrary to the stated opinion, potential noise impacts from construction and operation of the proposed project was analyzed and assessed in Section 4.11 of the proposed project's Draft EIR. It was determined that with implementation of Mitigation Measures MM-NOI 1 through 3, noise impacts would be reduced to a level of less than significant.

In addition, pursuant to the SDSU Code of Conduct that is provided to all students who sign housing contracts, existing dormitory residents must 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 Dispatcher who will contact the on-duty residence hall coordinator to address the issue. The University Police will respond and evaluate the situation if necessary. The University Police uses the common criteria of "unreasonableness" to determine if action is needed. If the noise complaint involves a residence hall, the University Police will contact the residence hall coordinator to assist with the evaluation and determination if action should be taken. The University Police uses the Penal Code and the San Diego City code as their enforcement authority. 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.

**O6 -122** It is important to note that the proposed New Student Housing Project would not involve a student-body increase such as the comment is suggesting. The proposed project is being proposed and sized according to the demands placed on the residential housing supply associated with the EXISTING 25,000 Full Time Equivalent (FTE) student body that attends SDSU. No part of the proposed project would allow or is intended to infer an increase beyond the CSU-allowed 25,000 FTE enrolment cap.

Cumulative impacts such that may occur as a result of the other ongoing or future planned projects on campus are evaluated throughout the Draft EIR.

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**O6 -123** The comment claims that the Draft EIR is insufficient because, among other things, it fails to identify all significant noise impacts. Contrary to the stated opinion, potential noise impacts from construction and operation of the proposed project was analyzed and assessed in Section 4.11 of the proposed project's Draft EIR. It was determined that with implementation of Mitigation Measures MM-NOI 1 through 3, noise impacts would be reduced to a level of less than significant. Further, biological resource mitigation measures are included in the Draft EIR that would reduce potential indirect impacts to sensitive biological resources located in the canyon from construction and/or operational-related noise sources.

**O6 -124** The comment claims that the Noise section of the Draft EIR is inadequate because it fails to recognize construction and operational noise as it relates to the MSCP/MHPA areas (i.e., biological habitat). This is an incorrect claim because Section 4.11 addresses project impacts as they relate to human receivers, not biological habitat. Biological impacts, including potential noise impacts sensitive resources, are addressed in Section 4.3, Biological Resources. See, for example, MM-BIO-6, on pages 4.3-42 and 4.3-43.

**O6 -125** The comment claims that the proposed project would result in increased noise from exterior use areas (specifically the residential park overlooking the canyon and the outdoor courtyards).

The proposed residential park would be located to the east of the existing Chapultepec Hall, and west of proposed project. Chapultepec Hall would be between the park area and the residences located to the west and northwest, and would thus provide substantial levels of visual and acoustical shielding at these existing residences. Additionally, the proposed courtyards would be located in between the proposed project residence halls, again providing substantial visual and acoustical shielding to the nearby existing residences.

**O6 -126** 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, all on campus residence hall occupants must 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 Dispatcher, who will contact the on-duty residence hall coordinator to address the issue. The University Police will respond and evaluate. They use the common criteria of "unreasonableness" to determine if action is needed. If the noise complaint involves a residence hall, they will contact the residence hall coordinator to assist with the evaluation and determination if action should

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be taken. The University Police uses the Penal Code and the San Diego City code as their enforcement authority.

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.

- O6 -127** The comment claims that the Draft EIR is insufficient because, among other things, it fails to identify all significant noise impacts related to the activity that would occur on the proposed new residence hall site and/or emanating from the resident hall rooms.

Contrary to the stated opinion, potential noise impacts from construction and operation of the proposed project was analyzed and assessed in Section 4.11 of the proposed project's Draft EIR. It was determined that with implementation of Mitigation Measures MM-NOI 1 through 3, noise impacts would be reduced to a level of less than significant.

- O6 -128** The comment is an introduction to comments that follow. No further response is required.

- O6 -129** Please see response to comment L5-10.

- O6 -130** Evacuation from the Project would typically include relocating students from the area by foot, except for special needs students who would be provided appropriate transportation. Wildfire in Aztec canyon would not have fuel adjacent to the interior of the Project or to the south into campus, so pedestrian evacuation would be appropriate, unless SDFD determined that keeping students in the ignition resistant, defensible structures is preferred.

Larger events that included a longer term evacuation of the area would likely include initially pedestrian relocation followed by a metered evacuation of vehicles once the area had been determined safe for students to return to retrieve personal belongings. For example, considering a wildfire event, because the vegetated canyon to the north includes a relatively small fuel bed, the wildfire would be expected to reach the outer perimeter of the Project's brush management zones in a short time frame and would be short-lived, running out of fuels as it bumped against the BMZ. This type of emergency would not typically require an evacuation of the buildings as they are built to ignition resistant standards and are well protected and defensible. If an evacuation was ordered, students would walk out of the buildings and into campus areas where

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designated buildings would be opened as temporary refuge shelters. This would not be expected to include lengthy timelines as the vegetation fires would burn rapidly and be over and students would be allowed back in the housing within about 30 minutes to two hours. Larger events that require evacuation of the Project for extended durations would likely include evacuation of larger areas and traffic controls would be implemented, such as metering traffic, placing officers at intersections, opening lanes and moving people from the area.

The evacuation plan for Chappy Hall is to direct students down to the right of way on Remington. If the incident requires that they leave campus, they would then make their way on foot to cars parked either in Structure 12, or Lots X or A to leave campus. In most cases, they will be directed to minimize the number of cars by sharing rides. Those that do not have a means to evacuate will be accommodated at emergency shelters in Peterson Gym or the Ballroom of the Student Union where buses will be arranged if the entire campus must be evacuated. There is likely to be less vehicle traffic on 55th and Remington since parking lot 9 is being removed.

**O6 -131** The comment regards the proposed project's potential impacts on fire protection services. The Draft EIR analyzed current levels of service and the need for additional facilities in Chapter 4.13, Public Services and Utilities, and determined that the project's potential impacts would be less than significant; this is even more true now that the proposed project has been modified to eliminate Phases II and III from the project. For additional information regarding this subject that is responsive to the comment, please see the responses to comments submitted by the City of San Diego, comments L5-7 through L5-14. Additionally, receipt of a letter from the San Diego Fire Department Fire Chief is not a requirement of the CEQA process.

**O6 -132** The comment regards the statement in the EIR that the SDSU Police Department is the designated first responder for all incidents on campus. As to those incidents beyond the campus, the SDSU PD (referred to as the UPD) is the first responder for those incidents within the College Area Community that are within a one-mile radius of the campus boundary; that is, by state law, the UPD and City of San Diego PD have concurrent jurisdiction within a one-mile radius of the campus boundary. Section 4.13 Public Services and Utilities, page 4.13-5 of the Final EIR, has been revised to clarify this point. Thus, in response to the comment, residents of the College Area community living beyond the one-mile radius would, in fact, be told by the UPD to report the incident to the City of San Diego PD as it is beyond the jurisdiction of the UPD. With respect to parking on Remington Road, while the City of San Diego PD has primary jurisdiction, the UPD is available to assist when necessary. The jurisdictional arrangement between the UPD and the

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City of San Diego PD is based on an administrative agreement entered into between the two entities.

Regarding enforcement, the analyses presented in the EIR may appropriately rely on law enforcement entities executing their authority and responsibilities as provided by law. The UPD officers are “POST” (Peace Officer Standards and Training) certified, which means that they have the authority to enforce all laws that are enforceable in the State of California (pers. comm., Richeson 2017). The UPD, therefore, has the authority to enforce all City of San Diego traffic and parking laws on all streets that are located throughout and nearby campus.

Source: Richeson, Debbie. Director, Parking and Auxiliary Services, SDSU Department of Public Safety. Personal Communication. August 3, 2017.

- O6 -133** The comment is the title of the comments section and is an introduction to comments that follow.
- O6 -134** The comment provides background information and does not raise an environmental issue within the meaning of CEQA. 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.
- O6 -135** The comment refers to the three phase project analyzed in the Draft EIR. However, as noted in prior responses to comments, the proposed Project has been modified in response to public comments to eliminate Phases II and III. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, comments regarding Phases II and III are no longer applicable. The comment contends the proposed Project would be constructed with no infrastructure upgrades. This is incorrect as the proposed Project includes several upgrades to improve access on Remington Road as previously described.
- O6 -136** The comment addresses access on Remington Road. Please see the prior responses to comments regarding this topic, including O-6-33 through O-6-41.
- O6 -137** The comment addresses access on Remington Road relative to the three phase project. As previously noted, the proposed project has been modified to eliminate Phases II and III and, therefore, comments regarding Phases II and III are no longer applicable. As to the other issues raised by the comment, please see the prior responses to comments regarding Remington Road access, including O-6-33 through O-6-41.



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- O6 -138** The comment addresses existing traffic conditions relative to Chapultepec Hall and contends the EIR did not address these conditions. However, Draft EIR Section 4.14, and the corresponding technical report, Appendix K, fully reviewed existing conditions as part of the analysis. Beyond that, the comment 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.
- O6 -139** The comment contends work on the traffic study began in February 2014. The comment is incorrect. Work on the traffic technical report prepared by the traffic engineer, Linscott, Law & Greenspan, began in the Fall of 2016. 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.
- O6 -140** The comment contends “shortcuts were taken” as part of the traffic analysis relative to Chapultepec Hall. Please see the response to comment O-6-138 for information responsive to the comment. Beyond that, the comment 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.
- O6 -141** The comment regards multiple issues relating to the methodology used to conduct the traffic impact analysis. With respect to the trip generation rates, please see the response to comments O-6-25 to O-6-28. With regard to the trip endpoints, the basis for the trip distribution and assignments is addressed in Draft EIR subsection 4.14.2.7. Any assumptions made were based on the experience and professional judgment of the traffic engineer, Linscott, Law and Greenspan (LLG), which has extensive experience preparing traffic studies on the SDSU campus. Regarding consideration of car-sharing services, please see the responses to comments O-6-25 to O-6-28 regarding trip generation. With regards to Project distribution through the College View Estates area, please see the responses to comments O-6-29 to O-6-32. With regards to trip-generation associated with the food service component of the proposed Project, the trip generation rate utilized in the study includes all trips associated with student housing, including trips generated by employees and deliveries. Additionally, the food service operation that would be included as part of the proposed Project would employ a relatively small staff and, therefore, would

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generate relatively few vehicle trips. As to customers, the food service operation would serve the on-campus community and, as a result, would not generate trips from outside the campus and, in fact, will make it less likely that students would choose to drive off campus to eat. Therefore, the provision of an on-site food service operation is a net traffic benefit, although the EIR traffic engineer made no adjustments (i.e., reductions) to the trip generation calculations to account for this.

- O6 -142** The comment states the three-phase proposed Project would result in significant, unmitigated impacts on Remington Road. As previously noted, the proposed project has been modified to eliminate Phases II and III and, therefore, comments regarding these two phases are no longer applicable. Please see the prior responses regarding Remington Road. Beyond that, the comment 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.
- O6 -143** The comment restates an excerpt from Draft EIR Appendix K and is an introduction to comments that follow.
- O6 -144** The comment regards parking restrictions and access on Remington Road, with a focus on Phase II of the originally proposed project. As previously noted, the proposed project has been modified to eliminate Phases II and III and, therefore, comments regarding these two phases are no longer applicable. Parking and access issues were analyzed in Draft EIR Section 4.14, the corresponding technical report in Appendix K, and in the preceding responses to comments. Please see, for example, the responses to comments O-6-33 to O-6-41. As discussed, the proposed Project includes appropriate design features to address these concerns.
- O6 -145** The comment regards pick-up/drop-off, move-in/move-out, and delivery vehicle related access issues on Remington Road. These topics were analyzed in Draft EIR Section 4.14, the corresponding technical report in Appendix K, and in the preceding responses to comments. Please see, for example, the responses to comments O-6-33 to O-6-41. As discussed, the proposed Project includes appropriate design features to address these concerns, including a pick-up/drop-off area removed from the Remington Road flow of traffic, and a move-in/move-out and building services area for service and deliveries north of the proposed building that would be accessed from 55th Street, also removed from Remington Road. Please see Final EIR, Project Description, Figure 2-11.

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- O6 -146** The comment regards the CSU Transportation Study Impact Manual guidance and purported transportation hazards. The criteria, and the specific comments raised, are addressed in Draft EIR Section 4.14, the corresponding technical report in Appendix K, and in these responses to comments. The information provides support for the conclusion that the proposed project: would not directly or indirectly cause or expose users to a substantial transportation hazard; is not inconsistent with Campus Master Plan circulation or parking plans; fails to provide adequate accessibility for service and delivery trucks on-site; and fails to provide adequate accessibility for pedestrians and bicyclists.
- O6 -147** The comment restates the issues raised by comment O6-146. Please see the response to comment O6-146.
- O6 -148** The comment refers to the Project design features that would be built as part of the proposed Project relating to Remington Road. The comment incorrectly refers to the features as mitigation measures. The comment is an introduction to comments that follow, no further response is required.
- O6 -149** The comment regards the provision of pick-up/drop-off areas. As addressed in the preceding responses to comments, the proposed Project would include off-street parking areas on the north side of Remington Road fronting the Phase I building for six vehicles. (Please see Final EIR, Project Description, Figure 2-11.) Based on the traffic engineer's observations of the site, his experience and professional judgment, an area that would accommodate six vehicles is adequate.
- O6 -150** The comment states the synchronization of traffic signals on 55th Street is irrelevant to the Remington Road access issue. However, improving traffic flow on 55th Street, which intersects with Remington Road in the immediate vicinity of the subject portion of Remington, would beneficially affect traffic flow conditions on Remington Road as well.
- O6 -151** The comment states that re-painting the red curbs on Remington Road is nothing new. However, assuring they are freshly painted red will facilitate the no parking/no stopping restrictions.
- O6 -152** The comment states that changing the "no parking" signs to "no stopping at any time," placing tow away warnings, and temporary signage during special events is "trivial." However, the EIR traffic engineer has determined that any potential impacts relating to Remington Road access would be less than significant with implementation of these project design features. The comment expresses the opinions of the commentator. The comment will be included as part of the record and made

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- available to the decision makers prior to a final decision on the Project. No further response is required.
- O6 -153** The comment states that the placement of parking guards at the entrance to the College View Estates neighborhood is nothing new. This design feature is proposed in response to resident concerns regarding student parking in the residential neighborhood and informs the community that the practice would continue.
- O6 -154** The comment regards the Project feature to provide additional lighting on Remington Road and the purpose of the lighting. The comment expresses the opinions of the commentator. 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.
- O6 -155** The comment regards the project design features discussed above, incorrectly referring to them as “mitigation measures.” The comment further proposes an unnecessary and unreasonable mitigation measure. The EIR traffic analysis determined that the proposed Project would not result in significant impacts on Remington Road, which carries a relatively small number of average daily trips (“ADT”) of 3,100, equating to a level of service of LOS A, the highest rating. The EIR further determined that with implementation of the proposed Project design features, all other Remington Road access-related impacts would be less than significant. In fact, implementation of the proposed Project would improve operations on Remington Road over present, existing conditions.
- O6 -156** The comment regards the EIR determination that the proposed Project would not result in significant traffic impacts in the College View Estates neighborhood and questions the results of the San Diego Association of Governments (“SANDAG”) traffic model. Please see the responses to comments O-6-29 to O-6-32 for information responsive to this comment.
- O6 -157** The comment regards the SANDAG traffic model determination of trip distribution through the College View Estates neighborhood, generally, and the use of cell phone apps, specifically. Please see the response to comments O-6-29 to O-6-32, including O-6-31, for information responsive to this comment.
- O6 -158** The comment regards the trip generation rate utilized by the EIR traffic engineer in conducting the analysis. It is incorrect and inaccurate to use observations along Remington Road to extrapolate trip generation data. Trip rates are calculated based on data obtained from road tubes placed for multiple days across project driveways and not based on general observations. The conclusion that 500 peak hour trips would be generated by students living on campus is erroneous as

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evidenced by the fact that a 500-home suburban subdivision would only generate 500 peak hour trips. Please also see the response to comments O-6-25 to O-6-28 for information responsive to this comment.

- O6 -159** The comment regards the EIR statement, made in the context of the parking analysis, that the proposed Project would not result in an increase in student enrollment and claims it is a false statement. The comment, however, is based on incorrect assumptions. Preliminarily, as previously noted, the proposed Project has been modified to eliminate Phases II and III in order to reduce environmental impacts. Accordingly, the comment's statements relating to Phase III are no longer applicable. The comment also is based on assumptions relating to the 2007 Campus Master Plan, a different project developed over ten years ago under conditions existing at the time. Finally, as previously explained, the presently approved SDSU Campus Master Plan authorizes an enrollment of 25,000 FTE, and the proposed Project does not seek to increase that level. (Please see response to comment O-6-59.)
- O6 -160** The comment relates to comment O-6-159. Please see the response to comment O-6-159 for information responsive to this comment.
- O6 -161** The comment regards the Area B parking permit program in the College View Estates neighborhood. While the comment is correct that the CVE parking permit program does not cover the entire neighborhood, the portion that is covered includes the streets closest to campus – Remington Road, Hewlett Drive, Redding Road, Saxon, and Walsh. To the extent some students may in fact park in the neighborhood is not evidence of a significant impact under CEQA. Absent showing of a specific environmental impact, CEQA no longer requires that an EIR analyze parking impacts.
- O6 -162** The comment regards the College View Estates parking spillover analysis presented in the EIR. The traffic engineer's determination that it is unlikely that students living on campus would park in the CVE neighborhood at night (after 7PM when there are no restrictions) only to have to move their vehicle and park on-campus once the Area B enforcement begins is based on the engineer's experience and professional judgment.
- O6 -163** The comment regards the potential desire of CVE residents to change the existing City Area B parking permit program as beyond the scope of the proposed Project and the EIR analysis is an accurate statement. The comment expresses the opinions of the commentator. 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.

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- O6 -164** The comment regards the EIR’s statements regarding the student move-in/move out process. The statement describes the current condition; however, as part of the proposed Project, move-ins/move-outs will now be accommodated on the north side of the proposed project building, removed from Remington Road. The EIR text will be revised to clarify this point.
- O6 -165** The comment regards “obstruction” on Remington Road and refers to the enforcement of parking restrictions on Remington Road. Enforcement of these restrictions is provided by the City of San Diego Police Department, with assistance by SDSU officers as necessary. For additional information responsive to these comments, please see the response to comment O6-132 and the prior responses to comments regarding the Project design features to be implemented in response to the community’s concerns.
- O6 -166** The comment regards the date of the traffic counts at the intersection of 55th and Remington Road identified in the EIR traffic technical report, Appendix K. The referenced traffic counts were taken prior to the beginning of final exams when regular semester classes were still in session and, therefore, represent accurate conditions. While the comment contends “normal campus events are curtailed during this period” and “students do not undertake their usual daily activities,” the fact that classes are still in session is contrary to such statements as final exams have not yet begun. Moreover, as final exams are approaching, student class attendance may be heightened rather than diminished. To this point, traffic counts conducted by LLG on April 19, 2016 showed a total peak hour intersection volume at the 55th Street / Remington Road intersection of 1,506 vehicles, which is lower than December 13, 2016 volume of 1,612 vehicles.
- O6 -167** The comment is an introduction to comments that follow. No response is required.
- O6 -168** The comment regards the EIR statement that based on parking permit sales, 32% of on-campus resident students bring a vehicle to campus. The number is based on data compiled by SDSU staff and is included in the EIR traffic technical report parking assessment. The comment assumes that if the proposed student housing were to house more upper classmen than freshmen, the 32% number would increase. However, as previously noted, the proposed project has been modified to eliminate Phases II and III and, therefore, the modified project is now comprised of only Phase I, which would provide housing exclusively for freshman. Therefore, the comment is no longer applicable.
- O6 -169** The comment regards a June 2013 parking study that found resident student demand ratios to be 52%. The referenced data was collected during the 2012 timeframe, while



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the parking permit data relied on in the EIR traffic impact analysis is based on more recent 2015 data. Furthermore, the latest available data in terms of total students living in dorms and total overnight permits sold to those students is summarized in the table below. Table 1 below shows that 19.9% of SDSU students living in dorms purchased an overnight parking permit in 2016. Therefore, the EIR's use of 32% represents a reasonable estimate of the number of new resident students that would bring a vehicle to campus and actually overstates the parking demand associated with the Project relative to these most recent numbers.

**Table 1**  
**SDSU Fall 2016 Overnight Parking Permit Data**

Total overnight permits sold	1,521
Total overnight permits sold to students living in dorms	927
Total students living in dorms	4,664
<b>% of students living in dorms buying overnight permits</b>	<b>19.9%</b>

\* *Source SDSU's Planning, Design and Construction Department (June 2017)*

**O6 -170** The comment contends that construction of the three-phase Project would require an increase in on-campus parking inventory of 1,396 parking spaces. Preliminarily, as noted above, the proposed project has been modified to eliminate Phases II and III from development and, therefore, the calculation is no longer applicable. Furthermore, the number is calculated based on the 2012 data referenced in the response to comment O-6-169. As explained in response O-6-169, based on more recent data, the data used in the EIR represents a reasonable estimate and, as a result, the EIR's conclusion that no additional on-campus parking spaces are necessary to accommodate the proposed new student housing is supported by the available evidence.

**O6 -171** The comment is an introduction to comments that follow. No further response is required.

**O6 -172** The comment is critical of the Draft EIR's Project Goals and Objectives; however, the Goals and Objectives fully comply with the requirements of the California Environmental Quality Act. Also, the comment is critical, generally, of the analysis and evaluation contained in the Draft EIR, Chapter 6.0, Alternatives. Alternatives to the proposed Project location received extensive analysis in the Draft EIR. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, following distribution of the Draft EIR and the close of the public comment period, the proposed Project was modified in response to public

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comments to eliminate Phases II and III. Please see Final EIR, Preface, for additional information regarding the project modifications. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -173** The comment is critical of the Draft EIR's Project Goals and Objectives; however, the Goals and Objectives fully comply with the requirements of the California Environmental Quality Act. In particular, the comment is critical of the use of the word "vitality" in the Draft EIR. However, the word "vitality" must be read in context with the stated Project Objectives to develop a Project that: "(1) Create[s] a distinct housing neighborhood, specifically on west campus, similar to the student residential neighborhood on the east side of campus, that is inviting and safe, that has a distinct identify, and that provides both students in the new housing and students in existing, adjacent housing with supportive amenities such as a tutoring center, a dining facility, community spaces, and study areas[.]" (Draft EIR, Chapter 6.0, Alternatives, p. 6-1.) The creation of an identified west campus housing neighborhood that is inviting, safe, and provides activities and amenities to students would add vitality to the proposed Project site. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -174** The comment disagrees with the rejection of the reduced density alternative as it relates to the Project's goals and objectives. Specifically, the comment states the Draft EIR rejected the reduced density alternative because "it will not allow SDSU to meet 'future local housing demands'", which was not a Project objective. However, the reduced density alternative, as it relates to the Project's goals and objectives, was analyzed and evaluated in the Draft EIR, Chapter 6.0, Alternatives and it was determined that the reduce density alternative failed to meet some of the proposed Project objectives. Nonetheless, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the proposed Project is the same as the reduced density alternative, despite its failure to meet all of the Project's goals and objectives. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -175** The comment is critical of the assertion that "existing inconsistencies with . . . planning documents . . . would remain" and claims the true intention of the proposed Project is to provide capacity for future campus growth. As stated in the Draft EIR,

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Chapter 6.0, Alternatives, the College Area Community Plan, City of San Diego General Plan, and other relevant planning documents have designated the proposed Project site as a prime area for a high density student residential project. The No Project Alternative would be inconsistent with this designation. In addition, the proposed Project does not proposed an increase in full-time equivalent students. Rather, the proposed Project seeks to free-up housing better suited for sophomore students currently enrolled at SDSU.

**O6 -176** The comment states the Draft EIR, Chapter 6.0, Alternatives, operates as a “backfilling” mechanism to meet a predetermined outcome and, as a result, the comment is critical of the Draft 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 information responsive to the comment.

**O6 -177** The comment is critical of the proposed Project’s development and selection of alternatives. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for information responsive to the comment.

**O6 -178** The comment incorrectly claims that SDSU has had plans to develop student housing in the area of Chapultepec Hall since 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.

**O6 -179** The comment is critical of the elimination of Recreation Field 103 as a Project alternative. However, Recreation Field 103 is infeasible as an alternative Project location for various reasons, as further detailed in the Alternatives Thematic Response.

**O6 -180** The comment claims the drafting of the Draft EIR started before the alternatives analysis was completed. The alternatives analysis began before the Draft EIR was drafted with the development of criteria that served as the basis for an analysis and

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evaluation of numerous potential on campus student housing locations. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -181** The comment claims that the “alternatives analysis . . . was still a work in progress in early 2017”. The Draft EIR was circulated for public review on April 21, 2017 and, therefore, the alternatives were analyzed as part of the process of preparing the Draft EIR, which occurred prior to April 2017.

**O6 -182** The comment is critical of the elimination of Recreation Field 103 as a Project alternative. However, Recreation Field 103 is infeasible as an alternative Project location for various reasons, as further detailed in the Alternatives Thematic Response.

**O6 -183** The comment claims the Alternatives chapter of the Draft EIR was designed to reject any and all alternatives other than the proposed Project. The alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result of the elimination of Phases II and III, the Project as proposed is the same as the reduced density alternative analyzed in the Draft EIR. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -184** The comment is critical of the Draft 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.

**O6 -185** The comment claims the Draft EIR impermissibly used cost as a reason to eliminate alternatives. However, the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer

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applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.

- O6 -186** The comment claims the Draft EIR impermissibly used cost as a reason to eliminate alternatives. However, the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.
- O6 -187** The comment is critical of the elimination of the 55th Street Peninsula as a Project alternative. However, this alternative received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed the 55th Street Peninsula alternative and eliminated it because it was infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. Please see the Alternatives Thematic Response for additional information responsive to the comment.
- O6 -188** The comment is critical of the elimination of Recreation Field 103 as a Project alternative. However, Recreation Field 103 is infeasible as an alternative Project location for various reasons, as further detailed in the Alternatives Thematic Response.
- O6 -189** The comment is critical of alternatives analysis contained in the Draft EIR, and claims the elimination of alternatives was inconsistent. However, the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.

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- O6 -190** The comment is critical of alternatives analysis contained in the Draft EIR. However, the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.
- O6 -191** The comment is critical of alternatives analysis contained in the Draft EIR, and claims the Draft EIR was edited to respond to NOP comments. Pursuant to CEQA Guidelines Section 15002, the Draft EIR must involve the public and be responsive to the comments it receives. In complying with this statutory mandate, the Draft EIR was responsive to NOP comments.
- O6 -192** The comment is critical of alternatives analysis contained in the Draft EIR, and claims the alternatives section must be rewritten to eliminate the criterion that alternative locations must be unencumbered by existing uses or buildings. However, the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0 and one criterion did not serve as the sole basis for elimination of the alternatives. Instead, the Draft EIR assessed numerous alternatives and eliminated them for various reasons because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.
- O6 -193** The comment is critical of alternatives analysis contained in the Draft EIR, and claims the elimination of alternatives cannot be based on location. The alternatives were not eliminated solely because of location; instead, the alternative locations were



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found to be infeasible for various reasons. For example, pursuant to CEQA Guidelines Section 15126.6, subdivision (f)(1), site suitability is one of the factors that may be taken into account when addressing the feasibility of alternatives. Many of the alternative sites were determined to be unsuitable to support the proposed Project. As such, the feasibility of the alternatives, as well as the ability of the alternatives to meet the basic Project objectives or avoid or reduce significant impacts, received extensive analysis in the Draft EIR, Chapter 6.0. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -194** The comment is critical of alternatives analysis contained in the Draft EIR, and claims the elimination of alternatives cannot be based on location. The alternatives were not eliminated solely because of location; instead, the alternative locations were found to be infeasible for various reasons. For example, pursuant to CEQA Guidelines Section 15126.6, subdivision (f)(1), site suitability is one of the factors that may be taken into account when addressing the feasibility of alternatives. Many of the alternative sites were determined to be unsuitable to support the proposed Project. As such, the feasibility of the alternatives, as well as the ability of the alternatives to meet the basic Project objectives or avoid or reduce significant impacts, received extensive analysis in the Draft EIR, Chapter 6.0. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -195** The comment is critical of the Draft EIR's Project Goals and Objectives, and claims that the objective to alleviate the isolation of Chapultepec Hall and respond to the deficit in student amenities is not allowed; however, the Project's Goals and Objectives fully comply with the requirements of the California Environmental Quality Act. Also, the comment offers several alternatives that would be infeasible,

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would not meet the Project objectives, and would cause, rather than avoid or reduce, significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -196** The comment is critical, generally, of alternatives analysis contained in the Draft EIR. However, the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -197** The comment is critical of the Draft EIR's Project Goals and Objectives, and claims that the objective to take advantage of an existing undeveloped area on campus is impermissible. However, the Project's 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.

**O6 -198** The comment is critical of the Draft 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.

**O6 -199** The comment is critical of the Draft EIR's Project Goals and Objectives, and claims that the Goals and Objectives do not discuss the basic education and research mission of SDSU; however, the Goals and Objectives fully comply with the requirements of the California Environmental Quality Act. Pursuant to Education Code Section 42000 et seq., student housing is a fundamental part of CSU's mission, and therefore, the

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proposed Project is in furtherance of that mission. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -200** The comment is critical of the alternatives analysis for failing to consider “neighborhood character.” However, pursuant to *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560 (2016), the evaluation of potential impacts of a proposed Project on “community character” is not required under CEQA. As such, the comment does not raise an environmental issue within the meaning of CEQA. 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.

**O6 -201** Please see the Biological Resources Thematic Response for information responsive to this comment.

**O6 -202** The comment is critical, generally, of alternatives analysis contained in the Draft EIR. However, the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -203** The comment is critical, generally, of alternatives analysis contained in the Draft EIR. However, the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.

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- O6 -204** The comment is critical of the Draft 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.
- O6 -205** Please see the response to comment O-6-195 for information responsive to this comment.
- O6 -206** Please see the response to comment O-6-194 for information responsive to this comment.
- O6 -207** Please see the response to comment O-6-197 for information responsive to this comment.
- O6 -208** The comment is critical of the Draft 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.
- O6 -209** Please see the response to comment O-6-197 for information responsive to this comment.
- O6 -210** The comment is critical of the Draft 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.
- O6 -211** The comment claims that revisions to the Draft EIR's Project Goals and Objectives would lead to an unbiased alternative analysis and would eliminate Phases II and III from consideration. As a preliminary matter, the proposed Project has been modified to eliminate Phases II and III. With respect the Draft EIR's Project Goals and Objectives, the Goals and Objectives fully comply with the requirements of the California Environmental Quality Act. For additional information responsive to the comment, please see the Alternatives Thematic Response.
- O6 -212** The comment is critical, generally, of alternatives analysis contained in the Draft EIR, and offers four alternate alternatives. However, there is no required to analyze alternate versions of the alternatives evaluated in the Draft EIR where the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental

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impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -213** The comment is critical, generally, of alternatives analysis contained in the Draft EIR, and offers four alternate alternatives. However, there is no required to analyze alternate versions of the alternatives evaluated in the Draft EIR where the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -214** The comment is critical of the elimination of the reduced density alternative, the 55th Street Peninsula alternative, and the alternatives locations at the International Student Center and Recreation Field 103 sites, as Project alternatives. These alternatives received extensive analysis in the Draft EIR, Chapter 6.0. With respect to the 55th Street Peninsula alternative and the alternatives locations at the International Student Center and Recreation Field 103 sites as Project alternatives, the Draft EIR assessed these alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. However, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the proposed Project is the same as the reduced density alternative, despite its failure to meet all of the Project's goals and objectives. Please see the Alternatives Thematic Response for additional information responsive to the comment.

**O6 -215** Please see the response to comment O-6-214 for information responsive to this comment.

**O6 -216** The comment is critical of the Draft 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.

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- O6 -217** Please see the response to comment O-6-214 for information responsive to this comment.
- O6 -218** The comment is an introduction to comments that follow. No further response is required.
- O6 -219** The comment is critical of statements in the Draft EIR, Chapter 6.0, Alternatives, relating to demolition and replacement of existing beds from the student housing inventory. Specifically, the comment claims that a phased construction approach would alleviate any loss of student beds. Please see the Alternatives Thematic Response for information responsive to the comment.
- O6 -220** The comment is critical of statements in the Draft EIR, Chapter 6.0, Alternatives, relating to “site preparation and other costs, . . . , technical challenges, alignment with current Master Plan, benefit of adjacent uses, impact on surrounding community, and capacity for future expansion.” Pursuant to CEQA Guidelines Section 15126.6, subdivision (f)(1), these statements are “among the factors that may be taken into account when addressing the feasibility of alternatives[.]” Feasibility, along with the ability to meet the proposed Project objectives, and the ability to avoid or reduce significant impacts, were considered in the Draft EIR when it analyzed and evaluated alternatives. Please see the Alternatives Thematic Response for additional information responsive to the comment.
- O6 -221** The comment is critical of the elimination of Recreation Field 103 as a Project alternative, asserting Recreation Field 103 is closer to the Phase I site than Phase II. 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the assertion set forth by the commenter is no longer applicable. However, Recreation Field 103 continues to be infeasible as an alternative Project location for various reasons, as further detailed in the Alternatives Thematic Response.
- O6 -222** Please see the response to comment O-6-221 for information responsive to this comment.
- O6 -223** Please see the response to comment O-6-221 for information responsive to this comment.
- O6 -224** Please see the response to comment O-6-221 for information responsive to this comment.
- O6 -225** Please see the response to comment O-6-221 for information responsive to this comment.
- O6 -226** The comment claims the Draft EIR’s traffic analysis contradicts the assertion in the Draft EIR’s Traffic section that the Project is a net positive for traffic as compared to the no project alternative. As noted in the Draft EIR, Chapter 6.0, Alternatives, p. 6-



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10, the transportation-related Project features would function to improve traffic conditions along Remington Road and the mitigation proposed as part of the Project would mitigate all identified impacts to a level below significant.

- O6 -227** The comment is critical, generally, of alternatives analysis contained in the Draft EIR. However, the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.
- O6 -228** The comment is critical, generally, of alternatives analysis contained in the Draft EIR. However, the alternatives to the proposed Project received extensive analysis in the Draft EIR, Chapter 6.0. The Draft EIR assessed numerous alternatives and eliminated them because they were infeasible, failed to meet the proposed Project objectives, or failed to avoid or reduce significant impacts. To the extent that the comment relates to the siting of alternative locations for Phases II and III, 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. Please see Final EIR, Preface, for additional information regarding the project modifications. As a result, the environmental impacts related to the siting of Phases II and III have been eliminated, and the comments, while noted, are no longer applicable. Please see the Alternatives Thematic Response for additional information responsive to the comment.
- O6 -229** The comment is a conclusion to comments that preceded it. No further response is required.
- O6 -230** The comment addresses Exhibits 1 through 22, which involve background information regarding the development of on campus housing options, development of the Sophomore Success Program, Campus Master Plan, and existing conditions around the proposed Project area. Because the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA, 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. For additional information responsive to this comment, please see the responses to comments O-6-63, O-3-69, O-6-71, O-6-

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74, O-6-103, O-6-105, O-6-108, O-6-110, O-6-117, O-6-134, O-6-136, O-6-137, O-6-141, O-6-152, O-6-157, O-6-178, O-6-181, O-6-213, O-6-214, and O-6-220.

- O6 -231** The comment addresses Attachment 3, Research Report, submitted in support of the comment letter. For information responsive to this comment, please see the responses to comments O-6-34 and O-6-35.
- O6 -232** The comment addresses Exhibit A, which involves background information and provides a copy of the Fourth District, Division 1, Court of Appeal decision in *City of San Diego v. Board of Trustees of California State University* (2011) 201 Cal.App.4th 1134. Because the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA, 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. For additional information responsive to this comment, please see the responses to comment O-6-17.
- O6 -233** The comment addresses Exhibit A, which involves background information and provides a copy of Chapter 1.0, Project Description from the Draft EIR for the SDSU 2007 Campus Master Plan Revision. Because the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA, 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. For additional information responsive to this comment, please see the responses to comments O-6-18 and O-6-19.
- O6 -234** The comment addresses Exhibit C, which involves background information and provides a copy of the SDSU NewsCenter website from December 3, 2013. Because the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA, 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. For additional information responsive to this comment, please see the responses to comment O-6-18.
- O6 -235** The comment addresses Exhibit D, which involves background information and provides a copy a web posting entitled “San Diego State University’s Storm and Nasatir Halls complete”, dated March 21, 2014. Because the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA, 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. For additional information responsive to this comment, please see the responses to comment O-6-18.